



State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF RUSSELL KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
AND
HOUSE COMMITTEE ON HEALTH

February 10, 2012
11:15 A.M.

HOUSE BILL NO. 1832
RELATING AGRICULTURE

Chairperson Tsuji, Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 1832. This bill creates a food safety and security program to assist the Hawaii agricultural industry in achieving food safety and security in a cost-effective manner, provide an integrative system to tie food safety and security with biosecurity and quality assurance, and respond to federal rules, rules and guidelines. The department supports the intent of the bill but has concerns.

The federal Food Safety Modernization Act (FSMA) was created to help the U.S. Food and Drug Administration (FDA) address key elements which include:

- The need for food safety systems based on the food industry's primary responsibility to prevent food safety problems,
- The need for risk-based, prevention-oriented standards and stronger accountability for meeting them, and



- The need for a global approach to food safety

The strategy enables FDA to focus more on preventing food safety problems rather than relying primarily on reacting to problems after they occur. The law also provided FDA with new enforcement authorities designed to achieve higher rates of compliance with prevention and risk based food safety standards to better respond to and contain problems when they occur. The law also give FDA important new tools to hold imported foods to the same standards as domestic foods and directs FDA to build an integrated national food safety system in partnership with state and local authorities.

Under the FSMA, it appears that the Department of Health will have to establish a permitting system to regulate farms in the State. The 2008 United States Department of Agriculture Statistics of Hawaii Agriculture reported the following breakdown of raw agricultural farms in Hawaii:

	<u># of Vegetable Farms</u>	<u>#of Fruit Farms</u>
Big Island	210	885
Oahu	180	155
Maui	102	272
Kauai	<u>48</u>	<u>193</u>
TOTAL	540	1,505

The Testor Amendment within the FSMA, will exempt small farms that produce less than \$500,000 of product annually. These small farms, which are the majority of Hawaii's farmers will still need guidance in the area of Good Agricultural Practices (GAP) which could still be provided by the Department of Agriculture and the University of Hawaii College of Tropical Agriculture and Human Resources. When the FSMA rule is finalized, we can then evaluate the need and requirements of any GAP or food safety certification that the farms not under the FSMA may require. It appears that all farms

will need to register with the State and keep accurate distribution records, including small farms with less than \$500,000 annual sales.

Any food safety or good agricultural practices legislation should be done after the federal government issues the final rule that all States must abide by. To pass any legislation now would not be desirable as the legislation may conflict with the final rule issued through the FSMA. Once the final rule is published, the States will be given at least 3 years to implement.

In order to obtain an accurate count of additional Department of Health or Department of Agriculture's staff needed to comply with the FSMA, we will need to see the final rule. Program start-up costs, frequency of inspections, frequency and types of testing required will need to be identified before accurate resource requirements are known.

In addition, the bill as written does not provide for any appropriations to implement requirements of this program.

Thank you for the opportunity to testify on this measure.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Agriculture

Committee on Health

H.B. 1832, RELATING TO FOOD SAFETY

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**February 10, 2012
11:15 a.m.**

1 **Department's Position:** The department appreciates the intent but opposes this bill as it is
2 premature.

3 **Fiscal Implications:** Should the department be required to implement any portion of this
4 measure, additional resources and personnel would be required which would adversely impact priorities
5 as set forth in Executive Biennium Budget.

6 **Purpose and Justification:** The Department of Health request that all bills that refer to the Food
7 Safety Modernization Act (FSMA), Good Agricultural Practices, Farm Food Safety, and Food Safety
8 Compliance Certificates be held. These bills are premature and unnecessary at this time, and have been
9 a source of confusion between government regulatory agencies, farmers, and the agricultural industry.
10 The Department of Agriculture, the Department of Health, The Hawaii Farm Bureau, the Farmers
11 Union, Hawaii Foods Product Council, and the University of Hawaii College of Tropical Agriculture
12 and Human Resources (CTAHR) each have a specific role as defined in existing statutes.

1 The department also requests that any proposed legislation on these topics be considered only
2 after the U.S. Food and Drug Administration (FDA) finalizes FSMA. The passage of any legislation
3 now would be counter productive as it may conflict with FSMA. After FDA finalizes FSMA, states will
4 be given at least three years to incorporate and implement FSMA requirements into state law. In the
5 interest of reducing confusion and the unnecessary expenditure of time, effort and money, we ask this
6 measure be held.

7 President Obama signed the FSMA into law on January 4, 2011. The act aims to ensure the U.S.
8 food supply is safe by shifting the focus of federal regulators from responding to contamination to
9 actively preventing it.

