
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Good agricultural practices are guidelines
2 designed by the United States Food and Drug Administration and
3 Department of Agriculture to produce safe products and eliminate
4 potential for product contamination. Good agricultural
5 practices, among other things, include guidance on human
6 hygiene, animals and their manures, water quality for irrigation
7 and produce rinse, and agricultural pesticides. These standards
8 are being adopted by the world's leading farmers, who understand
9 that they have a responsibility to provide the safest food
10 possible to consumers.

11 Recently the Food Safety Modernization Act was signed into
12 law. The law authorizes the Food and Drug Administration and
13 the Secretary of Human Services to increase inspections of many
14 domestic food facilities and enhance detection of food borne
15 illnesses.

16 Safe production, distribution, and consumer handling of
17 food requires knowledge of food borne pathogens, chemical
18 toxins, food quality, and labeling. Our current system of



1 regulation is understaffed, and the remaining staff are
2 unprepared or untrained for the rapid changes that have occurred
3 in risk assessment, changes in production and distribution
4 methodologies, and new foods and emerging pathogens. Food
5 safety programs are also not integrated among government
6 agencies, hampering communication and cooperation.

7 In addition, many of Hawaii's growers are not implementing
8 good agricultural practices. This failure to follow science-
9 based, risk-adverse food production practices is worsened by the
10 existence of the rat lungworm nematode in Hawaii. When
11 consumed, this nematode can cause serious illness, as has
12 happened numerous times during the past couple years.

13 The purpose of this Act is to:

- 14 (1) Establish a food safety and security program within
15 the department of agriculture; and
16 (2) Make an appropriation to the department of agriculture
17 for the food safety and security program.

18 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
19 amended by adding a new part to be appropriately designated and
20 to read as follows:

21 "PART . FOOD SAFETY AND SECURITY PROGRAM

22 §141- Food safety and security program; establishment.



1 There shall be established within the department of agriculture
2 a food safety and security program that shall:

- 3 (1) Provide training, certification, support, and
4 assistance to the agriculture industry; and
- 5 (2) Interface with other state and federal agencies to
6 meet the requirements of this part.

7 **§141- Objectives.** (a) The objectives of the food
8 safety and security program shall be to:

- 9 (1) Assist the Hawaii agricultural industry achieve food
10 safety and security in a cost effective and efficient
11 manner;
- 12 (2) Provide an integrative system to tie food safety and
13 security with other department mandates, including
14 biosecurity and quality assurance; and
- 15 (3) Respond effectively to federal rules, regulations, and
16 guidelines to minimize harm to Hawaii's agricultural
17 industry.

18 (b) In order to meet the objectives of subsection (a), the
19 department shall:

- 20 (1) Establish, operate, or participate in establishing
21 port facilities where agricultural commodities can be



- 1 inspected, quarantined, fumigated, disinfected,
2 destroyed, or otherwise treated for any disease;
- 3 (2) Perform all inspections and certifications of
4 agricultural commodities in an efficient, effective,
5 and expeditious manner; and
- 6 (3) Develop and implement programs to educate and develop
7 the agricultural industry to meet state and federal
8 laws, rules, and regulations.

9 For purposes of this section, "agricultural commodities"
10 means any grain, livestock, poultry, fruit, plant, timber, or
11 any other item produced from agricultural activities and shall
12 include trees, shrubs, herbs, and other plants."

13 SECTION 3. Section 141-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§141-2 Rules. Subject to chapter 91, the department of
16 agriculture shall adopt, amend, and repeal rules not
17 inconsistent with law, for and concerning:

- 18 (1) The introduction, transportation, and propagation of
19 trees, shrubs, herbs, and other plants;
- 20 (2) The quarantine, inspection, fumigation, disinfection,
21 destruction, or exclusion, either upon introduction
22 into the State, or at any time or place within the



1 State, of any nursery-stock, tree, shrub, herb, vine,
2 cut-flower, cutting, graft, scion, bud, seed, leaf,
3 root, or rhizome; any nut, fruit, or vegetable; any
4 grain, cereal, or legume in the natural or raw state;
5 any moss, hay, straw, dry-grass, or other forage; any
6 unmanufactured log, limb, or timber; or any other
7 plant growth or plant product unprocessed or in the
8 raw state; any sand, soil, or earth; any live bird,
9 reptile, insect, or other animal, in any stage of
10 development, that is in addition to the so-called
11 domestic animals, which are provided for in section
12 142-2; and any box, barrel, crate, or other containers
13 in which the articles, substances, or objects have
14 been transported or contained, and any packing
15 material used in connection therewith, that is or may
16 be diseased or infested with insects or likely to
17 assist in the transmission or dissemination of any
18 insect or plant disease injurious, harmful, or
19 detrimental, or likely to become injurious, harmful,
20 or detrimental to the agricultural or horticultural
21 industries or the forests of the State, or that is or
22 may be in itself injurious, harmful, or detrimental to



1 the same (included therein may be rules governing the
2 transportation of any of the articles, substances, or
3 objects enumerated above in this section between
4 different localities on any one of the islands within
5 the State);

- 6 (3) The prohibition of importation into the State, from
7 any or all foreign countries or from other parts of
8 the United States, or the shipment from one island
9 within the State to another island therein, or the
10 transportation from one part or locality of any island
11 to another part or locality of the same island, of any
12 specific article, substance, or object or class of
13 articles, substances, or objects, among those
14 enumerated above in this section, that is diseased or
15 infested with insects or likely to assist in the
16 transmission or dissemination of any insect or plant
17 disease injurious, harmful, or detrimental or likely
18 to be injurious, harmful, or detrimental to the
19 agricultural or horticultural industries, or the
20 forests of the State, or that is or may be in itself
21 injurious, harmful, or detrimental to the same;



- 1 (4) The preparation by cargo carriers of manifests of
2 cargo transported into the State or between islands of
3 the State and the submission of the manifests to the
4 department; [~~and~~]
- 5 (5) The manner in which agricultural product promotion and
6 research activities may be undertaken, after
7 coordinating with the agribusiness development
8 corporation[-]; and
- 9 (6) The production, processing, and distribution of food
10 products or agricultural commodities in order to meet
11 state and federal food safety standards.

12 For purposes of this section, "agricultural commodities"
13 means any grain, livestock, poultry, fruit, plant, timber or any
14 other item produced from agricultural activities and shall
15 include those items listed in paragraph (1).

16 All rules adopted under this section shall have the force
17 and effect of law."

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2011-2012 for
21 the food safety and security program.



1 The sum appropriated shall be expended by the department of
2 agriculture for the purposes of this part.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Agriculture; 4Ag Hawaii; Education; Grant; Appropriation

Description:

Creates the food safety and security program within the department of agriculture. Makes an appropriation for the food safety and security program. Effective 7/1/2050. (SD2)

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