

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
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LATE TESTIMONY

TESTIMONY OF RUSSELL KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEES ON AGRICULTURE AND ECONOMIC
REVITALIZATION & BUSINESS
FRIDAY, MARCH 15, 2012
Room 312
10:00 A.M.

SENATE BILL NO. 2375 SD3
RELATING TO AGRICULTURAL-BASED COMMERCIAL OPERATIONS

Chairpersons Tsuji and McKelvey and Members of the Committees:

Thank you for this opportunity to provide testimony on Senate Bill No. 2375 SD3 which proposes to amend references to roadside stands in Chapter 165, the Hawaii Right-to-Farm Law, and in Sections 205-2 and 4.5, the State Land Use Law with a three-tiered definition of agricultural-based commercial operations. The Department of Agriculture supports the intent of the bill but has some concerns.

The Department is agreeable to allowing roadside stands to sell agricultural products grown in Hawaii and value-added products produced using raw Hawaii agricultural materials, understanding that this would also require Department of Health (DOH) oversight. However, other proposed retail activities, such as the selling of logo items, are more difficult to align with the Department's goal to perpetuate agriculture and therefore difficult to enforce compliance.

Thank you for the opportunity to present testimony.



hashem3 - Casey

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 15, 2012 4:11 PM
To: AGRtestimony
Cc: daunna@lava.net
Subject: Testimony for SB2375 on 3/16/2012 10:00:00 AM

LATE TESTIMONY

Testimony for AGR/ERB 3/16/2012 10:00:00 AM SB2375

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: andrew charles yanoviak, aia,apa,csi
Organization: Individual
E-mail: daunna@lava.net
Submitted on: 3/15/2012

Comments:

State should Not be Involved in County Planning, Zoning and Permitting Matters! Former City Councilpersons in the Senate should be aware of the Dangers of such Regulatory Intermingling! I'm Surprised to Learn of the Individuals Involved in such Lame Proposals!

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

LATE TESTIMONY

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LATE TESTIMONY

March 16, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

TESTIMONY ON SB 2375, SD3
RELATING TO AGRICULTURAL BASED COMMERCIAL OPERATIONS

Room 312
10:00 AM

Chair Tsuji, Chair McKelvey and Members of the Committees:

I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison 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.

Hawaii Farm Bureau Federation supports with amendments SB 2375, SD3, defining the scope of farm stands in the agricultural district.

Farm stands and other retail sales are significant revenue enhancing opportunities for our farmers and ranchers. The existing law has created some challenges for our existing farmers and ranchers who are conducting true farm stands in agricultural areas.

Many of our farmers have multiple lots on different TMKs. The existing law only allows sale of "products grown on the premise". This limits the opportunity of the farm stand as if followed literally, they would not be able to sell all of the products they grow. At the same time, we have many "farm stands" selling product not grown in the County or Hawaii. We do not believe this is the intent of this amendment. Broadening the scope of the language to "raw Hawaii agricultural products" may be too broad, encouraging farm stands that are unrelated to actual agricultural activity. We therefore submit the following suggestions.

(13) Agricultural-based commercial operations, operated in by the producer-owner or their agent, including:

- (A) A producer-operated and owned roadside stand, that is not an enclosed structure, for displaying and selling fresh agricultural and value-added products that were grown in the County that they are being displayed or sold;
- (B) Retail activities in a producer-operated and owned enclosed structure where fresh agricultural products grown in the County, value-added products produced using products made from agricultural materials grown in the County, logo items related to the producer's agricultural operations, and other food items are offered for sale directly to consumers; and
- (C) A retail food establishments permitted under the rules of the department of health, title 11, chapter 12, Hawaii Administrative Rules, that prepares and serves food at retail using products grown on the premises and raw Hawaii agricultural products, and value-added products produced using Hawaii agricultural products; the final perishable product must be wholly or partially manufactured, processed, or produced within the County from raw materials that originate from inside or outside the County and at least fifty-one per cent of the wholesale value of the perishable consumer commodity is added by manufacture, processing, or production within the County.

The language in (c) is modified from the "Made in Hawaii" statute. We modified it to read "county" since it is our intent of this measure is to encourage farm and ranch viability within the county in which the farm stand is located and not to encourage sale of products solely from outside of the county. The use of the producer-owner is to ensure that these operations are done in direct connection with a farm or ranch growing or raising some of the products on sale.

Item (c) would allow sale of ready to eat foods produced using products grown in the county providing locals and visitors a unique experience while providing an additional revenue source.

Enforcement of these laws is usually the challenge and HFBB is especially concerned about unintended consequences of allowing other types of retail activities. We therefore suggest the following language that requires self-certification of goods sold and provides significant penalties for violation.

The owner of the farm or retail establishment shall certify that the products can be evaluated determine that the raw agricultural products were grown in the County and that information may be requested to verify that the agricultural product meets the minimum specifications under this Chapter. The producer-owner of the retail food establishment shall provide proof of permitting upon request. Under this provision, the producer(s) certifies under penalty of

sanctions that the offered agricultural product meets the requirements of this chapter.

We recognize the hesitancy of the counties in passing this measure, as abuses have been known to occur. The amendments are suggested to address their concerns. Allowing "raw Hawaii agricultural materials" will make certification difficult as one will need to demonstrate that the product was truly grown in Hawaii. This certification within the County should be reasonable. New food safety laws may also require that the farm name and address on which the product is grown be on the packaging or in clear display.

HFBF respectfully requests passage of this measure with the amendments as suggested. We strongly believe farm stands and other on farm retail opportunities will increase the viability of our farmers and ranchers but also realize there is great opportunity of abuse. We feel, however, with adequate self-certification requirements that do not overly burden the County of enforcement responsibilities, the intended goal of this measure can be accomplished without significant unintended consequences.


**Hawaii
Aquaculture &
Aquaponics Association**

LATE TESTIMONY

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THE HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON AGRICULTURE
Representative Clift Tsuji, Chair
Representative Mark J. Hashem, Vice Chair

COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS
Rep. Angus L.K. McKelvey, Chair
Rep. Isaac W. Choy, Vice Chair

DATE: Friday, March 16, 2012
TIME: 10:00 a.m.
PLACE: Conference Room 312
State Capitol
415 South Beretania Street

RE: Testimony in strong support of SB 2375 SD3 RELATING TO AG-BASED COMMERCIAL OPERATIONS

Aloha Chairs Tsuji and McKelvey, Vice Chairs Hashem and Choy, and Committee Members:

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing Hawaii's aquaculture and aquaponics industry statewide, strongly supports SB 2375 SD3. This bill defines agricultural-based commercial operations and authorizes agricultural-based commercial operations in agricultural districts. Includes agricultural-based commercial operations under the definition of "farming operation" in chapter 165, Hawaii Revised Statutes.

Approval of agricultural-based commercial operation in agricultural districts would provide the opportunity for farm or ranch income diversification and the general public to gain direct access to farm products and value-added agricultural products, and in many cases first-hand exposure to farm production. This in turn would help to reconnect the general public with the agricultural community and to provides them with a better understanding of where their food come from and how good and nutritious farm fresh products are.

The HAAA therefore respectfully requests the House Committee on Agriculture to pass SB2375 SD3 for the benefit of Hawaii's farmers and ranchers who may wish to consider this option for farm or ranch income diversification, and for the agricultural and "farm fresh food" education of the general public.

Thank you for the opportunity to comment.

Ronald P. Weidenbach
HAAA President