10 The FSMA was created to help the FDA address key elements of food safety, which include:

- 11 • The need for food safety systems based on the food industry's primary responsibility to prevent
12 food safety problems,
- 13 • The need for risk-based, prevention-oriented standards and stronger accountability for meeting
14 them, and
- 15 • The need for a global approach to food safety.

16 The new strategy enables FDA to focus more on preventing food safety problems rather than
17 relying primarily on reacting to problems after they occur. The law also provides FDA with new
18 enforcement authorities designed to achieve higher rates of compliance with prevention-and risk-based
19 food safety standards and to better respond to and contain problems when they do occur. The law also
20 gives FDA important new tools to hold imported foods to the same standards as domestic foods and
21 directs FDA to build an integrated national food safety system in partnership with state and local
22 authorities.

1 The department will need resources to enact any new food safety rules governing the industry
2 from the farm to the distributor or consumer. The department's current food safety program does not
3 include the permitting or registration of any vegetable or fruit farms, nor are there any Administrative
4 rules regulating raw agricultural commodity (RAC) foods intended for human consumption.

5 Under the FSMA, it appears that DOH may need to establish a permitting system to regulate
6 farms in the State. The 2008 USDA Statistics of Hawaii Agriculture showed the following break down
7 of RAC farms in Hawaii:

	<u># of Vegetable Farms</u>	<u># of Fruit Farms</u>
9 Big Island	210	885
10 Oahu	180	155
11 Maui	102	272
12 Kauai	<u>48</u>	<u>193</u>
13 TOTAL	540	1505

14 When FSMA is finalized, DOH and DOA will be in a better position to determine the number of
15 additional personnel required for inspection and enforcement, program start-up costs, frequency of
16 inspections and the frequency and type (e.g. bacterial or chemical) of sampling that may be required.

17 Preliminary information from FDA indicates that FSMA will not significantly impact the
18 majority of Hawaii's farms. The Testor Amendment within FSMA will exempt small farms that
19 produce less than \$500,000 of product annually. These small farms, which are the majority of Hawaii's
20 famers, will still need guidance in the area of Good Agricultural Practices (GAP), which is currently
21 provided by DOA and CTAHR.

22 The large scale farms will come under the full regulatory weight of FSMA and will be permitted
23 and regulated by the Department of Health. We are the proper agency to regulate food safety at the

1 industrial scale level. Routine inspections and enforcement activity may be required and can be
2 accommodated by large scale operators.

3 If DOH is required to conduct annual inspections and sampling for over 2,000 farms in Hawaii,
4 we may need as many as 10 to 15 additional inspector positions and additional laboratory support for
5 any increased bacterial and pesticide sampling and testing.

6 In conclusion, the passage of this measure is premature at this time and we request this measure
7 be held.

8 Thank you for the opportunity to testify.



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

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COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair

Rep. Mark J. Hashem, Vice Chair

COMMITTEE ON HEALTH

Rep. Ryan I. Yamane, Chair

Rep. Dee Morikawa, Vice Chair

DATE: Friday, February 10, 2012

TIME: 11:15am

PLACE: Conference Room 329

FROM: Hawaii Food Industry Association - Lauren Zirbel, Executive Director

RE: HB 1832 RELATING TO FOOD SAFETY.

Chairs & Committee Members:

HFIA supports this measure because it creates the food safety and security program within the Department of Agriculture.

We appreciate the efforts of the Chairs in developing this legislation in collaboration with farmers and we hope that this bill will enable more farmers in Hawaii to meet food safety standards necessary for sale at retail.

Thank you for the opportunity to provide this testimony.



HAWAII SMALL FARMERS OPPOSE HB 1832

HB 1832 is **NOT** supported by Hawaii Small Farmers. It is adopted by big farmers only as big business--wholesalers and distributors--have forced legislation, like this, upon them. The USDA's Good Agricultural Practices (GAPs) provides sufficient structure for safe handling, sanitation, and so forth.

Food Safety Certification and Product Traceability are primarily the interest of transnational food wholesalers and distributors—specifically, United Fresh Produce & Friends.

The reason is because the strategy of United Fresh & Friends is to reduce their liability in the Supply Chain; this is accomplished by *shifting liability directly to the Local Small Farmer*.

Do you believe for a moment that your home constituency will empathize with your supporting mainland-big business legislation that disaffects the **INFANT INDUSTRY** of *Hawaii local food production for local consumption*?

