SB2291 Testimony

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January 28, 2014

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE

TESTIMONY ON SB 2293
RELATING TO AGRICULTURE

Room 229
2:45 PM

Aloha Chair Nishihara, Vice Chair Kouchi, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,832 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.

The Hawaii Farm Bureau **strongly supports** SB 2291, "Relating to Agriculture," which would appropriate $2 million to be administered by the Hawaii Farm Bureau for research into methods by which Hawaii's farmers can satisfy soon-to-be-imposed requirements of the Federal Food Safety Modernization Act (FSMA). FSMA, passed and signed into law, directs the U.S. Food and Drug Administration (FDA) to create new, stronger regulations to prevent bacterial contamination of produce and to improve traceability of farm products. FDA's proposed regulations were distributed for public comment in early 2013, and FDA is currently in the process of reviewing the many comments it has received.

The Hawaii Farm Bureau understands the critical importance of food safety procedures in assuring Hawaii's consumers that locally produced food meets the highest standards of safety and quality. However, as currently proposed, some of FSMA's provisions would be difficult and expensive to meet, especially for the small farms that make up the majority of Hawaii's agricultural operations. (According to 2007 census figures, 92% of the farms in Hawaii produce less than $100,000 in revenue.) The added burden of cost and recordkeeping could tip the balance for many of Hawaii's farmers, making their operations unprofitable. The potential loss of food production presents a threat to Hawaii's economy and sustained efforts towards increased food self-sufficiency.

FSMA does allow some flexibility in food safety procedures, provided that the alternative procedures can be shown scientifically to be at least as safe as the procedures prescribed by FDA's standards. The burden of proof is on the farmer, but few if any of Hawaii's food farms are large enough to sponsor scientific research.

During the past year, the Hawaii Farm Bureau and some of its individual County chapters and commodity groups have sponsored workshops to alert their members to FSMA's proposed regulations and to solicit comments from farmers statewide. We have received many expressions of concern from our members, including the following:

- FDA's proposals include a requirement for bacteriological testing of irrigation water every seven days, if the water comes from a "nonpotable" source. Many farms in Hawaii use water from irrigation ditches, streams, or catchment water which would be subject to this sampling regimen. The cost of such sampling could be thousands of dollars a year, too high for many small farms, and potentially driving them out of business.

- In addition to the cost of weekly water sampling, Hawaii does not have the facilities to perform weekly tests for a large number of farms, making compliance more difficult and costly.

- Proposed numerical standards for bacterial content of irrigation water have not been established scientifically.

- FDA's proposals include a nine-month waiting period to harvest crops after applying "soil amendments of animal origin" – in other words, manure. This requirement conflicts with the 120-day waiting period specified under USDA's National Organic Program, and would preclude the growing of short-season crops using manures.

- FDA's definition of "soil amendments of animal origin" does not distinguish between manures of warm-blooded animals and those of cold-blooded animals, although the latter do not contain the same potential pathogens as the former. This lack of distinction could preclude the development of aquaponic farms that use recycled aquaculture water as the source of nutrients for plant crops. If taken literally, it could even affect organic farms that use worm castings as soil amendments.

- The "one size fits all" rules do not take into account Hawaii's unique climate and soil conditions, its unique geographic isolation nor the variety of crops grown here that are not grown on the Mainland. FDA's proposed rules include exemptions for a list of vegetables that are rarely eaten raw, but the list omits many crops that are grown in Hawaii. The regulations include no provision for adding crops to the exempted list once the list is finalized.

- The proposed rules conflict with established conservation practices that help protect Hawaii's soil, water, and wildlife habitat. Exclusion of wildlife from small farms that are near wildlife habitat will be difficult.

- It is not clear whether or not industry standard methods for processing macadamia nuts will satisfy the requirement for a "validated process that eliminates spore-forming microorganisms." If repeated testing is required, the cost of this testing may be passed on to the farmer.

A letter of comment from the Hawaii Farm Bureau to the FDA is attached to this testimony, and describes in more detail these and other concerns.

