

# **SB 326**

## Testimony



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

BEFORE THE SENATE COMMITTEES ON AGRICULTURE  
January, 29, 2013  
Room 229  
2:45 P.M.

SENATE BILL NO. 326  
RELATING TO AGRICULTURE

Chairperson Nishihara and Members of the Committee,

Thank you for this opportunity to provide testimony on Senate Bill 326 relating to agriculture. Unfortunately, I will not be able to represent the Department of Agriculture at the hearing today. This is due to my responsibilities as Chair of the Board of Agriculture to convene the Board of Agriculture meeting which has been planned for many weeks to address several important issues that require board action.

This bill creates and appropriates funds for a good agricultural practices task force to develop food safety guidelines for locally farmed products. The department supports this bill and offers comments.

On January 16, 2013, the U.S. Food and Drug Administration (FDA) published in the Federal Register the proposed regulations on Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption, which identifies science-based minimum standards for the safe growing, harvesting, packing and holding of produce of farms. The FDA also published the proposed regulations on Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food, which applies to facilities that manufacture, process, pack or hold human food.



The department respectfully requests that the task force also include representatives of the wholesale distribution, manufacturing, retail, hotel and restaurant industries to provide a wider scope in addressing farm-to-consumer food safety issues, and also to emphasize that the efforts be statewide to meet with farmers in their communities. In all likelihood, the expertise of an experienced facilitator will be required. We would be pleased to work with appropriate staff to develop a proposed budget for this effort.

Thank you, again, for the opportunity to submit testimony on this measure.



LAND USE RESEARCH  
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January 23, 2013

Senator Clarence K. Nishihara, Chair  
Senator Ronald D. Kouchi, Vice Chair  
Senate Committee on Agriculture

**Support of SB 326, Relating to Agriculture (Creates and appropriates funds for a good agricultural practices task force to develop food safety guidelines for locally farmed products).**

**Tuesday, January 29, 2013, 2:45 p.m., in CR 229**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission 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 SB 326** 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 to establish a task force in order to mitigate the risks involved in food production by identifying good agricultural practices and preventative measure guidelines to ensure safe food throughout the State's agricultural industry and the farm-to-consumer food supply system.

**SB 326.** This bill authorizes the establishment of a good agricultural practices task force to identify good agricultural practices and preventative measure guidelines in the food supply system to improve the overall safety of locally grown food.

**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 a good agricultural practices task force which is needed to help the State's agricultural industry identify good agricultural practices and preventative measure guidelines in order to meet food safety objectives and standards, and effectively comply with any applicable governmental rules, regulations and guidelines.

LURF understands that such a task force and the practices and guidelines established thereby are necessary on a local level in order that the State may, amongst other things, improve the overall safety of locally grown food, and ensure that local food safety regulations and certifications conform to governmental and other uniform requirements and standards.

This push toward good practices and acceptable measures of agricultural safety which are transparent to all is needed in Hawaii. Establishment of the task force will provide a practical means for the State to support agriculture, and will assist the State in its effort to attain increased food self-sufficiency and sustainability.

Based on the above, LURF **supports SB 326**, and respectfully urges your favorable consideration of the bill.

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

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**Cc:** [akaai2674@hotmail.com](mailto:akaai2674@hotmail.com)  
**Subject:** Submitted testimony for SB326 on Jan 29, 2013 14:45PM  
**Date:** Monday, January 28, 2013 10:42:44 AM

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**SB326**

Submitted on: 1/28/2013

Testimony for AGL on Jan 29, 2013 14:45PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mauna Lani's Goats	Lani's Goats	Support	Yes

Comments: We run and operate a goat distribution facility in central Oahu. An ideal location and we are established on privately owned lands distributing thousands of island grown grassfed goats each year. Providing employment to our workers- ranchers- and cowboys and supplying an awesome food source "delicacy" for thousands of hawaii's people. However- we dont bother anyone yet out 2 neighboring squakers and stalkers are determined to stop our distribution operation. The Newtown Association have complained that we are in violation of their codes and covenants claiming that we have non-domesticated farm animals in kennels. Yet we have hundreds running around on property because our property is part of a forest and mixed zoning urban/conservation exists surrounded by Agriculture. The association claims we are in violation. This kind of mentality jeopardizes the efforts of new laws and wastes legislatures efforts and times. Perhaps a fine should be implemented to those who contradicts our states efforts in sustaining agriculture. I support this bill and any other bills that will help to ensure Hawaii's food safety and help to utilize our islands resources. Lani Kaaihue Lani's Goats Located in Waimalu Valley-Aiea [www.waimaluvallyranch.com](http://www.waimaluvallyranch.com) 808-852-9663 Yee- Haw!!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Charles Michael Struwe**  
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**SB326**  
**A BILL FOR AN ACT RELATING TO AGRICULTURE**

**Good Agricultural Practices Task Force; Food Safety; Appropriation (\$)**

**Creates and appropriates funds for a good agricultural practices task force to develop food safety guidelines for locally farmed products.**

**Senate Committee on Agriculture**  
**Hearing**  
**Tuesday, January 29, 2013**  
**2:45 pm.**  
**Conference Room 229**  
**State Capitol**  
**415 South Beretania Street**

**I strongly support the stated purpose of this Act (SB326), which is: “to mitigate the risks involved in food production by establishing a task force to identify good agricultural practices and preventive measure guidelines to ensure food throughout the farm-to-consumer food supply system,” and I support with suggested changes the membership of the proposed task force.**

Aloha Chairman Nishihara and members of the Committee:

First, I wish to thank the Senators who introduced this bill: Senators Galuteria, Kahele, Keith-Agaran, Nishihara, and Solomon and to thank you, Mr. Chairman, for choosing this bill to be heard at your Committee's first hearing, and for choosing to here it first.

While I strongly support the stated purpose of this Act (SB326), I believe that the focus of this task force needs to be the U.S. Food and Drug Administration's Good Agricultural Practices, and, therefore, that this task force needs to be led by the Director of the Department of Health and the Dean of the University of Hawaii's School of Medicine and needs to include scientists in the fields of Medicine (nutrition, disease transmission and mitigation and microbiology), Agroecology, Economics,

Consumer Behavior, and Learning (ie. knowledge acquisition) as well as many, many more farmers – representatives from each of the major food groups at the very least..

My belief comes from my own practice as a crop producer and from my reading of the results and the opportunities to facilitate adoption of FDA's GAPs included in the Report on Growers' Understanding and Implementation of FDA's GAPs Guidance - Mental Models Research Project. FINAL REPORT, published in June 2010. [Please note that a summary of this report is available at <http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/FruitsVegetablesJuices/FDAProduceSafetyActivities/ucm218562.htm> and a PDF version of the report is available at: <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/FruitsVegetablesJuices/FDAProduceSafetyActivities/UCM218641.pdf>. I last accessed this report January 28, 2013]

According to the summary of the report, the results for the “**Awareness and Understanding of the FDA GAPs Guide**” are:

“This research identified substantial differences among Growers in terms of awareness and knowledge of the FDA GAPs Guide. Most of the Growers interviewed for this study were familiar with and apply some kind of GAPs, but not necessarily those of the FDA GAPs Guide. Some Growers confused FDA’s authorship of the Guide with that of USDA, and a few said they were unfamiliar with it. Growers were generally aware that the federal government (FDA and/or USDA) are promoting GAPs; however, they believed that the key drivers of GAPs development and adoption are large-scale produce buyers, state governments and industry associations, all of whom tend to have their own GAPs standards and guidelines.

“When Growers were asked to identify their primary source of information related to GAPs, none spontaneously mentioned FDA or the Guide. Growers said that they prefer to seek information and support on GAPs adoption through agricultural extension agents and university experts (primarily for Florida Tomato Growers), private auditors and consultants, professional or trade associations, and/or commodity groups. Results from the Trainers and Auditors interviews, as well as from previous research, suggest that smaller growers: a) have less familiarity with formalized GAPs; b) are generally less proactive in seeking information on GAPs; and c) rely heavily on the agricultural extension agencies for information on food safety.”



Trainers and Auditors had a detailed understanding and appreciation of the FDA GAPs Guide. However, they said that they generally rely on and communicate GAPs information from other sources (Cornell University, for example), preferring a format that they feel is more accessible and relevant to growers. Trainers and Auditors believed FDA's role is to focus on scientifically-supported GAPs development; their own role is to find ways to effectively communicate that information to growers and support growers' adoption of GAPs.

Buyers generally had detailed understanding of the FDA GAPs Guide. However, they believed that FDA's Guidance lacks specificity, accessibility and relevance to farming operations and broad stakeholder buy-in that they felt was necessary to make GAPs adoption practical, relevant and aligned with their own food safety needs. Buyers cited other programs, such as the California Leafy Greens Marketing Agreement (LGMA), as an appropriate model for future development of produce-specific guidance because it is a broadly accepted GAPs program.

Interviewees in all cohorts commented that they would like FDA to conduct further research that will lead to more produce-specific and scientifically-supported GAPs. While they viewed FDA Guidance as providing a technically sound basis for GAPs, they believed that universities, extension offices, and private companies have the long-standing, in-depth relationships with growers that are needed to motivate, communicate and support growers in their GAPs adoption.

According to the summary of the report, the "**Attitudes Regarding Food Safety and Risk Prevention**" are:

This research suggests that Growers' current food safety goals and activities are driven primarily by customer expectations and buyer requirements and, to a lesser degree, by regulations, concern for legal or financial liability resulting from a contamination event, and moral obligation to protect people's health. The research, however, also suggests that the food industry (including growers and buyers) is interested in promoting a broader and more integrated "food safety culture," by encouraging more proactive food safety attitudes and behavior among growers.

Large-scale Growers recognized the value of adopting GAPs programs (generally and not specifically the FDA's GAPs Guidance). However, they believed that certain GAPs and related audits are onerous and/or unproductive, and they did not always see the value of GAPs in terms of real risk reduction on the farm. They were frustrated by the inconsistency in the GAPs

Guidance and other standards across government and industry. They believed these guidelines should extend to other players in the food system, including retailers and suppliers. They would like more uniform and specific standards of performance than what the current guidelines contain, and specifics on how GAPs should be implemented.

The research suggests that smaller-scale Growers may not see the value in adopting GAPs, largely because they do not see the public health need to change “what they’ve always been doing.”

According to the summary of the report, the **“Opportunities to Facilitate Adoption of GAPs”** cited include:

“Most of the Growers interviewed in this study were motivated to implement GAPs in order to meet customers’ expectations and to protect their own financial interests. For these Growers, the transition to GAPs as a legal requirement appears to be largely achievable and even welcomed because they want all Growers to share in the costs of providing safe food and because an outbreak caused by one grower affects the entire industry.

However, results of this research and previous research suggest that a regulatory requirement to implement GAPs will present a real or perceived financial challenge for smaller-scale Growers. Trainers indicated that growers struggle in the early stages of GAPs awareness and implementation. They believed that growers on farms without formalized GAPs programs need training to help them recognize the need for GAPs programs and to become more knowledgeable about specific GAPs practices. Once they understand what they need to do, they believed the growers will need support in developing and initially implementing GAPs programs specific to their farms. The research suggests that once implemented, GAPs programs can become accepted and embraced on the farm.

Over the course of the interviews, Growers, Trainers and Auditors, and Buyers, suggested a number of potential opportunities for FDA to help implement the adoption of the FDA GAPs Guidance. These opportunities included:

- Clarifying FDA’s role and responsibilities in promoting food safety, including its relationship with other regulatory partners at the federal (e.g., USDA) and state level.

- Continue to better understand and recognize the complexity of the produce industry, and the “food safety system” more broadly when developing and communicating GAPs. Coordinate with stakeholders in the development of GAPs policies, standards and communications.
- Facilitate stakeholder dialogue to clarify stakeholder roles and responsibilities, as well as their priorities and objectives for food safety. Promote the design and adoption of common food safety standards across the industry.
- Facilitate scientific research needed to advance GAPs development and implementation across the industry, with an emphasis on developing produce-specific, simple standards that growers can understand and implement.
- Partner with and support trainers, auditors and others in the industry to better support growers. Use existing communication networks and channels to support GAPs adoptions.
- Promote the value of the FDA GAPs Guidance to consumers, emphasizing the value of food grown by growers adopting GAPs.
- Gain further insight into other key stakeholders’ decision-making processes and information needs. Other stakeholders may include small growers, large growers in states without established GAP programs; suppliers of goods and services to growers; packers and handlers; and consumers.”

In summary, I strongly support the stated purpose of this Act (SB326), which is: “to mitigate the risks involved in food production by establishing a task force to identify good agricultural practices and preventive measure guidelines to ensure food throughout the farm-to-consumer food supply system,” and I support with suggested changes the membership of the proposed task force for the reasons stated above.

**Respectfully,**  
**Charles Struwe**