

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON AGRICULTURE
ON
HOUSE BILL NO. 1947, PROPOSED H.D. 1

February 10, 2012

RELATING TO AGRICULTURE

House Bill No. 1947, Proposed H.D. 1, establishes an agricultural safety and security program to be funded by the newly created agricultural practices audit and certification revolving fund.

While the Department of Budget and Finance does not take any position on the policy of establishing an agricultural safety and security program, as a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to House Bill No. 1947, Proposed H.D. 1, it is difficult to determine whether the fund will be self-sustaining.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, Hawaii Revised Statutes.

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

H.B. 1947, HD1 , RELATING TO AGRICULTURE

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

**February 10, 2012
10:30 a.m.**

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

2 **Fiscal Implications:** None

3 **Purpose and Justification:** The Department of Health request that all bills that refer to the Food Safety
4 Modernization Act (FSMA), Good Agricultural Practices, Farm Food Safety, and Food Safety

5 Compliance Certificates be held. These bills are premature and unnecessary at this time, and have been
6 a source of confusion between government regulatory agencies, farmers, and the agricultural industry.

7 The Department of Agriculture, the Department of Health, The Hawaii Farm Bureau, the Farmers

8 Union, Hawaii Foods Product Council, and the University of Hawaii College of Tropical Agriculture

9 and Human Resources (CTAHR) each have a specific role as defined in existing statutes.

10 The department also requests that any proposed legislation on these topics be considered only
11 after the U.S. Food and Drug Administration (FDA) finalizes FSMA. The passage of any legislation
12 now would be counter productive as it may conflict with FSMA. After FDA finalizes FSMA, states will
13 be given at least three years to incorporate and implement FSMA requirements into state law. In the

Promoting Lifelong Health & Wellness

1 interest of reducing confusion and the unnecessary expenditure of time, effort and money, we ask this
2 measure be held.

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

| | <u># of Vegetable Farms</u> | <u># of Fruit Farms</u> |
|--------------|-----------------------------|-------------------------|
| 7 Big Island | 210 | 885 |
| 8 Oahu | 180 | 155 |
| 9 Maui | 102 | 272 |
| 10 Kauai | <u>48</u> | <u>193</u> |
| 11 TOTAL | 540 | 1505 |

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

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

20 The large scale farms will come under the full regulatory weight of FSMA and will be permitted
21 and regulated by the Department of Health. We are the proper agency to regulate food safety at the
22 industrial scale level. Routine inspections and enforcement activity may be required and can be
23 accommodated by large scale operators.

1 In conclusion, the passage of this measure is premature at this time and we request this measure

2 be held.

3 Thank you for the opportunity to testify.



HAWAII SMALL FARMERS OPPOSE HB 1947

HB 1947 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 1947 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)



Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
e-mail: HCattlemens@hawaii.rr.com

COMMITTEE ON AGRICULTURE

Wednesday February 1, 2012 8:00 a.m. Room 312

HB 1947 HD1 Proposed, RELATING TO AGRICULTURE

Chairman Tsuji, Vice Chair Hashem and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chair for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly supports** HB 1947 HD1 Proposed.

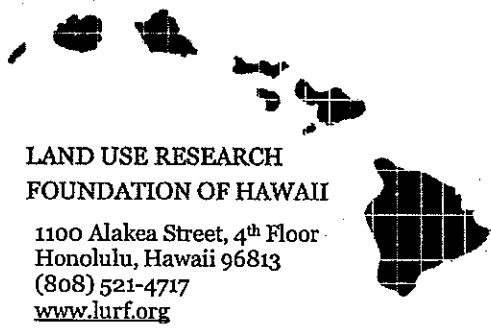
GAAMPS or "Generally Accepted Agricultural Management Practices" are practices found to be sound, protecting the environment, caring for livestock, protective of workers while providing quality agricultural products. The practices are traditionally developed in conjunction with the college of agriculture, the United States Department of Agriculture Natural Resources Conservation Service and the consolidated Farm Service Agency, and other professional and industry organizations. The practices are then adopted by the State Department of Agriculture in recognition of what is considered to be sound practices in State policy.

Over the year, The Hawaii Cattlemen's Council has worked with the above mentioned groups, as well as our local large animal veterinarians and have developed Animal Compassion Guidelines and Interstate Shipping Guidelines, which have been adopted by our members. We welcome the State of Hawaii Department of Agriculture to have a mechanism to consider these guidelines and/or to make suggestions on improving these guidelines for adoption as GAAMPS. GAAMPS will be "living" documents that industry refines on a continual basis as better practices are developed.

Farmers and ranchers want to deliver safe and affordable food and other agricultural products. We remain open to improving what we do and how we do it, when the input comes from professionals familiar with our farms and ranches. If and when good management practices are questioned by outsiders, this GAAMP certification can be used to demonstrate that farmers and ranchers are following sound practices. It will provide a practical means for the State to support agriculture.

We know there were concerns by many with the original version of HB 1947. We hope the proposed HD1 addresses many of the concerns some have had. This bill will help all of agriculture; small, large, organic, conventional.... Everyone, but especially the small farmers and organic farmers.

Thank you for giving me the opportunity to testify in favor of this very important issue.



February 9, 2012

Representative Clift Tsuji, Chair
Representative Mark J. Hashem, Vice Chair
House Committee on Agriculture

Support of HB 1947, Proposed H.D. 1, Relating to Agriculture (Requires the Department of Agriculture [“DOA”] to establish an agricultural safety and security program. Requires the DOA to conduct audit and certification services that indicate a producer’s compliance with generally accepted agricultural and management practices [“GAAMPS”] and food security and traceability requirements.)

Friday, February 10, 2012, 10:30 a.m., in CR 312

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF’s missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii’s significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to express its **support of HB 1947, Proposed H.D. 1** and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations, and the conservation and protection of agriculture, including important agricultural lands (IAL) in Hawaii. This bill articulates the need for collaboration amongst diverse sectors of the community - business, government, and agricultural stakeholders - and the importance for them to work together cooperatively to improve the economic viability of the State’s agricultural industry.

HB 1947, Proposed H.D. 1. This bill requires the DOA to establish an agricultural safety and security program under which the DOA shall conduct audit and certification services which evidence producers’ compliance with GAAMPS and food security and traceability requirements. The bill also specifies that the program is voluntary for producers; requires the charge of fees and expenses; and establishes an agricultural practices audit and certification revolving fund for the program.

LURF’s Position. Agricultural safety is vital for the safe and secure production, processing, sale, distribution, importation and consumption of food products and agricultural commodities in Hawaii. This bill will result in the establishment of an agricultural safety and security program which is needed to help the State’s agricultural industry meet food safety objectives and standards, and effectively comply with applicable governmental rules, regulations and guidelines.

LURF understands that such a program and the audit and certification services thereunder are necessary on a local level in order that the State may, amongst other things, ensure that local food safety regulations and certifications conform to federal and other uniform requirements and standards. GAAMPS are agricultural management practices which have been determined to be sound with respect to protection of the environment, caring for livestock, and protection of workers while providing quality agricultural products. The practices are traditionally developed by state universities through their college of agriculture and natural resources extension; the agricultural experiment station in cooperation with the U.S. Department of Agriculture's natural resources conservation service; and the consolidated farm service agency, together with other professional and industry organizations. The practices are then adopted by the states through their respective departments of agriculture in recognition of what is considered to be sound practices according to state policy.

This development of uniform practices and acceptable standards of agricultural safety transparent to all is needed in Hawaii. When such standards are adopted, members of the agricultural industry may voluntarily request certification by the DOA, thereby verifying compliance with the standards. Adoption of such standards and policies will provide a practical means for the State to support agriculture and is necessary for the State to attain increased self-sufficiency and sustainability.

Based on the above, LURF **supports HB 1947, Proposed H.D. 1**, and respectfully urges your favorable consideration of the bill.

Thank you for the opportunity to express support regarding this measure.

hashem3 - Casey

From: Luann Casey [luann@tinroofranch.org]
Sent: Wednesday, February 08, 2012 6:36 PM
To: AGRtestimony
Subject: HB 1947

> To: Honorable Chair, Rep. Clift Tsuji and Vice Chair, Rep. Mark J. Hashen and Members of The Agriculture Committee,

Aloha,

My name is Luann Casey, we have a small family operated farm "Tin Roof Ranch" and we strongly oppose HB 1947.

This bill goes far beyond Food Safety regulations proposed by the FDA.

We believe the Tester Amendment under FDA, FSMA has to be recognized by Hawaii, no law shall exceed the Federal law.

Mahalo, Luann Casey

hashem3 - Casey

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 8:12 PM
To: AGRtestimony
Cc: dubielfdesign@hotmail.com
Subject: Testimony for HB1947 on 2/8/2012 9:00:00 AM

Testimony for AGR 2/8/2012 9:00:00 AM HB1947

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Rexann Dubiel
Organization: Individual
E-mail: dubielfdesign@hotmail.com
Submitted on: 2/8/2012

Comments:

I strongly oppose HB1947. Keep the small farmers farming. It's the right move for all the residents of Hawaii, especially Oahu.
Be fair, be honest, be for the people. It's your job to represent us and what is in our best interests.
Aloha.

hashem3 - Casey

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 6:49 AM
To: AGRtestimony
Cc: sistahcash@gmail.com
Subject: Testimony for HB1947 on 2/10/2012 10:30:00 AM

Testimony for AGR 2/10/2012 10:30:00 AM HB1947

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Natalie Cash
Organization: Individual
E-mail: sistahcash@gmail.com
Submitted on: 2/9/2012

Comments:

We STRONGLY OPPOSE this bill.

We need to support the small family farms that will get affected by your decision to pass this bill.

Please defer until a more sound bill can support all of the farmers small to large and work harmoniously together.

hashem3 - Casey

From: William Greenleaf [gleafs@hawaiiantel.net]
Sent: Thursday, February 09, 2012 11:29 AM
To: AGRtestimony
Cc: Glenn Martinez; Natálie Cash; Vincent Mina; DELC; Ray Maki; Elizabeth Crow; Al Santoro; travis overley
Subject: Testimony HB1947

My name is Bill Greenleaf, Partner Greenleaf Farm
I am a member of Hawaii Farmers Union United

Dear Chairman Tsuji, Vice Chairman Hashem and Agriculture Committee Members:
I am commenting on HB 1947 to be heard Feb, 10, 2012
I request 5 copies be given to the committee

As a local small farmer (sales near \$32,000) I **strongly oppose** HB 1947.
Hawaii Farmers Union met with other local growers and HBFB last summer to develop language for a bill. The language in HB 2065 and SB 2027 reflects agreement in those meetings. HB1947 does not represent the work at those meetings or the needs of local scale farmers.

HB1947 is a one size fits all, scare tactic risk comments, restrictive of public involvement language in HB1947 would have a negative impact on the future of local agriculture in Hawaii.

For Hawaii to become Food Secure, thousands more small scale farms need to develop. That is only possible in a legislative environment that is not burdensome with costs and paper work.

Food Safety on small farms comes from education of the farmer and consumer. Compliance on a 2acre, 5 acre permaculture, or smaller scale farm has very few threats or risks from food production. HB 2065 and SB 2027 have mechanisms to identify HI-Good Agricultural Practices which will work in the local grower scale of farming that is threatened by HB 1947.

I further oppose HB1947 on research that I've done investigating compliance requirements for larger growers who have been through a Primus style audit. Primus is a 3rd party certifier. The amount of record keeping required for my nearly zero risk farm would require me to hire a 1/2 time person which would cost over \$20,000 and at that point make my sales of \$32,000 a worthless project for

my wife and myself. I would just feed myself and stop selling. I'm quite sure other local growers would be in the same dilemma. I can't imagine a large number of young people entering farming to make a living with the reality of unreasonably costly Food Safety Certification reporting requirements.

Think of it this way. Local growers look their customer in the eye and eat the food themselves. What greater motivation do we need to produce healthy, delicious, nutrient dense food? Do we belong in the one size fits all category of Food Safety Reporting requirements as large farms that never meet their customers because their food is shipped great distances to market. Farms of that scale will be regulated by FSMA and market place requirements of Costco, Safeway, etc.

In Hawaii, 2000 miles from anywhere, we need a vibrant local farming community. Please do everything in your power to foster a healthy environment for local farmers. I request you start by voting down HB 1947. Support HB2065 and SB 2027.. This is for the people of Hawaii. HB1947 will not make local food safer, it will make it more SCARCE.

Sincerely,
Bill Greenleaf
Greenleaf Farm
Hawaii Farmers Union United

hashem3 - Casey

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 11:50 AM
To: AGRtestimony
Cc: sandrascar@aol.com
Subject: Testimony for HB1947 on 2/10/2012 10:30:00 AM

Testimony for AGR 2/10/2012 10:30:00 AM HB1947

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Sandra Scarr
Organization: Individual
E-mail: sandrascar@aol.com
Submitted on: 2/9/2012

Comments:

To Rep. Tsuji and Committee Members,

HB 1947 is not only premature, as Russell Kokubun notes, it send the State down the wrong road toward greater food safety. An expensive inspection and certification system does not improve food safety, as demonstrated in the widely publicized e-coli outbreak on a recently inspected cantaloupe farm in CA.

Teaching Good Agricultural Practices, as defined and incorporated in an online course by the US Department of Agriculture, is a far better approach. Other bills before this committee take that approach. This bill does not.

This bill should not be voted out of Committee.

hashem3 - Casey

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 11:30 AM
To: AGRtestimony
Cc: whatajoy2be@yahoo.com
Subject: Testimony for HB1947 on 2/10/2012 10:30:00 AM

Testimony for AGR 2/10/2012 10:30:00 AM HB1947

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ryan
Organization: Individual
E-mail: whatajoy2be@yahoo.com
Submitted on: 2/9/2012

Comments: