
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 unprepared, understaffed, or untrained for the
2 rapid changes that have occurred in risk assessment, changes in
3 production and distribution methodologies, and new foods and
4 emerging pathogens. Food safety programs are also not
5 integrated among government agencies, hampering communication
6 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 made worse by
10 the 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;
- 16 (2) Make an appropriation to the department of agriculture
17 for the food safety and security program; and
- 18 (3) Provide a grant pursuant to chapter 42F to 4Ag Hawaii.

19 **PART I**

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



1 "PART . FOOD SAFETY AND SECURITY PROGRAM

2 §141- Food safety and security program; establishment.

3 There shall be established within the department of agriculture

4 a food safety and security program that shall:

5 (1) Provide training, certification, support, and

6 assistance to the agriculture industry; and

7 (2) Interface with other state and federal agencies to

8 meet the requirements of this part.

9 §141- Objectives. (a) The objectives of the food

10 safety and security program shall be to:

11 (1) Assist the Hawaii agricultural industry achieve food

12 safety and security in a cost effective and efficient

13 manner;

14 (2) Provide an integrative system to tie food safety and

15 security with other department mandates, including

16 biosecurity and quality assurance; and

17 (3) Respond effectively to federal rules, regulations, and

18 guidelines to minimize harm to Hawaii's agricultural

19 industry.

20 (b) In order to meet the objectives of subsection (a), the

21 department shall:



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

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

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

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

- 20 (1) The introduction, transportation, and propagation of
- 21 trees, shrubs, herbs, and other plants;



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



1 or detrimental to the agricultural or horticultural
2 industries or the forests of the State, or that is or
3 may be in itself injurious, harmful, or detrimental to
4 the same (included therein may be rules governing the
5 transportation of any of the articles, substances, or
6 objects enumerated above in this section between
7 different localities on any one of the islands within
8 the State);

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



1 forests of the State, or that is or may be in itself
2 injurious, harmful, or detrimental to the same;

3 (4) The preparation by cargo carriers of manifests of
4 cargo transported into the State or between islands of
5 the State and the submission of the manifests to the
6 department; [and]

7 (5) The manner in which agricultural product promotion and
8 research activities may be undertaken, after
9 coordinating with the agribusiness development
10 corporation[-]; and

11 (6) The production, processing, and distribution of food
12 products or agricultural commodities in order to meet
13 state and federal food safety standards.

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

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

20 SECTION 4. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2011-2012 for
2 the food safety and security program.

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

5 **PART II**

6 SECTION 5. Established as a Hawaii nonprofit corporation
7 in 2009, 4Ag Hawaii is a collaborative private-public sector
8 partnership focused on sustainable agricultural economic
9 development. The partnership is committed to raising the
10 awareness of the importance of agriculture and expanding the
11 agricultural industry in Hawaii. One of 4Ag Hawaii's goals is
12 to promote and conduct economic and educational programs.

13 The purpose of this part is to appropriate funds so that
14 4Ag Hawaii may expand the outreach and electronic educational
15 initiatives begun in 2010 and enhance those initiatives through
16 increased participation by the department of education, the
17 visitor industry, and the agricultural and educational
18 communities. The legislature finds that this part will serve a
19 public purpose by helping the State move towards improved food
20 safety and security.

21 SECTION 6. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$500,000 or so much



1 thereof as may be necessary for fiscal year 2011-2012 as a grant
2 pursuant to chapter 42F, Hawaii Revised Statutes, to the 4Ag
3 Hawaii nonprofit corporation to expand its outreach and
4 electronic educational initiatives begun in 2010.

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

7 SECTION 7. This Act shall take effect upon approval;
8 provided that sections 4 and 6 shall take effect on July 1,
9 2011.

10



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. Provides a grant pursuant to chapter 42F, HRS, to the 4Ag Hawaii nonprofit corporation to expand its outreach and e-educational initiatives begun in 2010. (SD1)

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