In order to establish alternative food safety procedures that meet FDA's overall standards under FSMA, but which are appropriate for the small farm size and unique climatic, biological,

and economic conditions in Hawaii, it will be necessary to conduct research in several areas. Suggested activities include:

- Testing of water and soil samples from many sites over a suitable period of time to establish the presence or absence of pathogens, designate appropriate numerical standards for bacterial content of irrigation water, and determine appropriate frequency of water sampling for different classes of irrigation water.

- Develop protocols to obtain variances/exemptions for certain commodities and procedures.

- Determine appropriate waiting periods before harvest where animal manures are used.

- Establish the safety of cold-blooded animal manures in organic and aquaponic culture practices. (Some preliminary research in this area has been done at CTAHR, but more work needs to be done to establish the safety of these supplements under a variety of conditions.)

- Determine appropriate methods for the exclusion of rodents, feral pigs and chickens, birds, and other animals from farm plots.

- Establish processing procedures for certain crops, such as macadamia nuts, that meet FSMA standards for food safety.

- Provide outreach and education to farmers to help new and established farmers understand and follow appropriate food safety procedures.

The cost of performing this needed research and outreach is beyond the current capacity of Hawaii's farmers and farming organizations to provide. We therefore ask the Legislature to help support Hawaii's agriculture by providing these essential funds. The Hawaii Farm Bureau has successfully administered State agricultural research grants in the past. We feel that our membership, composed of Hawaii's farmers, ranchers and aquaculturalists, makes the Hawaii Farm Bureau uniquely qualified to execute projects with direct, practical benefit to the agricultural sector. The benefits all citizens of the State of Hawaii We urge you to pass SB 2291 and help Hawaii's food producers continue to produce safe, wholesome food for the people of Hawaii at an affordable price.

Thank you for the opportunity to testify on this matter of critical importance to Hawaii's agriculture industry.

November 04, 2013

Re: **Docket ID:** FDA-2011-N-0921. Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption

Comments for consideration

The Hawaii Farm Bureau Federation (HFBF) organized in 1948, affiliated with the American Farm Bureau Federation, consists of over 1,800 member families in eleven counties located throughout the State. These counties include:

- East Oahu County Farm Bureau
- Hamakua County Farm Bureau
- Hilo County Farm Bureau
- Ka'u County Farm Bureau
- Kauai County Farm Bureau
- Kohala County Farm Bureau
- Kona County Farm Bureau
- Maui County Farm Bureau
- Molokai County Farm Bureau
- South Oahu County Farm Bureau
- West Oahu County Farm Bureau

We support, enhance and promote Hawaii's agriculture and aquaculture industries. We advocate promotion of Hawaii grown products, promotion of food safety and the sustainability of Hawaii's agriculture and aquaculture industry.

We endorse the concept that Food Safety is everyone's business – from good agricultural practices on the farm, through transporters, wholesalers and retailers to safe food handling procedures at home.

It is our concern that the proposed regulations will impose undue economic burdens on farms, potentially damage soil, water, and wildlife conservation efforts, and impair the growth of local and regional food systems. In addition to our specific concerns related below, we also urge the FDA to publish a second round of draft rules for public comment before finalizing the produce safety and preventive controls regulations.

Based on an extensive statewide outreach educational program for all concerned farmers and the supply chain stake holders, we present to you the statewide concerns regarding the proposed Produce Safety Rule.

General concerns:

1. **Conservation Practices:** The Produce Rule fails to protect and promote on-farm conservation practices that help protect our soil, water, and wildlife habitat and places arbitrary restrictions on integrating grazing animals into farm fields.

   As the State of Hawaii is an isolated land mass, it is extremely important for the preservation of the sustainability of these islands to focus on stewardship, conservation and protection of our resources. We live in a precarious balance between sustaining our ecosystem and promoting agricultural growth. The FDA must incorporate stronger support for on-farm conservation that supports food safety and protects our soil, water, and wildlife habitat, specifically:
   a. Allow practices in the final regulations that do not prohibit, in the name of food safety, conservation measures needed to preserve the Islands.
   b. Add requirements to train on-farm personnel regarding conservation practices that support food safety goals.
   c. Exclude excreta from grazing animals from consideration as a manure application.

2. **Costs of compliance**: The potential high cost of compliance under the proposed rule will be a tremendous economic burden for all Hawaiian Farmers. Due to Hawaii's unique isolated locale, the cost of doing agri-business on the islands presents a significant challenge. Much of the agriculture resources, inputs and labor are limited, and are more often than not imported from the mainland U.S. or elsewhere. Ag-land for expansion and development is limited as it competes with other industries. Land lease costs, labor costs and input costs are primary factors. The aforementioned items are two to three times higher than average mainland costs. Thus, the estimated annual cost of compliance, ranging from $4,697 for very small farmers to $30,566 for large farmers, will erode the already slim profit margins for the Hawaiian farmers. These costs will lead to catastrophic consequences, potentially driving many farms out of business. These costs will also increase barriers for start-up farmers, and will encumber, impede and constrain farming sustainability and expansion within the islands.

   Based on 2010 USDA NASS statistics, the Hawaiian agriculture industry generates farm gate revenues totaling $690 million annually compared to $168 billion for the continent of the U.S.A. The majority or about 5,000 crop farms (out of approximately 8,000 crop farms statewide) are less than 10 acres in size with diverse crop plantings. Over 90% of Hawaiian farmers generate less than $100K annually and only less than 2% of the farmers generate revenues more than $500K. Over 90% of Hawaii's raw agricultural products are consumed within the state.

a. **Economic hardship**: Due to major economic factors outlined below, Hawaii farmers will have to bare undue economic hardship should rigid food safety rules substantially increase additional costs of doing business in order to meet compliance regulations.

   A comparison of cost structure and economic performance of Hawaii and U.S. mainland farms results in the following factors:

i. Due to its geographical isolation, Hawaii faces higher labor costs.
ii. Constraints on agricultural land expansion due to high residential and commercial land values.
iii. Hawaii farmers must compete with a vibrant tourism sector, which offers significant competition for these inputs (i, ii above).
iv. Hawaii's smaller farm scale (see below) further aggravates cost disadvantages.
v. Farm Size Distribution: From the most recent available census information (2007), the market value of agricultural products sold per farm is $68K/annum vs. $135K in the continental U.S., with a total of 7,521 farms in production in Hawaii vs. 2.2 million farms in the continental U.S. 97% of the farms produce less than $500K, and 92% of the farms produce less than $100K. The distribution of revenue is as follows:

a)	**< $100K**	**6988**	**92%**	
b)	< $250K	279	3.7%	
c)	< $500K	105	1.4%	cumulative subtotal: 97%
d)	> $500K	149	2%	

b. Reduced Risk:

i. Excluding the sprout group, Hawaii has an extremely low rate of produce oriented foodborne illness incidences when compared to the U.S. continent. In 1996-2010, Hawaii had 1 incident compared to 131 incidences in the U.S. continent.
ii. Based on the higher median family income in Hawaii compared to the U.S. continent (HI: $77,245 vs. US: $62,982) and the average 11.4% consumer disposable income expended on food purchase coupled with the population density of Hawaii, the consumer exposure risk based on raw agricultural commodities produced in Hawaii is much lower that the consumer exposure risk on the continental U.S.

2010	Population	Median Family Income	11.4% disposable income expended for food	Foodborne Incidences 1996-2010	Farm Gate Crop Value
Hawaii	1.36 million	$77,245	$8K	1	$0.124B
U.S.	309 million	$62,982	$7K	131	$192.5B
HI % of U.S.	0.4%			0.76%	0.06%

iii. Calculations based on the Hawaii disposable income expended on food, the availability of food (based on the state farm gate crop value), and the data substantiating minimal exportable crops to the mainland or ex-U.S., indicate that almost all crops produced in Hawaii are consumed in the state of Hawaii. This situation further reduces the exposure risk due to the vertical integration of the supply chain.

Additionally, should a farming activity be considered a farm mix-type facility, using FDA's estimated cost of compliance figures, a very small farm, making slightly more that the

exempted $25,000 per annum food sales, may be potentially burdened with an additional $13,000 per annum mixed-facility compliance cost. For very small farm compliance, the resulting cost now soars to $18,000 per annum or 72% of its gross sales.

The HFBF supported by other agricultural organizations such as the Hawaii Organic Farming Association, various farmers market associations and individual farmers requests and proposes to raise the exemption limit for very small farms (with the exception of sprout production) specifically for the state of Hawaii from $25,000 to $100,000. This request is based on undue economic hardship to over 92% of the Hawaiian farmers, the reduced consumer exposure risk based on the simplicity of the Hawaiian supply chain (linear integration) and the near total in-state consumption of raw agricultural commodities produced.

We implore the FDA to base cost estimates on realistic assumptions and decrease compliance costs in order to avoid unduly burdening farmers, regardless of the size of the farm operation.

3. **Definitions: Farm & Farm mix-type facility**. There is general confusion regarding foundational definitions like "farm" and "farm mix-type facility". The assumption that farms only produce raw agricultural commodities and don't prepare and sell food through markets and supply chains is not a reality in the State of Hawaii. It is also a very common farming practice to supplement one's inventory with crops from neighboring farms due to multiple reasons, including but not limited to harvest shortages. This activity under the current proposed definition will automatically shift the farm activity to a farm mix-type facility operation, impacted by the Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food, FDA-2011-N-0920. Now the farm is subject to both rules and the cost of compliance may be increased by $13,000 as estimated by the FDA economic assessment of compliance for the aforementioned rule.

   We request that the FDA reconsider its definitions and consider that on-farm activities – including using someone else's agricultural products – should not make a farm a "farm mix-type facility". Farm activities should be considered as a farming process and should not be segregated based on raw material or crop input from separate sources. Crop input from separate source(s) would be similarly covered under the Produce Safety Rule as the original farm crop and hence risk would not be increased.

4. **Exempt status and the loss thereof**: Although we generally agree with the exemptions proposed within the Produce Safety Rule, ***we request that the FDA define key terms, provide an evidentiary standard for a withdrawal of an exemption, make available a reasonable process regarding withdrawal, and provide a simple method for reinstatement of an exempt status.***

Specific concerns: From the statewide survey and the outreach programs, the following specific concerns have been identified. These concerns originate from the farming community at large, the farmers market community, the CSAs (Community Supported Agriculture) and the tree nut associations.

1. **Section 112.2(b)(1). Exemption when the covered produce receives commercial processing.**

   The tree nut community at large, as verified by both the recent Hawaii Department of Agriculture (HDOA) food safety survey and the Hawaii Macadamia Nut Association food safety survey, typically sends and/or sells their tree nut harvest to a drying, roasting or processing facility. The example within the FDA exemption, as noted in section 112.2(b)(1), states that commercial processing which adequately reduces the presence of microorganisms of public health significance must be a validated process that eliminates spore-forming microorganisms.

   We request clarification regarding the definition of a validated process to eliminate spore-forming microorganisms within the drying, roasting and processing of tree nuts typical of Hawaiian tree nut operations. The Hawaiian tree nut operations currently follow industry guidelines for the drying, roasting and processing of tree nuts (Catherine G. Cavaletto , Department of Tropical Plant and Soil Science, University of Hawaii at Manoa, Honolulu, HI). The estimated cost to perform a validation for the elimination of spore-forming microorganisms for the processing of tree nuts has been quoted to range from $5000 to $10,000 per validation, depending on the indicator pathogen/foodborne pathogen of choice (Dr. Steve Goodfellow, Deibel Labs).

   As the language within this section places the burden of 'due diligence' on the farmer, the potential cost of validation may be routed back from the processor to the farmer as well, once more increasing the cost of compliance to the farmer.

   Hence, we implore the FDA to re-write and review this section to clarify the definition of a validated process, and to accept current practices within the Tree Nut industry wherein it is satisfactory for a farmer to rely on his/her processor to state that the processor complies with current industry practices for the drying, roasting and processing of tree nuts.

2. **Section 112.45. Agricultural water**: The Produce Rule includes costly, burdensome, and unscientific standards for irrigation water – including water testing and treatment requirements.

   Water sources for agricultural use range from the more urban sources such as city water on Oahu to the more rural rain water catchment methods on East Hawaii Island. On islands such as Kauai and East Hawaii it rains almost on a daily basis. In areas using surface water and the rain catchment method, the seven day testing frequency requirement will be an extreme economic burden on the growers within this region. As estimated by the FDA, water testing may be upwards of $87/test. On a seven day testing cycle, this cost may translate to over $4000/annum for growers within the East Hawaii and Kauai region. For those entities who currently test their water, a once per year routine is currently established. To increase testing frequency 'at will' without a scientific basis is not prudent for the Hawaiian farming operations and will once more result in an undue economic burden.

We urge that the FDA take a reasonable, risk-based approach to agricultural water that allows farmers to respond to specific risks in their water systems.

Specifically:

- In the final regulations, FDA should not include inappropriate numerical thresholds for presence of pathogens or pathogen indicators (i.e., generic *E. coli*) in water. This information should be included in guidance after sufficient research indicates appropriate numerical standards, which might vary according to the region.
- FDA should not require weekly water testing; the FDA should propose baseline risk assessment regarding water systems used in the first growing season which may become the foundation for future actions and testing frequencies.
- Aquaponic water should be addressed and/or exempted from the current metrics and monitoring of conventional agricultural water usage. The minimum risk of recycled aquaponic water has been validated by the University of Hawaii, Manoa academic community. Data from the University of Hawaii at Manoa, College of Tropical Agriculture's publication, 'A Preliminary Study of Microbial Water Quality Related to Food Safety in Recirculating Aquaponic Fish and Vegetable Production Systems' provides supporting science based data validating the use of recycled aquaponic water as irrigation water. (Fox, B., C. Tamaru, J. Hollyer, L. Castro, J. Fonseca, M. Russell, and T. Low., *A Preliminary Study of Microbial Water Quality Related to Food Safety in Recirculating Aquaponic Fish and Vegetable Production Systems*. UH CTAHR. Food Safety and Technology, October 2012. CTAHR FST5-1 Available online at: http://www.ctahr.hawaii.edu/oc/freepubs/pdf/FST-51.pdf

Thus, we request the classification of aquaponic water as separate from conventional agricultural water and wish to contest the testing intervals for agricultural run-off water due to undue economic hardship as stated above and the lack of scientific validation presented by the proposed rules. As the scientific community will attest, a more prudent frequency of testing would be within a time frame closer to harvest, and not just a random sampling frequency. We are requesting for additional time to properly consult with experts and the academic community to validate the science behind the testing frequency of run-off water.

Additionally, as the proposed rule stipulates agriculture water treatment to improve water quality, and as water treatments may pose an environmental impact, it is recommended that the FDA conduct a full Environmental Impact Statement regarding said treatment methods and subsequently incorporate the findings into a new set of proposed rules.

3. **Section 112.2. An extension of the 'Rarely Consumed Raw' Produce Exemption List to include crops specifically grown in Hawaii is requested.**

Hawaii crop production is typical for the palate of the Hawaii diverse population and reflects tropical crops not necessarily found on the mainland U.S. It has been requested by the agriculture community at large that the FDA consider the below crops which are typically

'not consumed raw' to be included in the 'Rarely Consumed Raw' category in the proposed rule. It is also requested that the FDA develop a simple process to add crops to this list in the future as new crops from diverse origins continue to be introduced to our islands by our island 'immigrant farmers' many of whom originate from the Asian and Southeast Asian countries.

