

HB 1947, HD 2

Late
Testimony

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

LATE

H.B. 1947, HD2 , RELATING TO AGRICULTURE

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

March 13, 2012
2:50 p.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

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

3 Thank you for the opportunity to testify.



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LATE

March 13, 2012

Thanks you allowing me to share a testimony on Bill HB 1947.

It has been an endeavoring effort to correct or come into agreement with Hawaii Farm Bureau Federation and Hawaii Farmers Union United with the language of this particular bill.

Our organization that hears the small family farmers which makes up 85% of the family farmers that are working to save their pride and workmanship to grow better food for the people of the Hawaiian Island and partakes of the Aina on Hawaii.

Our request to make a bill that will govern over the family farmers and others will be more acceptable and received to the individual family farmers if it read, as the following: Now this is for the farmers that actually grows food crops and wants everyone to know that they are not trying to get anyone sick or even cause death in any family. They just want people to enjoy the good quality of life flavors that comes from GAPS.

THE SENATE
TWENTY-SIXTH
LEGISLATURE,
2012
STATE OF HAWAII

S.B. 2027
NO.

A BILL FOR AN ACT

RELATING TO HAWAII GOOD AGRICULTURAL PRACTICES.

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

SECTION 1. Hawaii's farms and farmers reflect the heritage and diversity of many cultures and people. They are the cornerstones of the State's goals for food security, sustainability, and self-sufficiency and are essential for producing local food for local consumption.

The number of small farms in Hawaii has grown substantially during the last ten years, reflecting a changing agricultural model from plantations to smaller farms with diverse cropping and marketing systems that create new local food sources and significantly increased employment. There is also a renewed interest in school gardens and in children being able to eat and enjoy the food they grow, contribute to their school cafeteria system, and learn economic, science, and cultural lessons through an agriculture-based curriculum.

These trends necessitate the development of Hawaii good agricultural practices that are science-based guidelines to reduce the potential for food product contamination on farms. The guidelines would provide support for farm practices regarding field management, proper hygiene, water quality for irrigation and produce rinse, agricultural chemicals, and the use of animal manure.

At the national level, the Food Safety Modernization Act of 2011 authorizes the Food and Drug Administration to develop science- and risk-based criteria for preventing food borne illnesses and encourages states to establish similar intra-state criteria for the safe

production, distribution, and consumer handling of food.

The Hawaii Constitution mandates both the preservation and protection of agricultural resources. However, the department of agriculture's use of existing third party food safety certification audit systems is costly and impractical for many of Hawaii's farmers. The current food safety procedure has reduced farmers' access to local markets, thereby reducing local consumers' access to local produce, and possibly discouraging the development of farms that create food sustainability for the State. It also prevents children from having reasonable access to school gardens and undermines government programs that encourage food self sufficiency and economic development.

The purpose of this Act is to establish a Hawaii good agricultural practices program for farms growing local agricultural food products.

SECTION 2. Chapter 147, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§147- _____ Hawaii good agricultural practices program. (a) There is established the Hawaii good agricultural practices program to be administered by the department of agriculture. The purpose of the program is to develop and support good agricultural practices for Hawaii farms growing agricultural food products.

(b) Notwithstanding any provision of law to the contrary, the Hawaii good agricultural practices program shall:

(1) Develop science- and risk-based good agricultural practices that reasonably reduce the potential for on-farm food borne illness and include specific considerations and methodologies for farm sizes, practices, techniques, materials, and crops;

(2) Develop and implement programs to educate and train Hawaii farmers to learn and implement good agricultural practices in a cost-effective and efficient manner;

(3) Provide procedures for voluntary verification of on-farm implementation of good agricultural practices and subsequent issuing of state compliance certification; and

(4) Develop a consumer information program for publication and broadcast to teach home practices for the treatment and handling of fresh and processed agricultural food products.

(c) The department shall consult as necessary with the department of health, the University of Hawaii college of tropical agriculture and human resources, and other state and federal agencies to develop and implement the Hawaii good agricultural practices program.

(d) The department may adopt rules under chapter 91 to facilitate the implementation of this section."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2012-2013 for the implementation of the Hawaii good agricultural practices program.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2012.

INTRODUCED _____

BY:

Report Title:

DOA; Hawaii Good Agricultural Practices Program; Appropriation

Description:

Establishes the Hawaii good agricultural practices program. Makes an appropriation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Or better accepted is

HOUSE OF REPRESENTATIVES
H.B. NO.1947 SD1

TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII
A BILL FOR AN ACT

RELATING TO AGRICULTURAL PRACTICES.

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

SECTION 1.

diversity of many State's goals for and are essential

The number of small farms in Hawaii has grown substantially during the last ten years, reflecting a changing agricultural model from plantations to smaller farms with diverse cropping and marketing systems that create new local food sources and significantly increased employment. There is also a renewed interest in school gardens where children learn economic, scientific, and cultural lessons through an agriculture-based curriculum.

The importance of agriculture to the State is reflected in article XI, section 3 of the state constitution. Agriculture not only provides food and other basic needs to society, but has also proven to be an economic engine supporting the State. Agriculture provides the basis for increased self sufficiency, which is important to an island state.

New risks constantly arise, which threaten Hawaii's farmers' rights to farm which, therefore threaten the States' goals for food security and self-sufficiency and must be addressed.

The agricultural industry has recognized that there are practices that if performed correctly, can result in good stewardship of the land, safe products for the consumer and protection for farmers from encroaching societal demands. These practices, known as generally accepted agricultural and management practices (GAAMPs) and good agricultural practices (GAPs), are written and adopted to provide uniform, statewide standards and acceptable farm management practices. GAAMPs define standards for daily farm practices such as sound animal welfare, worker health, environmental and conservation practices, chemical, fertilizer and manure storage and use, tillage and irrigation. GAPs define science-based guidelines for on-farm prevention food borne illnesses such as field management, proper hygiene, water quality for irrigation and produce rinse, agricultural chemicals, and the use of animal manures.

The purpose of this Act is to establish a Hawaii generally accepted agricultural and management practices (HI-GAAMPs) and good agricultural practices (HI-GAPs) good agricultural practices program for farms growing local agricultural food

products for local consumption by, among other things:

(1) Requiring the department to adopt generally accepted agricultural and management practices and good agricultural practices programs;

(2) Hawaii's farms and farmers reflect cultures and people. They are the food security, sustainability, and for producing local food for local the heritage and cornerstone of the self-sufficiency consumption.

Authorizing the department to establish a program to audit verify and certify that producers are following the generally accepted agricultural and management practices and good agricultural practices; and

(3) Establishing the agricultural practices audit and certification revolving fund to establish and maintain the generally accepted agricultural and management practices and good agricultural practices programs.

SECTION 2. Chapter 147, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"" §147-

*__ Hawaii generally accepted agricultural and management practices (HI-GAAMPs) and Hawaii good agricultural practices (HI-GAPs) programs**

__(a) There is established the Hawaii good agricultural practices program to be administered by the department of agriculture. The purpose of the programs are to develop and support agricultural practices for Hawaii farms that grow agricultural food products for consumption by the public.__

__(b) Notwithstanding any provision of law to the contrary, the Hawaii good agricultural practices program shall:__

__(1) __ Develop science- and risk-based good agricultural practices that reasonably reduce the potential for on-farm food borne illness and include specific considerations and methodologies for farm sizes, practices, techniques, materials, and crops;__

__(2) __ Develop and implement programs to educate and train Hawaii farmers to implement good agricultural practices in a cost-effective and efficient manner;__

__(3) __ Provide procedures for low-risk farms to provide for voluntary verification of on-farm implementation of good agricultural practices and

subsequent issuing of state compliance certification; and

(4) Develop a consumer information program for publication and broadcast to teach home practices for the treatment and handling of fresh and processed agricultural food products.

(c) (b) Notwithstanding any provision of law to the contrary, the Hawaii good agricultural practices program shall:

(1) Develop science- and risk-based generally accepted agricultural and management practices that...insert gaamp info here

The department shall consult as necessary with the department of health, the University of Hawaii college of tropical agriculture and human resources, other state and federal agencies, and small farmer stakeholders to develop and implement the Hawaii good agricultural practices program.

(d) The department may adopt rules under chapter 91 to facilitate the implementation of this section."

SECTION 3.

insert here funding for program



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PO Box 1098, Waialua, HI 96791

Ph: (808) 389-6255 <bigwavetomatoes@gmail.com>

To: Senate Committee on Agriculture

**RE: HB 1947 HD-2 HEARING, Tuesday, March 13, 2012,
2:50 pm, Conference Room, 229**

LATE

STRONGLY OPPOSE

Aloha Committee Chair and Committee Members,

13 March, 2012

My name is Jeanne Broderick Vana, small family farm business owner, member and Board Officer representing The Waialua Farmers Cooperative where over 60 other farmers who work cooperatively together as independent farmers on 150 acres of farmland. We continue to STRONGLY OPPOSE this bill.

For the following reasons:

Hawaii has an existing Right-to-farm law that addresses Good Agriculture and Management Practices, Requests for variances under FSMA, Federal law, can be pursued through our existing program, HB 1947 was improperly labeled a Food Safety Bill, it is not and it is misleading, The Governor and HDOH Gary Gil, stated no passage this legislative session, There is no educational content; assurance for safe food comes from washing just prior to preparing, One public hearing for the rule making is impractical and unreasonable.

Why?...At the National level, participating in the Produce Safety Alliance Working Committees for the National Program through Cornell University, stakeholders across the nation have been hard at work, meeting monthly via teleconference calls since May 2011, updating GAPs, Good Agricultural Practices to help meet FSMA, whereby, we have almost two more years to go.

I am also part of the Working Coalition Group in Hawaii with HFUU, HFBF, HDOA, HDOAH, CTAHR. I have repeatedly extended an Olive Branch to collaboratively find a solution to writing legislation however fellow Ag Producers on the Big Island, members of HFBF including West Oahu County Farm Bureau and other independent farmers on Oahu and Maui, all continue to strongly oppose legislation at this time. Noteworthy:, many have expressed fear of retaliation that could impact their future livelihood by perspective CTAHR & HDOA inspectors as well as HFBF, hence why I must speak in this early legislative process, for those that feel they cannot. Regardless, I too fear a degree of retaliation, but believe in our constitutional right to freedom of speech and trust that my professional relationships are based on mutual respect to our own opinion.

I have been a member of the Hawaii Farm Bureau Federation for over 15 years and **support, their internal policy for the “development of science based, voluntary food safety certification that can be used as a marketing advantage and reduced risk associated with insurance policies”.** This could be a new source of revenue for HFBBF, to contract doing the farm audits.

To date, I've been told by my insurance agent, Food Safety Certification has no impact on my insurance policy nor been rewarded by a policy discount for complying to a third party audit, December 2009.

In fact, it is deceptive to claim that one's products are FOOD SAFETY CERTIFIED. No guarantee can be implied and I am appalled by the resulting divisiveness occurring from the improper use to obtain a competitive marketing advantage. **Let me explain how a Voluntary program can work....**

My year being certified in 2010 due to an agreement made by Farm Bureau with Kapiolani Community College, resulted in a financial loss to my company. I would have to raise my prices in 2012 by 20 percent to afford to comply with the remaining 364 days of the year, hence unable to renew as it is a cost burden to my operation. Again **I support HFBBF expressed intent, “don't want to create a multi-layered regulatory framework that places undue hardship on producers”.**

Regardless, the requirement for farmers to “voluntarily” become certified is a very short list, few Costco farms and a few that service big retailers. Mostly the list is comprised of farms caught in the creation of a market- driven demand at the farmers market level, for which FSMA provided an exemption for. Regardless, direct sales farms, with the least risk, but captures the most farms, must be 3rd party food safety certified, due to a March 2012 **mandate** in order to participate in HFBBF KCC Saturday Farmers market. **So either volunteer to become certified or stop selling your crop at KCC.**

KCC deadline dates have been repeatedly pushed back, too slowly accommodate more buy-in time for 50% of farmers to conform who are otherwise slated to stop selling there. Many of us vendors, who met the original December 2009 deadline, got certified and since will not renew as it is hardship. **Had we not been cooperative to comply in 2009, we would likely not be facing unnecessary program re-work and the loss of sales for this upcoming year,** as after the fact, we were given a new deadline.

In fact, those KCC vendors that did not or cannot now get certified, now have the competitive marketing advantage (over those that followed instructions to get certified in 2009, who now can't afford the program to renew), rewarding farms that waited as they found a hole in the distribution system that allows them to sell their uncertified product at KCC, provided the KCC vendor is food safety certified! The rules keep changing demonstrating one marketing advantage that displaces the products of HFBBF members & now favors non-Farm Bureau members produce to be distributed at a farmers market that will promote itself as the source for Food Safety Certified Produce!

This scenario repeats as non certified produce is allowed to be distributed to retailers, provided the wholesaler is certified. This program supports big industry and squeezes out the small farmers.

LATE

Watanabe Vegetable Processing LLC

March 13, 2012

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB1947 HD2
RELATING TO AGRICULTURE

Room 229
2:50 PM

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

My name is Heidi Watanabe and I am the manager of Watanabe Vegetable Processing LLC. I strongly support HB1947 authorizing the Department of Agriculture to adopt Generally Accepted Agricultural Management Practices for the State of Hawaii.

On our farm, and in the processing plant we have implemented many Good Manufacturing Practices, but we have trouble meeting all the criteria. It is expensive, time consuming, and there are constant changing rules.

Currently, our company is getting ready for a recertification with Primus Labs. The trouble is many buyers are requiring different certification documentation. A single standard would help myself and other fellow farmers from multiple audits.

On our farm, we produce about 1,200 pounds of green onions a week, as well as 120 cases of baby and regular pak choy. We also have a processing plant in which we cut vegetables for the schools, airlines, and restaurants. We employ 9 full time workers. Our hope for the future is to grow in our field of farming and processing and providing and excellence of product and service to our consumers. My brother and I believe the future lies in us as young farmers and the most important help we need from the State is to relieve us from excessive regulatory burdens. We know rules are needed but when the complexity gets in the way of our ability to operate, there is no winner. There are many like us out there. Please pass this bill to support farmers and ranchers increase local production at competitive prices while protecting our environment and workers.

Thank you.