Is it not clear that HB 1832 protects the interests of imported food at the cost of Locally-Produced Food?

Rat Lung Disease is as much fact as it is a **scare tactic**—Jim Hollyer at University of Hawaii has spent a lot of time trying to convince Hawaii that only Food Safety Certification can prevent the painful death of **worms eating your brain**.

(... **And Iraq had weapons of mass destruction: it wasn't about big business, it was about safety**).

I would like to say, "Shame on those who introduced this bill. Shame on you for selling out Hawaii Small Farmers!" But I won't say that.

Rather, I promise to dedicate myself this year to exposing every representative who supports this bill as anti-local food, anti-local farmer, and a mainland-big-business sell out.

If you support Hawaii Small Farmers, you will kill this bill. **There are better solutions.**

Thank you;

Travis Overley, Ko'olauloa Small Farmer

Member of Hawaii Farm Bureau Federation (HFBF)
Member of Hawaii Farmers Union United (HFUU)



Poamoho Organic Produce
PO Box 728
Waialua HI 96791
808-637-4555
info@poamoho-organic.com

To: House Committee on Agriculture
Re: Hearings on February 10, 2012, 11:15 am, Rm #329
Subject: Testimony regarding HB1832

February 8, 2012

Aloha Committee Chair and Committee Members,

I am an organic farmer on the North Shore of Oahu and President of the Hawaii Center for Organic Farming. Please accept my testimony on the subject Bill.

HB1832 creates a Food Safety and Security Program within the Department of Agriculture (DoA). I strongly opposed to this Bill as it is a repeat and reintroduction of the old HB667 from last year. As you know, even though HB667 passed the 2011 legislature, farmers organized a near revolt and successfully convinced the Governor to veto that bill. HB1832 repeats the same erroneous and derogatory statements in its preamble regarding farms that void any rationale for concluding that over-regulation of farmers by DoA is a reasonable solution to food safety concerns. Please do not be misled by the presumptive and erroneous words in HB1832 as there is a much better alternative in HB2065 which promotes education in Hawaii-specific and science-based practices and which many of our farmers already support. Mahalo.

Al Santoro

hashem3 - Casey

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 11:20 PM
To: AGRtestimony
Cc: jtluvmw@lava.net
Subject: Testimony for HB1832 on 2/10/2012 11:15:00 AM

Testimony for AGR/HLT 2/10/2012 11:15:00 AM HB1832

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: james g trujillo
Organization: Individual
E-mail: jtluvmw@lava.net
Submitted on: 2/8/2012

Comments:

Aloha from Kauai,

Mahalo for the opportunity to testify in support on this measure. I would also recommend some minor amendments.

I agree with the assessment that the state is currently inadequately prepared to meet the demands of providing food safety regulation and oversight. I also agree that the practices of some agricultural producers are causing harm to our environment and maybe producing food products that are not as safe for consumption as we were once led to believe, specifically the majority of seed companies that have relationships w/chemical and pesticide development. These agricultural operations are adding to the environmental pressures of contaminated watersheds, industrial accidents via overspraying of pesticides and unknown applications of chemical trials for bio tech research. new GE food products are being developed for sale and consumption with little or no long range testing and sampling for negative consequences for consumers. an absence of regulation and monitoring for pesticide use adds to the culminative environmental and consumer health degradation.

As an amendment to HB 1832, I request that labeling of GMO products be included in the language of the bill and become a facet of the HI State Food Safety program that this bill creates. Furthermore I would recommend that the issue of GM food safety and the tasks of regulating said industry be a joint venture between the department of health and the department of agriculture as the environmental and societal pressure builds to protecting consumers and the communities they live, work and resides in. The DOH and DOA partnership and FOOD SAFETY program for Hawaii protects both the producers and the consumers and distributes the burdens of regulatory and enforcement oversight across the backs of two departments instead of just one; if only we were to be better supported by our federal government.

Mahalo again for the opportunity to support this bill, HB 1832 with recommended amendments.

with respect and aloha,

james g trujillo
kapa'a, HI
96746

hashem3 - Casey

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 11:29 AM
To: AGRtestimony
Cc: whatajoy2be@yahoo.com
Subject: Testimony for HB1832 on 2/10/2012 11:15:00 AM

Testimony for AGR/HLT 2/10/2012 11:15:00 AM HB1832

Conference room: 329
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ryan
Organization: Individual
E-mail: whatajoy2be@yahoo.com
Submitted on: 2/9/2012

Comments: