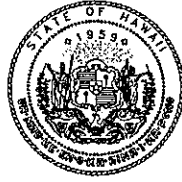


HB1947 HD2

Testimony

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

SCOTT E. ENRIGHT
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON FINANCE
Tuesday, March 13, 2012
Room 229
2:50 P.M.

HOUSE BILL NO. 1947, HOUSE DRAFT 2
RELATING TO AGRICULTURE

Chairperson Nishihara and Members of the Committee:

Thank you for this opportunity to provide testimony on House Bill No. 1947, House Draft 2 that seeks to establish a new Agricultural Safety and Security program within the Department of Agriculture that will be available to farmers on a voluntary fee-for-service basis. Farmers who choose to participate will be subject to an audit that if successfully achieved will result in a certification from the Department that they are following "generally accepted agricultural and management practices" or GAAMP, and maintaining food security and traceability. GAAMP is defined as the practices adopted by the Department that are to be based on information available to the Department and recommendations from the University of Hawaii College of Tropical Agriculture and Human Resources and other input the Department solicits from governmental and private organizations and maintaining food security and traceability.

There are no standards and definitions established for agricultural safety and security. The bill requires the department to determine the definitions for GAAMP. The bill does not take into account on-going food safety efforts which are being addressed by the U.S. Food and Drug Administration (FDA), the U.S. Department of Agriculture



(USDA), the State Department of Health and the State Department of Agriculture. The Food Safety Modernization Act (FSMA) mandates the FDA to establish, amongst other things, mandatory minimum agricultural commodities safety standards, and mandatory food facility inspections, records access, and testing by accredited laboratories. For example, the FDA's regulations are required to include, (1) flexibility to be appropriate for the size, scale, and diversity of the producers and harvesters; (2) soil additions, hygiene, packaging, temperature controls, animals in the growing area, and water; (3) hazards occurring naturally, or unintentionally or intentionally introduced, including by acts of terrorism; and (4) consideration of standards and policies of Federal natural resource conservation, wildlife conservation, environmental agencies, and the Organic Food Production Act of 1990.

These are just some of the complex considerations that the Hawaii Department of Agriculture lacks the staffing, expertise, and funds to properly assess in order to establish the agricultural and management practices mandated by this bill. Not only is the Federal government poised to establish some or most of the standards intended by this bill, but the FDA's regulations, once adopted, could preempt any inconsistent state laws or rules on the same subject.

The fees for farmer audits and certifications rendered by the Department are to be deposited into a new revolving fund established within the Department. The funds shall be used for establishing and updating GAAMP, conducting the audits and certifications, and provide training, assistance, and education of voluntary farmer participants to achieve certification. The Department may enter into cooperative agreements with other government agencies and private parties to conduct audits and certifications. There are no appropriations being proposed and the Department currently lacks the manpower and funding to conduct the requirements of the bill.

The Department appreciates the effort put into this measure but prefers to address food security and safety issues in a more comprehensive manner. Thus, we would prefer to receive and review the forthcoming rules from the FDA and USDA regarding FSMA before proceeding in a haphazard manner.

Thank you for the opportunity to submit testimony.

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON AGRICULTURE
ON
HOUSE BILL NO. 1947, H.D. 2

March 13, 2012

RELATING TO AGRICULTURE

House Bill No. 1947, H.D. 2, 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, H.D. 2, 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.



Testimony on HB1947

Senate Hearing March 13, 2012

Senate Committee on Agriculture Room 229 2:50 PM

Farmers Union **STRONGLY OPPOSES** HB1947

The Hawaii Farmers Union United and many other stake holders met with the Dept of Ag and the Farm Bureau to put together a Farm Certification Program that would meet the requests of the Dept of AG to give them the authority to draft and publish a set of recommended guidelines to guide farmers to GAPs, Good Agriculture Practices or GAMPs, Good Agriculture MANAGEMENT Practicessort of the same thing.

To do so the Dept of Ag needs funding to pay for this work, to create a set of RULES (per Chapter 91) for GAPs or GAMPs and then to create a Certification program that would train farmers and educate them to these recommended practices. Then the Ag Dept would create an annual AUDIT program to Certify that farmers were actually practicing these recommendations on a continual basis.

That was the plan. So to keep a promise to Wendy Clerinx, the Governors Policy Advisor, the Farmers Union worked with many stake holders through the summer right up to the start of the Legislative session to hammer out a bill that met the needs of the Dept of Ag to accomplish those goals. Create GAPs, educate farmers, Certify compliance to the GAPs. At little or no cost to the farmer.

The final draft was HB2965 and SB 2027. These bills were circulated to the Dept of Ag, and to the Farm Bureau will before the start of the Legislative session. No reply from either. Al Santoro personally met with Dean Okimoto and got a promise of support. That promise has not been honored. Dean says he only promise to review vet the bill, yet we have no correspondence to that effect. No w

Then the problems started. Neither were ever heard by House or Senate AG Committees. But wait, the Farm Bureau introduces HB1947 without any consultation with the Farmers Union or other stake holders in the Food Coalition.

HB1947 has no resemblance to agreements from Food Coalition Meetings, and breaks every agreement made in those meeting. HB1947 contains issues that were never discussed and are being championed by Mae Nakahata, who never attended a single Food Coalition meeting.

We recommend that the Senate strip the existing wording in HB1947 and replace it with the wording of SB2927. That can be amended to accommodate revolving fundings, general funding or the ability to accept out side source funding (grants etc.)

If the Senate will honor the process that the Food Coalition went through they will deal with rewriting HB1947 to have it conform to the stated needs of the Dept of Ag and the other stake holders and ignore the rants of the Farm Bureau.

HB1947 was railroaded through the HOUSE by Rep Tsuji, and it is time to derail the train and get back on track to serve the needs of the small farmers in Hawaii who could benefit by a sound GAPs or GAMPs program administered by the Dept of Ag.

Thank you for the opportunity to testify.

Glenn Martinez
President of Hawaii Farmers Union United

I have included a summary of how HB1947 got to this point. If you understand how it got here, you will know how to fix it.

A story of deception and Wasted time in meeting of the Food Coalition

Jeri Kahana, of the Department of Agriculture invited members of the Hawaii Farmers Union United to come and meet at her offices at the Department of

Agriculture this past Friday, Mar 9, 2012. The meeting was called due to reports that HB1947 was hitting massive resistance in the Senate...as it should.

The meeting was with members of the Farm Bureau with Dean Okimoto, Mea Nakahata, Brian Miyamoto and Janet Ashman (on the phone conference call). On the Farmers Union side was Al Santoro, Glenn Martinez, Jeanne Vana and Natalie Cash, Pam Boyer.

Jeri announced she brought the stake holders together to try to come to agreement on supporting HB1947. She said her department would continue their position of "no food safety bill needed this year....wait for the Federal rules to come down".

This is similar to stated Dept of Health position that "nothing needed at this time, that when the FSMA filtered down rules and requirements, the Dept of Health would enforce them".

On the House side, Rep Tsuji, Chair of Agriculture Committee, championed (railroaded?) the bill through the House AG Committee, despite overwhelming testimony OPPOSING it. Opposed by every State Agency testifying,...DoA, DoH opposed and even Finance opposed, stating that the "revolving fund" was not sustainable, with less than 50 farmers paying \$300 (out of 5000+ Hawaii farmers) there is no adequate funding to support the requirements of the bill.

Yet, despite this overwhelming OPPOSITION, the Chair Rep Tsuji passed the bill forward "to continue the discussion". The members of his committee did not dare to oppose the Chairs action....standard lack of American democracy in the HOUSE committees. Apparently the Chair almost ALWAYS get the vote requested!

Which brings us to the House Finance Committee hearing. Again, overwhelming **opposition** and just like in the Ag Committee, the **only** supporting testimony was from the Farm Bureau. Yet, Rep. Tsuji attended the House Finance hearing and again championed (railroaded?) the the bill to pass through. In this hearing Brian did a FULL COURT PRESS and went too far (lied, misspoke, mislead?), when he gave evidence to the Finance Committee.

In the Finance Committee hearing, Brian was challenged by a testifier that the Farm Bureau had not vetted HB1947 to the general membership of the Farm Bureau. Brian was called back to the stand and said that in fact, that at the last October FB Convention that the delegates (1 per 20 members) had vetted the HB1947 bill and supported it. That appears to be a not quite accurate (lied?) or

even close to the truth. Delegates and the minutes of the Convention do not show that the HB1947 was ever presented to the delegates, only the platform of proposed bills, and amongst those many bills that FB was going to present some sort of "Food Safety Bill". The bill itself was never presented. This was confirmed by Dean Okimoto himself that as of late , November 2012, he had never seen the HB1947, in fact at the last meeting of the Food Coalition meeting (Dean attended) he said this was his first knowledge of any Food Certification or Food Safety bills and that the FB had not formulated it. Yet, Brian has stated that the Convention SUPPORTED HB1947 back in October! Not quite true according to the records.

This is the record of the October convention that has been passed on to us:
on 3rd time by a slim margin voted to keep the following:

"We support the development of science based food safety certification standards. We support the voluntary compliance with food safety certification by all farmers and ranchers that can be used as a marketing advantage and reduced risk associated with insurance policies."

Excuse me but that does NOT sound anything like HB1947!

Note the real concerns of the Convention:

chris manfredis leg memo on vetoed bills states:

"farm bureau members largely will be exempt via tester, but the market forces are driving certification, we must be vigilant that we don't create a multi-layered regulatory framework undue hardship, while instilling genuine, earned confidence in the marketplace while keeping cost of production low so we can remain competitive"

Brian M. also went on in testimony to the the Finance Committee that the Dept. of Health had "pulled their opposition" to HB1947. This was a shock, since Gary Gill had appeared in person at TWO previous committee hearings (House and Senate) stating clearly the DoH OPPOSITION to ANY food safety bills this year, and possibly not for two years....until FSMA (Federal) rules were written and distributed.

Gary Gill even wrote letter to the editor (Sunday Star Advertiser)stating to the public that was the position of the DoH, no Food safety bills needed. We emailed the DoH for confirmation....no reply.

But really, it is quite possible Gary Gill agreed not to show up and OPPOSE at the Finance committee, but if that agreement was based on mis-representation (from Mae N.) , the Finance Committee was cheated of a fair hearing. Brian was probably only delivering the message from Mae N.

In fact when I talked with Gary Gil, he mentioned he had extended conversation with Mae N. and that I should get together with her. Oddly, I never met or talked with Mae N. till last Friday, March 9th. Trouble in the Senate and all.

In the course of discussion at the March 9 meeting, Mae Nakahata, shared her conversations with Gary Gill, Department of Health. In this conversation, she described HB1947.... NOT as a "food Safety Bill" but as a "Right to Farm advocacy". She said she told Gary how HB1947 is needed..... so that "Good Agriculture Management Practices" could be drafted by Dept of Ag.... in order that all Hawaii Farmers would have a published mandate as to what constitutes Hawaii GAMPs....for the purpose of protecting farmers from Law Suits such as for Odors from Chicken ranches or spraying of flower fields. She spoke to how farmers were losing lawsuits because they had no GAMPs to quote! She is missing the point that Good Agriculture Practices would AVOID having smelly chicken ranches and restrict spraying that was hazardous or smelly.

This was a "Right to Farm" angle was a shocker to the Farmer Union Representatives and other stake holders! Through out the months of meeting with the Farm Bureau, these subjects were NEVER raised. Mae Nakahata was NEVER present or part of any discussion with the Food Coalition meetings. Mae Nakahata stating that protecting farmers from law suits is the purpose of HB1947 is ridiculous! We were supposed to be working on a bill to embrace the Dept of Ag having an "in-house" Farm Certification program!

The truth is existing HB1947 simply embraces the existing "third party Primus" audit program. It has no general funding, operates at the total expense of the Farmers being certified, exempts itself from Chapter 91 rule making requirements and exempts itself from involving any agency or persons, except those invited. It no longer requires input from even the Department of Health!

The Farm Bureau is trying to convince Gary Gill that HB 1947 is OKAY.....and not a “food safety bill”. It appears to be a “turf war” where the Department of Ag is trying to hold on to the food safety arena “on the farm” and keep the Dept of Health at bay.....ignoring that come an incident of illness, it will definitely be DoH responsibility to protect the public’s health. Let folks start getting sick and the DoH will be the agency investigating! The Farm Certification is supposed to be PREVENTIVE.....to educate and train farmers to avoid problems.

The HB1947 is a violation of the agreements that were reached with the Food Coalition, that included many stake holders other than Farm Bureau and Farmers Union. HB1947 exempts the DoA from Chapter 91 rule making protection, puts the total cost of funding on the farmers, despite the Food Modernization Act requirement that Farmers are to bear no cost in implementation of the Act.

The position of the Farmers Union and Al Santoro’s farmers, is that if the Farm Bureau is willing to remove the current wording of HB 1947 and insert the wording of HB2065, (or SB2027) that the Farmers Union is willing to move forward. Otherwise HFU will continue to OPPOSE HB1947.

The Farm Bureau has suggested that it prefers to keep HB1947 and put in the kind words regarding education based etc, into their bill. Putting in the “good parts” will not take away from the “bad parts” of HB1947. Bad legislation reworded, is still bad legislation. The Dept of Ag and the Farm Bureau refuse to entertain the possibility of Farmers Voluntarily Certifying they are meeting all standards. The Dept of Ag insists there must be annual AUDITS....fine, just as long as they do not charge the farmer. All this is being done for the public’s good, let the public pay for it. At least offer a CAP of \$300 or less or the small farmers will be out.

Just adding wording to the Preamble will NOT work. Unless the HB1947 is subject to Chapter 91 rule making process, and unless there is General funding to start the program, and unless there is provision for outside funding or grants received to pay for this program and unless it can be shown that this is a voluntary program that not farmer will NOT pay direct fees for services (per Federal FSMA rules)FORGET ANY support from Farmers Union or Al Santoro’s farmers.

Unless the Farm Bureau can redraft and submit a satisfactory wording before the deadline for testimony for the hearing in the Senate this coming Tuesday, Mae 3....the Farmers Union will have to Strongly OPPOSE the HB1947 at the Senate hearings.

Make sure it is understood by all stake holders on HB1947....Farmers Union had very little trust in the manners, representation or motivations of the Farm Bureau.

This full court press to railroad HB1947 is scary. Especially when HB2065 or SB2027 meets all the requests and declared “needs” for the DoA to accomplish the goal of creating a “Safe Farm Certification” program with published and accepted GAPs. or GAMPs. Leaves one to wonder, just what is the Farm Bureaus motivation?

To this end, we will ask the Senate to review the “railroading” of this bill by Rep Tsuji, the false testimony that was given at hearings in the House Committees, and ask they question the manner of hosting months of “Food Coalition” meeting just to have the Farm Bureau introduce a bill that is 180 degree from from all discussions and agreements. Note that the “Food Coalition” meeting were to honor the commitment made to the Governors Policy person, Wendy Clerinx

And if current version of HB1947 is pushed through the Senate, with the efforts of Rep. Tsuji and the Farm Bureau, then the Farmers Union will champaign to the Governor to VETO HB1947 for the same reasons as the VETO of HB667:

No Rule making authority (with Chapter 91)
No Funding to accomplish its mandate (revolving funds do not count)
Great dissension amongst farmers. (stakeholders have been mislead by the FB with red herrings and false leads for months)

If on Tuesday, March 13, the HB2065 (or SB2027)wording is substituted for the current wording of HB1947, the Farmers Union and many other stakeholders are willing to address any amendments that the Farm Bureau wants to put form as amendments in future Committee hearings. Nothing needs to be rushed thru.

Submitted by :

Glenn Martinez
Hawaii Farmers Union United



Hawaii Farm Bureau
F E D E R A T I O N

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March 13, 2012

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 1947, HD2
RELATING TO AGRICULTURE

Room 229
2:50 PM

Chair Nishihara, Vice Chair Kahele, and Members of the Committee:

I am Dean Okimoto, President for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF is in **strong support** of HB 1947, HD2, creating the Agricultural Safety and Security Program within the Hawaii Department of Agriculture (HDOA).

During this legislative session and around the year, there is much talk about increased self-sufficiency and sustainability. As Farm Bureau we realize you cannot have that without a strong agricultural industry. I am a middle aged farmer soon to be a senior farmer and leader of Hawaii's general Ag organization. Therefore, my top priority is to identify ways to help the next generation.

Life was simpler during our time but today, there are mazes of regulations and consumer choice. How is a farmer to farm? It is our responsibility to lay the groundwork so these new farmers and ranchers have a helping hand to be successful and increase Hawaii's level of self-sufficiency and sustainability.

There is a term that is often used ... The buck stops here. In this case, a framework so the State can say "we stand behind these farmers and ranchers because we know they are doing the right thing" is important. This will provide farmers and ranchers

confidence that they are not solely responsible for identifying what is needed but there is a helping hand to provide guidance and when done, someone is there to stand by them to say "this is right".

So how do we get there? Everybody needs to play a part in the areas they are experts. Department of Agriculture are the experts of on farm. Department of Health knows how to make sure Ag products are processed correctly and provided to the consumer safely. CTAHR can provide choices for farmers and ranchers of how things can be done. Industry groups can speak to what makes sense on behalf of their commodities. To make it work it all needs to come together. The day in which one entity can do it all is gone. Resources are scarce. We need to all work together and make sure every step from farm to fork is understood. Currently there are grey areas ... we need to clear them so everyone understands what is needed.

Can we wait? First, we have many new farmers and ranchers entering the industry. To protect them from unnecessary hardship, we should provide them the guidance of what is out there. What rules already exist and what they require. What is good, science and risk based practices. For example what is important is that water is contaminant free – how you get there can be different – chlorination, solarization or other treatments. Each farmer should have the freedom of choice but they need to understand the goal.

The proposed rules for the FSMA will be released soon. FDA has completed them and it is currently sitting in OMB for final review. As these proposed rules emerge it is the opportunity for farmers and the State to comment. There will be areas under the jurisdiction of HDOH. Similarly there will be areas that are best addressed by HDOA since they refer to growing and harvesting practices. The law specifically requires consultation with State Departments of Agriculture in this area. The law also provides a mechanism for variances based on specific growing conditions. The rule will provide the framework for the variance process. For Hawaii this is critical. What other state in the country has growing conditions like ours? May be a few counties but definitely not the entire State. This is why we must be ready. Only States can apply for variances. HDOA must be ready to speak on our behalf to make sure that the processes will be workable for us.

Does this bill make it mandatory? No. As the department identifies the guidance which is a compilation of existing laws and rules and information about what are considered good science and risk based practices, farmers and ranchers can voluntarily request that they be certified that they are following these practices. It is like the "good housekeeping seal of approval". Every product is not required to have the seal. Similarly the lack of the seal does not imply that it is less safe. It is a marketing tool and a risk management tool to show people that the product has undergone the specified level of testing. Farmers and ranchers are not required to undergo the certification. But, if their insurance agent or buyer requests it this process provides the mechanism to provide this certification.

How will it work? Why must we pay? We see the process as voluntary. There is an existing model that can be used and this is for nursery exports. Those who want to export undergo certification by HDOA and pay for the services. Those who choose not to, do not.

In summary, why are we doing this? We want to clear the road for farmers and ranchers so they can focus on farming vs. crawling through pages of regulations. This provides a one stop shop for people to come and see what criteria are important to be good farmers and ranchers. It does not tell them how to do it. It guides them into things that must be considered and what the end goal must be.

HFBF strongly requests your support of this measure. It may not be perfect but we request you understand the intent and pass it to encourage further discussion as a means to increase our self-sufficiency and sustainability.



Big Island Farm Bureau

Phone: 808-885-8015
E-mail: bifb@hawaiiintel.net
P.O.Box 1630
Kamuela, HI. 96743

TESTIMONY on HB 1947 RELATING TO AGRICULTURE

Hearing: Tuesday March 13th @ 2:50 PM

Rep. Tsuji Chair, Committee on Agriculture

Aloha Chair Tsuji and Committee Members

We **STRONGLY SUPPORT HB 1947** Relating to Agriculture; GAAMPS

My name is Lorie Farrell; I am the Executive Director for the Big Island Farm Bureau (BIFB); We are the largest general agriculture organization on Hawaii Island; striving to be the Voice of Agriculture and represent over 600 agricultural members & producers on the Island of Hawaii. The Big Island Farm Bureau is directly related to the Hawaii Farm Bureau Federation and affiliated with the American Farm Bureau Federation.

BIFB Strongly Supports HB 1947 and believe it will help support agriculture in the State of Hawaii. Food safety and security is of the utmost importance to agriculture. Farmers and ranchers want to deliver safe and affordable food and other agricultural products. However the producers are hesitant to adopt new regulations this is normal; we have seen this before they need facilitation, support and most importantly they **NEED** to be part of the process. No outsider knows a farm or business like the producer themselves, each farm is unique as such should be able to develop their own critical points and food safety plan. We need 1 set of rules to avoid confusion; a set of guidelines such as the HAACP program could be implemented successfully. This protects consumers and producers and bring in-line the delivery points and restaurants....Every critical point is a potential source of contamination; each must be in control of their farm or facilities!; they also need to control how the plan works for them. I have spoken at great length to producers and they need input, they need to have a say in how they will address their critical points; we have the chance to help them do this now.

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.

When food safety concerns or food borne illness occurs it does not matter to public how large or small the farm was or by what means the crop was grown. Generally accepted

agricultural and management practices (or GAAMPS) are intended to provide uniform, statewide standards and acceptable management practices based on sound science.

These practices can serve farmers in the various commodity groups to compare or improve their own managerial routines.

GAAMPS are based on the core principle of stewardship, and regardless of the growing methodology chosen by the individual farmer — from organic to biotech —we have common ground: the economic, social and environmental sustainability of Hawaii's agricultural community. To achieve those mutual goals, we need a variety of tools and a level of continuity that provides farmers with the peace of mind that their years of hard work and investment will be protected.

Thank you for this opportunity to address this important issue. If there are any questions, Please contact me via email or phone at (808) 885-8015.

*Mahalo,
Lorie Farrell*



March 13, 2012

TESTIMONY

Re: **HB 1947HD2 RELATING TO AGRICULTURE**

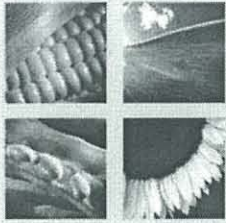
Chair Nishihara and Members of the Committee:

My name is Warren Watanabe and am before you today as Maui County Farm Bureau representing commercial farmers and ranchers on Maui. MCFB is in **strong support** of HB1947 providing a foundation for defining accepted agricultural practices in the State of Hawaii. We support the amendments proposed by HFBF.

Farmers and ranchers are faced with many risks and uncertainties. Many of them such as weather are beyond our control. However, there are some that we can do something about. Today many do not understand what it takes to farm and being separated from the farming community have come to expect a Pollyanna vision of agriculture. We have had cases on Maui where night operations draw complaints of noise or bird scare implements such as reflective tapes draw ire of neighbors as a visual disturbance. Hawaii passed a Right to Farm statute many years ago but has not yet adopted the generally accepted agricultural practices that are referred to in law. This measure seeks to do so and in the process, protect our farms from nuisance lawsuits.

At the same time, food safety is on everyone's minds. Current food safety certifications such as Primus were borne out of the market need to protect themselves from liability. True food safety is from the farm to the fork and addresses how food products are handled every step of the way. To truly address food safety while protecting the viability of our farms and ranches will mean to assist farms and ranches to identify the risks within their operation and develop mitigation measures that are appropriate to their operation. Instituting these practices on a daily basis should be the priority vs. meeting a check list at a point in time. What is required for food safety should be uniform. Currently many different certifications are required that are cost prohibitive to our farmers. This measure seeks to correct these shortfalls.

Thank you for this opportunity to provide our opinion on this matter. We respectfully urge your support in passing this measure with amendments proposed by HFBF.



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Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

Testimony by Alicia Maluafiti
HB 1947 HD 2 – Relating to Agriculture
The Senate Committee on Agriculture
Tuesday, March 13, 2012
2:50 p.m., Room 229

Position: Support

Aloha Chair Nishihara, Vice Chair Kahele, and members of the Committees:

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association, a nonprofit trade association representing Hawaii's seed farmers. HCIA **strongly supports** HB 1947 HD 2 which would authorize the State Dept. of Agriculture to establish an Agricultural Safety and Security Program

"Generally Accepted Agricultural Management Practices" (GAAMPS) developed by the agricultural industry will articulate what is currently required by law as what are generally accepted to be sound agricultural practices. These agricultural management practices are important to protecting the environment, caring for livestock, and protecting 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, along with other professional and industry organizations.

IT DOES NOT create new requirements. Farmers and ranchers (large and small) can be certified (voluntarily) that they are following the practices which is vital for the safe and secure production, processing, sale, distribution, importation and consumption of food products and agricultural commodities in Hawaii. In other states, certificates are issued that can be used as part of their promotion to show they are committed and responsible stewards of the land. Establishment of an agricultural safety and security program is needed to help the State's agricultural industry meet food safety objectives and standards, and subsequently comply with and conform to applicable governmental rules, regulations and guidelines.

Please pass HB 1947 HD 1. Mahalo for the opportunity to testify.



Hawaii Cattlemen's Council, Inc.

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

COMMITTEE ON AGRICULTURE
Tuesday March 13, 2012 2:50 p.m. Room 229

HB 1947 HD2R ELATING TO AGRICULTURE

Chairman Nishihara, Vice Chair Kahele 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 HD2.

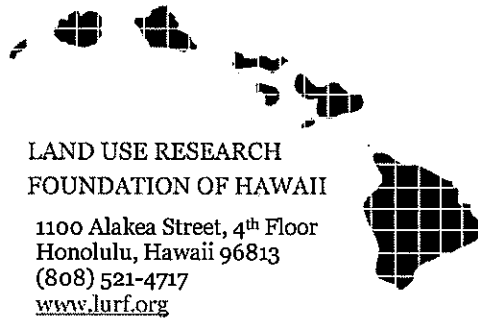
GAAMPS or "Generally Accepted Agricultural Management Practices" are practices found to be sound, protecting the environment, caring for livestock, protective of workers while providing quality agricultural products. The practices are traditionally developed in conjunction with the college of agriculture, 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 HD2 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.



March 12, 2012

Senator Clarence K. Nishihara, Chair
Senator Gilbert Kahele, Vice Chair
Senate Committee on Agriculture

Support of HB 1947, H.D. 2, Relating to Agriculture (Authorizes the State Department of Agriculture [“DOA”] to establish an Agricultural Safety and Security Program; requires the DOA to conduct audit and certification services; establishes an Agricultural Practices Audit and Certification Revolving Fund.)

Tuesday, March 13, 2012, 2:50 p.m., in Conference Room 229

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, H.D. 2** 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 establishing guidelines to assure farmers and ranchers that they will have the tools needed to grow crops and livestock to improve the economic viability of the State’s agricultural industry.

HB 1947, H.D. 2. This bill authorizes the DOA to establish an agricultural safety and security program under which the DOA shall conduct audit and certification services which indicate producers’ compliance with generally accepted agricultural and management practices (“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 established 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, H.D. 2**, and respectfully urges your favorable consideration of the bill.

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

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 1:37 PM
To: AGL Testimony
Cc: asantoro@hawaii.rr.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: AL SANTORO
Organization: Individual
E-mail: asantoro@hawaii.rr.com
Submitted on: 3/12/2012

Comments:

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 11, 2012 7:14 PM
To: AGL Testimony
Cc: oyama_farm@yahoo.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Roy Oyama
Organization: Kauai Farm Bureau pres.
E-mail: oyama_farm@yahoo.com
Submitted on: 3/11/2012

Comments:

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 11, 2012 4:20 PM
To: AGL Testimony
Cc: diamondbranchhi@aol.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Brendan Balthazar
Organization: Maui Cattlemens Assn.
E-mail: diamondbranchhi@aol.com
Submitted on: 3/11/2012

Comments:

Larger farms could be required to keep more detailed records and will be inspected to assure that proper sanitary facilities, like hand-washing sinks, are provided for farm workers.

Both the state departments of Health and Agriculture are keenly aware that the majority of farms in Hawaii are small, and we will protect our farmers from unwarranted and excessive regulation. We want our islands to grow more of what we eat and rely less on imported food.

During this legislative session, no new farm safety laws or rules are needed to further our food sustainability goals. States will have at least two years to develop our food safety programs once the FDA adopts its FSMA rules.

Gary Gill gary.gill@DOH.Hawaii.gov
Deputy director for environmental health, state Health Department

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 4:30 AM
To: AGL Testimony
Cc: ken@mycoffee.net
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: ken love
Organization: Hawaii Tropical Fruit Growers
E-mail: ken@mycoffee.net
Submitted on: 3/12/2012

Comments:

Our entire membership of more than 500 is in opposition to this very dangerous bill. It would be a disaster for small farmers statewide.

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 7:19 AM
To: AGL Testimony
Cc: hawaiiifish@gmail.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Ronald Weidenbach
Organization: Hawaii Aquaculture and Aquaponics Association
E-mail: hawaiiifish@gmail.com
Submitted on: 3/12/2012

Comments:

The Hawaii Aquaculture and Aquaponics Association supports HB1947. This bill authorizes HDOA to adopt "Generally Accepted Agricultural Management Practices" (GAAMPS) that are developed by industry segments such as aquaculture and aquaponics. GAAMPS articulate what is currently required by law and are generally accepted to be sound management practices. IT DOES NOT create new requirements for farmers and ranchers.

Farmers and Ranchers can be certified (voluntary) that they are following the practices. This will provide them protection from nuisance law suits under the Hawaii Right to Farm Act. In other states, certificates are issued that farmers and ranchers can use as part of their promotional efforts to show they are good and responsible stewards of the land. Hawaii's farmers and ranchers will probably do the same.

Additionally following these practices will form a solid foundation of agricultural practices that are expected to meet food safety certification requirements.

Thank you for the opportunity to comment.

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 8:01 AM
To: AGL Testimony
Cc: gleafs@hawaiiantel.net
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Oppose
Testifier will be present: No
Submitted by: Bill Greenleaf
Organization: Hawaii Farmers Union
E-mail: gleafs@hawaiiantel.net
Submitted on: 3/12/2012

Comments:

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 11, 2012 9:51 PM
To: AGL Testimony
Cc: jsgreenwell@lanihau.net
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: James S. Greenwell
Organization: Individual
E-mail: jsgreenwell@lanihau.net
Submitted on: 3/11/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:55 AM
To: AGL Testimony
Cc: terrierwin@gmail.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Oppose
Testifier will be present: No
Submitted by: Terri Erwin
Organization: Hawaii Farmers Union
E-mail: terrierwin@gmail.com
Submitted on: 3/12/2012

Comments:

I am writing in opposition to HB1947. I am a member of the Hawaii Farmers Union United, and I live on the island of Maui. My concern is for the continued prospects of Hawaii's small farmers.

If enacted, HB1947 would create a burden for small farmers by requiring an excessive level of record keeping and reporting--not necessary for the limited risks and threats to food safety posed by local growers' farming practices. Most small farms have never and will never produce unsafe food using their existing methods of food production.

Thank you for considering my testimony.

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 11, 2012 7:58 PM
To: AGL Testimony
Cc: myhawaiianfarm@gmail.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: gary kastle
Organization: Individual
E-mail: myhawaiianfarm@gmail.com
Submitted on: 3/11/2012

Comments:
Do not support HB 1947 in any form

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 11, 2012 4:24 PM
To: AGL Testimony
Cc: pono@ponoholo.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Harry M von Holt
Organization: Individual
E-mail: pono@ponoholo.com
Submitted on: 3/11/2012

Comments:

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 6:43 AM
To: AGL Testimony
Cc: jimmygomes@hawaii.rr.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: James Gomes
Organization: Ulupalakua Ranch
E-mail: jimmygomes@hawaii.rr.com
Submitted on: 3/12/2012

Comments:

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 8:24 AM
To: AGL Testimony
Cc: lamontj001@hawaii.rr.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: Joan Lamont
Organization: Individual
E-mail: lamontj001@hawaii.rr.com
Submitted on: 3/12/2012

Comments:

I am a small Kona farmer, Happy Honu Farm, the passing of this bill will put us and many other small farmers like us out of business.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:43 AM
To: AGL Testimony
Cc: leinaur001@hawaii.rr.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Oppose~~
Testifier will be present: No
Submitted by: Roberts Leinau
Organization: Individual
E-mail: leinaur001@hawaii.rr.com
Submitted on: 3/12/2012

Comments:
This bill need lots of work to reflect the farmers point of view

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:04 AM
To: AGL Testimony
Cc: uluusrf@gmail.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Oppose
Testifier will be present: No
Submitted by: brett gobr
Organization: Individual
E-mail: uluusrf@gmail.com
Submitted on: 3/12/2012

Comments:

i oppose hb 1947 as currently written. please do more to ensure small farmers can comply and operate safe healthy and profitably without creating regulation that can be expensive to conform to . we hope to supply more local, healthy food for hawaiians
brett gobar, b.s. water qualityfinca ulu de paz, maui

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 8:58 AM
To: AGL Testimony
Cc: lanipetrie@aol.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Support~~
Testifier will be present: No
Submitted by: Lani C. Petrie
Organization: Individual
E-mail: lanipetrie@aol.com
Submitted on: 3/12/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 8:47 AM
To: AGL Testimony
Cc: kaneshirk001@hawaii.rr.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Kenneth Kaneshiro
Organization: Hamakua Farm Bureau
E-mail: kaneshirk001@hawaii.rr.com
Submitted on: 3/12/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:11 AM
To: AGL Testimony
Cc: pualeafarm@hawaiiantel.net
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Oppose~~
Testifier will be present: No
Submitted by: Eloise Engman
Organization: Individual
E-mail: pualeafarm@hawaiiantel.net
Submitted on: 3/12/2012

Comments:

HB1947 seeks to place unreasonable record keeping demands on growers of local high quality food. The State of Hawaii Health Department regularly assures the legislature that there is not a problem with locally produced produce, yet these bills surface every session! Growing fresh high quality food is demanding work, and this bill would place unnecessary record keeping burdens on Hawaii's farmers. We need to revise the state constitution to protect farmers from these attacks which take time away from the business of growing fresh high quality food...for the sake of food security for everyone in Hawaii! Farming needs protection and support, not burdens. Whoever introduces these bills has no understanding of food safety issues.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:15 AM
To: AGL Testimony
Cc: kalalaukai@hotmail.co
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Oppose~~
Testifier will be present: No
Submitted by: Evan Ryan
Organization: Individual
E-mail: kalalaukai@hotmail.co
Submitted on: 3/12/2012

Comments:

I have been a farmer on Maui for 12 years and oppose HB 1947. I am active in the Agriculture Community as a member of Maui Farmer's Union because I want my voice and my needs to be heard. HB 1947 does not represent my needs. It recognizes only the needs of the large agribusinesses in Hawaii and limits my ability to maintain my farm from a financial and physical level. I believe in Food Safety and I believe that a bill that includes the voice of all farmers is the solution to providing for a food safe future.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:17 AM
To: AGL Testimony
Cc: banzigerc@aol.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Oppose~~
Testifier will be present: No
Submitted by: Curt Banziger
Organization: Kokuakats Farm
E-mail: banzigerc@aol.com
Submitted on: 3/12/2012

Comments:

Gentlemen:

My wife and I are currently creating an organic vegetable, fruit, and flower farm. We do not see the need to create this expensive level of record keeping for a producer such as us. We eat the products of our efforts and I am sure have a higher standards than legislation would create.

Thank you,
Curt Banziger

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:23 AM
To: AGL Testimony
Cc: bluejourney@aol.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Oppose~~
Testifier will be present: No
Submitted by: Stefanie Delmont
Organization: Individual
E-mail: bluejourney@aol.com
Submitted on: 3/12/2012

Comments:

Aloha. I am OPPOSED to HB1947. It is NOT a food safety or right to farm bill as its supporters have claimed. A similar version HB667 was vetoed by the governor last year for the same reasons this one probably will be vetoed if passed. If farmers, the ones this bill is expected to help are opposed - for many valid reasons that have been presented to you by others - then who is supporting this bill and why? If it is a "Right to Farm" bill - then say it and write an appropriate bill. No one, I suspect, is opposed to "Food Safety" but such a generic term and one which is associated with and reflects MAINLAND Big Ag conditions needs "lot of splaining"(Desi Arnez) and qualifying for Hawaii's small ag conditions. The DOA has indicated (in its written testimony which you can view) it has no resources to carry this out nor not much desire at the moment. It suggests waiting for the Federal legislation to be finalized and announced before Hawaii does anything. There does not seem to be any problem, reason, motivating need for this legislation now. What's the hurry?

As a small farmer (coffee/vegies/fruit) and a vendor at the Keauhou (Kona)Farmers Market I see nothing in this bill which helps, furthers, expands, encourages, fosters sustainability &/or local agriculture and the local economy.

Aloha and mahalo for your time.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:24 AM
To: AGL Testimony
Cc: debancha@yahoo.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Oppose~~
Testifier will be present: No
Submitted by: Debra Green
Organization: Individual
E-mail: debancha@yahoo.com
Submitted on: 3/12/2012

Comments:

In these times of increasing oil prices and factory farm defects, we should be encouraging small farmers--not restricting them. This bill will place undue burdens upon local food growers. Please oppose it.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 10:11 AM
To: AGL Testimony
Cc: colemel@kanalanifarm.org
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Oppose
Testifier will be present: No
Submitted by: Colehour Bondera
Organization: Kanalani Ohana Farm
E-mail: colemel@kanalanifarm.org
Submitted on: 3/12/2012

Comments:

Aloha Chair & Committee members:

As a small scale farmer in Honaunau, I hereby request that you recognize that this piece of legislation is not going to be helpful to any of us and will make the farming efforts of myself and my family much harder!

Please understand that this is not the time for this to go through, and request that it be re-written and re-considered in the future, if need be...

Please remember who this is about, since as farmers here we struggle at all levels, but more-so that we are ALL consumers and this will not improve our circumstances in any functional manner.

Sincerely,

Colehour Bondera

From: Charlie Kirchner [charliekirchner@gmail.com]
Sent: Monday, March 12, 2012 10:23 AM
To: AGL Testimony
Subject: opposition to HB 1947.

I am a member of the Hawaii Farmers Union United and I am in opposition to HB 1947.

Charlie Kirchner

Senior Citizen

Kahului, HI

Dave Luborsky
P.O. Box 838
Kula, HI 96790
808 205 2722
dluborski@gmail.com

To the house committee on agriculture,

I hereby ~~oppose~~ the language of HB 1947 as it is at present, and ask that it be replaced with the language from SB 2027.

Arguments:

1) Food safety certification needs to be shaped by scientists and growers who have experience on the ground, together. There is little evidence that the methods of small farmers represent risks to public health, much to the contrary, and the draconian measures that are being pushed for, for example by the leading figures in the Hawaii Farm Bureau, have little to do with protecting public health, but toe the party line of sterilization. The overuse of antibiotics in the medical industry is an example of how this does not work. Food safety on the farm depends on healthy crops and animals, not crops that are so weakened by overuse of synthetic chemicals, herbicides and pesticides that sterilization becomes the only way to stave off dangerous microbial outbreaks.

2) Though participation in the food safety certification would officially be a free choice, if insurance companies were to require any vendors or products at a given market to be food safety certified under HB1947 with its current language, which they very well would do, it would in effect require any vendor to acquire food safety certification. As this is a costly venture, small farmers would have more trouble making a living wage. What is needed is a food safety bill that represents common sense thinking and not the hidden agendas of large businesses alone.

Please create a viable and truly safe food safety certification that paves the way for a better future in both small and large agricultural operations.

Mahalo nui loa,

- Dave Luborsky
- Farm worker and landscaper



P • R • O • D • U • C • T • I • O • N • S

March 12, 2012

To: Hawaii State Legislation

Re: Bill HR1947

I am writing to **strongly oppose** Bill HR1947. In the last several years I have been involved with local farming and food production. Our company is positioned to launch more value added food products and are limited to adequate organic food sources.

I am a board member of two organizations (Maui Food Technology Center & Slow Food Hawaii) striving to promote local food production, while inspiring and promoting local food purchases from consumers. There are many factors involved, which I am acutely aware. I also represent a good amount of people wanting to strongly oppose HB1947. HB1947 puts a huge unnecessary burden on growers.

For one thing, HB1947 places a burden of reporting record keeping at a level not necessary for the limited risks and threats to food safety by local growers farming practices, most of which never have and never will produce unsafe food. This bill is outdated considering the current needs of growers. A new revised bill needs to be written with local grower representation present and involved.

Thank you for your consideration,

Aloha,

Susan Teton Campbell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 10:33 AM
To: AGL Testimony
Cc: starr@maui.net
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: ~~Oppose~~
Testifier will be present: No
Submitted by: Hugh Starr
Organization: Individual
E-mail: starr@maui.net
Submitted on: 3/12/2012

Comments:

Aloha Chair Nishihara and Senate Agriculture Committee Members:

I write in opposition to HB1947, which I understand will be heard by your committee for consideration tomorrow, Tuesday March 13, 2012. I am a current active member of the Maui County Farm Bureau. I am also a current active member of the Hawaii Farmers Union United. This legislation, as written, is not necessary at this time, as testimony on the Bill in the House Committees has been heard. In addition, were it to be adopted as currently written, there are concerns:

There is no provision for Rule making authority under HAR Chapter 91.

There is no provision for the required Funding to accomplish its mandate (revolving funds do not count)

I support the proposal to request that the Senate strip the existing wording in HB1947 and replace it with the wording of SB2927. That can be amended to accommodate revolving fundings, general funding or the ability to accept out side source funding (grants etc.)

Thank you for your consideration of these comments and thank you for your hard work!!
aloha, Hugh Starr, Makawao, Maui

From: Harriet Witt [harriet@passengerplanet.com]
Sent: Monday, March 12, 2012 11:25 AM
To: AGL Testimony
Subject: HB 1947

Dear legislators,

Our dangerous dependence on the mainland for our food means we need to support small local farmers - not agribusiness. HB 1947 will threaten small farmers and MUST be ~~opposed~~. I trust that you will think about our survival and vote to oppose this bill.

Mahalo, Harriet Witt

Aloha Chair and Honorable Committee Members;

As a farmer, I strongly oppose HB1947 HD1. There are too many places this bill could go wrong.

As a taro farmer and member of the Taro Security and Purity Task Force, voluntary certification or not, I know that taro farms would never pass the proposed audits under existing certification descriptions at the federal level – because taro farming does not fit any preconceived notions or descriptions of “generally accepted agricultural practices” under the USDA. This also applies to other traditional and indigenous agricultural practices in Hawaii and throughout the country. Who within HDOA or any agricultural agency or institution, including UH, is qualified to “audit and certify” taro farming or traditional agricultural practices? What certifier from the mainland would be qualified?

Would traditional agricultural practices and the multitude of organic practices being applied in Hawaii be included in, or waived from, “generally accepted agricultural practices” in this bill and “in accordance with Sect 147-112”?

Every farmer has his or her own practices that they have selected based on practices handed down to them and by trial and error to fit the place that they farm. In locations where soils have been destroyed by decades of bad agricultural practices, farmers are applying alternative practices to undo the damage and create successful bounty. This is the beauty of farming with the land rather than forcing the land to be something it’s not. Yet, the latter is the conventional agriculture model. Along with that model, is a set of conventional practices that are “accepted” by the industry; the very practices which have brought us to the point of soil poverty. That model is one of high dependency on federal subsidies (which come out of our tax dollars), farm loans and fossil fuels. Debt. The program proposed under HB1947 HD2 merely reinforces the cycle.

This year’s legislature has also been fraught with attempts to remove the public from observing or being part of decision-making by County and State bodies, particularly the Sunshine Law.

Section 7 (b) of this bill states “ The department shall adopt the generally accepted agricultural and management practices without necessity of compliance with chapter 91; provided that the department shall hold at least one public hearing in each county before adopting or materially revising the generally accepted agricultural and management practices. The determination of whether a proposal requires a public hearing shall rest exclusively with the department.”

Chapter 91 is the law that defines required public process for agencies. It was created out of the need for greater transparency in government. Chapter 91.3 *already allows for a waiver of public hearings under certain conditions*. In the case of HB1947 HD2 where an agency is being given the authority to define “acceptable agricultural practices” that will impact every farmer in this state, a waiver of compliance with Chapter 91 is inappropriate.

The bill also allows under Section 8 that "the [agricultural] department may also charge an amount necessary to cover all costs [~~of traveling expenses~~] for travel and extraordinary services when the performance of the services involves unusual cost in their performance." The bill does not spell out who are the "qualified certifiers." It does however, under Section 8 (b) allow the HDOA to contract with the USDA and its approved certifiers. Currently, HDOA is stretched thin with budget and staff cuts and does not have the capabilities, training or availability to take this additional work on. It does not even have the funds and staff to implement inspections and quarantines; a far more important program to be supported and implemented. HB1947 HD2 will mean an auditor and certifier will come from the mainland. The expense which can be billed to the grower will be tremendous and mean the disappearance of any margins of profit for small growers.

The Department of Health already oversees and implements standards of health for food safety. This bill is unnecessary and is an unnecessary burden on the HDOA and farmers throughout this state. The program it seeks to create serves only large agricultural industry who would rejoice at keeping small growers out of the market place, and threatens to remove viability of being a small farmer in Hawaii at a time when the legislature and state agencies should be doing everything they can to support their survival.

I urge you to kill this bill and allow farmers to continue to work with the HDOA and HDOH to implement existing food health and safety rules and programs.

Mahalo for this opportunity to testify.

Penny Levin
Wailuku, Maui

I am opposed to HB1947.

As a small farmer located on the island of Kauai I am alarmed by what would appear to be the misrepresentation by the Farm Bureau, Department of Agriculture, Mea Nakahata, and Rep Brian Tsuji, Chair of Agriculture Committee concerning the intent, funding, management, and effect on the small farmer of the above stated bill.

It would appear the concerns of people such as me are being ignored in the process of getting HB1947 through the labyrinth of the Legislative process. This is unjust, unwarranted and patently wrong.

The HB1947 is a violation of the agreements that were reached with the Food Coalition that included many stake holders other than Farm Bureau and Farmers Union. HB1947 exempts the DoA from Chapter 91 rule making protection, puts the total cost of funding on the farmers, despite the Food Modernization Act requirement that Farmers are to bear no cost in implementation of the Act.

The position of the Hawaii Farmers Union, of which I am a member, is if the Farm Bureau is willing to remove the current wording of HB 1947 and insert the wording of HB2065, (or SB2027) then the Hawaii Farmers Union is willing to move forward. Otherwise the HFU, and myself, will continue to oppose HB1947.

There is no need for this bill to be rushed through at the expense of fair representation and the thoughtful considerations of people such as I and the food consumers within the state of Hawaii. The majority of foods consumed by citizens of Hawaii are imported. To further impede the local production of food by small independent growers who historically have produced healthy, clean, and affordable products is unfair and in the wrong. To further encumber those primary producers makes those who have implemented and rushed through HB1947 responsible for the transgression of their duties as representatives of the citizens of Hawaii. Do the right thing . . .

Sincerely,

Joe Thomson, Kilauea, Kauai, Hawaii

Testimony on HB1947

Senate Hearing March 13, 2012

Senate Committee on Agriculture Room 229 2:50 PM

HB1947 NOT ACCEPTIBLE AS CURRENTLY WRITTEN:

The Hawaii Farm Bureau is not the only organization that represents farmers and agricultural interests in Hawaii.

The Hawaii Farm Bureau introduced HB1947 without any attention to the comprehensive efforts of the **Hawaii Farmers Union United** or other participants in the **Food Coalition**.

The Farmers Union met and collaborated with like agricultural interests during the summer and fall to craft a bill that met the needs of the Dept of Agriculture to accomplish the goals of creating GAPs (Good Agriculture Practices), educate farmers, and certify compliance to the GAPs without onerous paperwork and unmanageable fees for the farmer.

The final draft was **HB2965 and SB 2027**. These bills were offered to the Dept of Agriculture, and to the Farm Bureau prior to the beginning of the Legislative session.

HB1947 does not reflect the content or solutions found in these bills in any way. The HFUU input has been completely ignored. **I recommend that wording in HB1947 be replaced with the wording of SB2027.**

Slow down and take a look at The Food Coalition and HFUU contribution. The Dept. of Agriculture needs can be met without placing an undue burden on Hawaii's small farmers.

Pushing through legislation that drives small farmers out of business in Hawaii will:

- Force the price of fresh food higher,
- Limit the variety and availability of fresh and organic food,
- Increase our dependency on imported foodstuffs causing Hawaii to be generally less independent, and
- Kill off a growing offering of high quality local produce in Hawaii, affecting the health and well being of Hawaii's residents and visitors.

Thank you for considering my testimony.

Donn DeShayne
backyard gardener
HFUU member

2073 Kolo Pl.
Wailuku, 96793

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 1:24 PM
To: AGL Testimony
Cc: douglas@konahawk.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: Douglas Pittman
Organization: Individual
E-mail: douglas@konahawk.com
Submitted on: 3/12/2012

Comments:

This bill does nothing to support or promote sustainable farming or food independence and seeks to fix something that is NOT broken, get to work on helping agriculture, not putting more costs and restrictions on the backs of farmers already burdened with competing with cheap and low quality mainland food.

nishihara1 - Danille

From: Laureen Elizabeth [laureenelizabeth1@gmail.com]
Sent: Monday, March 12, 2012 12:50 PM
To: AGL Testimony
Cc: laureenelizabeth1@gmail.com
Subject: HB 1947

I am a member of Maui Farmers Union United. After reading about HB 1947, I strongly oppose the bill and the political manipulations to bring it forth. Please substitute the language of SB 2027 that more fairly represents the interests of farmers in Hawaii.

Aloha, Laureen Elizabeth

Aloha,

I'm in opposition of HB 1947.

We have been eating farm fresh foods for thousands of years. Why is it that now it is unsafe?

Please, much effort and thought has been brought fourth, in the language of SB2027.

Please Insert the language of SB2027.

Thank you Kindly for Hearing my concerns.

Mahalo

Melissa Ebeling

MFUU Board Member

Local Artist

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 7:49 PM
To: AGL Testimony
Cc: PSGMikilua@aol.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Phyllis Shimabukuro-Geiser
Organization: Mikilua Farm Bureau Center
E-mail: PSGMikilua@aol.com
Submitted on: 3/12/2012

Comments:

We support this bill because it is voluntary. We request the certification process under Department of Agriculture recognize existing Industry Quality Assurance Plans and Animal Care Quidelines.

Mahalo for the opportunity to submit our comments.

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 7:48 PM
To: AGL Testimony
Cc: wrmeyers@bright.net
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Oppose
Testifier will be present: No
Submitted by: William Meyers
Organization: HFUU
E-mail: wrmeyers@bright.net
Submitted on: 3/12/2012

Comments:
More regulations means higher food costs....

nishihara1 - Danille

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 7:45 PM
To: AGL Testimony
Cc: enlivenyourspirit@yahoo.com
Subject: Testimony for HB1947 on 3/13/2012 2:50:00 PM

Testimony for AGL 3/13/2012 2:50:00 PM HB1947

Conference room: 229
Testifier position: Oppose
Testifier will be present: No
Submitted by: Mary Higgins
Organization: Hawaii Farmers Union United
E-mail: enlivenyourspirit@yahoo.com
Submitted on: 3/12/2012

Comments:

This is above and beyond what is necessary for small farming operations to be under such burden to be forced into more regulations and reports. This is a time to be supporting healthy local community food growers and not making them produce more evidence of their already above main stream standards...

Aloha

My name is Jill Andrade-Mattos a life long rancher and cattle producer on Hawaii Island and I strongly support HB1947 authorizing the Department of Agriculture to adopt Generally Accepted Agricultural Management Practices for the State of Hawaii.

On my my ranch and in my business it is my experience that adopting a single set of guidelines proves easier for farmers and ranchers to understand. Many years ago when we were caught between State and Federal inspectors at our slaughterhouse facility we had nothing but trouble and headaches that left us caught between conflicting laws. For example a State inspector would come in and say place cardboard on the cooler floor, then the federal inspector would come out and ask why were were doing that and ask us to remove it...Who do we trust!

When we began our journey through the HAACP process I was fearful and felt it might be easier to just quit rather than deal with yet another set of regulations...

However the HAACP plans allow the producer to asses their own critical points and develop a plan that works for their individual facility....This type of grass roots planing for food safety WORKS and it not only protects the consumer sit protects the producers and their business. Requiring a farmer to produce his own plan, allows him to buy into the process and with offering assistance and models farmers with refine their plans and tweak them as their business evolves....You cannot successfully force regulation down peoples throats but you can create a working relationship that allows independent agriculture producers methods to ensure that their producing & delivering the safest fresh produce possible.

A single certification process is a must for agriculture to flourish in Hawaii. were small and our resources are stretched this as is...We cannot have competing regulatory agencies with overlapping rules causing confusion and frustration as business it tough enough as is; further complications will cost us our producers who are already on the fence.

Mahalo for the Chance to submit testimony!