The following list represents current 'rarely consumed raw' crops. ***Please note that the below list is not exhaustive and additional crops should be able to be added as we continue to diversify and expand our agricultural crop plantings.***

a. Cassava
b. Breadfruit
c. Hasu (Lotus Root)
d. Fern Shoots
e. Ti Leaf (*Cordyline* sp.)
f. Salt Water Algae Group (included but not limited to Kelp and Seaweed)
g. Ginger Root
h. Bamboo Shoots
i. Swamp Cabbage (*Ipomea* shoots)
j. Asian Brassica Group (included but not limited to Napa Cabbage, Mustard Cabbage or *Brassica juncea*, Pak Choy or *Brassica chinensis*)
k. Bittermelon (*Momordica charantia)*
l. Macadamia Nuts

4. **Section 112.56 - Manure:** The Produce Rule directly conflicts with established federal organic standards regarding the use of manure and compost, making it effectively impossible for farmers to use manure and creating barriers to the use of compost. The proposed ruling negates the National Organic Program (NOP) 120 day wait time and proposes extending the time period to 9 months. FDA also stated that the 9 month period was based on scientific data, whereas the current 120 day NOP recommended wait period has not been validated as a biological risk. Extending the wait period to 9 month will restrict this practice to long crop cycles and bar the practice for short crop cycles. Hawaii has an all year around growing season and will be burdened by such a long waiting period without proper scientific studies negating the NOP current specification.

It is recommended that FDA align its standards for the use of manure and compost with the National Organic Program (NOP) regulations.

a. The interval between application of untreated manure and harvest should align with current NOP regulations unless it has been scientifically validated that the NOP regulations are a threat to the overall food safety scenario.
b. For compost, there should be no interval between application and harvest if the compost is treated consistently with NOP or similarly rigorous composting standards.

Additionally, clarification of the language is needed as it is unclear whether the above metric and practice is a requirement regardless of crop or farm exemption.

Aside from the above concerns, we would like to express support for the following sections:

1. **We strongly support the retention of the following sections in the proposed rules:**

    a. F D & C. - Maintain the Science and Risk Based Principles as found within the proposed rule.
    b. Section IV. K. - Maintain the timeline for all farmers to comply.
    c. Section 112.44. - Maintain the low risk status for water use that does not contact produce directly.
    d. Subpart P. - Maintain the possibility for the request of variances state-wide and process specific that are science based and validated.

In closing, it is the HFBF estimation that a statewide variance is necessary in light of local growing conditions specific to the State of Hawaii. Due to the unique climate, soil, geographic and environmental conditions which exist in Hawaii, agriculture production is a twelve month season for many crops. The isolation of Hawaii's land mass, the vertically integrated supply chain, and the near total consumption of agricultural crops within the State coupled with current procedures and practices followed in the production of raw agricultural crops in the region have resulted in a historic low risk epidemiological record.

Currently the State of Hawaii has an active commitment under state SB 326 to review and develop procedures, processes and practices to be followed by the agricultural community to ensure un-adulterated produce in the channels of commerce and provide public health protection.

It is our intent to engage all sectors of Hawaii's supply chain and its stakeholders to actively participate in developing a practical and realistic guideline for the safe food practices of Hawaii's agriculture. Hence, we urge the FDA to consider all the points, topics and comments we stated above in support of our mission to raise food safety awareness within all sectors of Hawaii's agriculture, large and small, and develop a food safety culture without the undue burden of cost.

As, many sections of the proposed 'Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption, FDA-2011-N-0921' require clarification, scientific validation and synchronization with existing Federal guidelines, we urge the FDA to publish a second round of draft rules incorporating our points above for public comment before finalizing the produce safety and preventive controls regulations.

Thank you for your consideration,

Sincerely,

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From: mailinglist@capitol.hawaii.gov
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SB2291
Submitted on: 1/27/2014
Testimony for AGL on Jan 28, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Hawaii Cattlemen's Council	Support	No

Comments:

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SB 2291
RELATING TO AGRICULTURE

PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.

JANUARY 28, 2014

Chair Nishihara and Members of the Senate Committee on Agriculture:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and its agricultural company Hawaiian Commercial & Sugar Company on SB 2291, A BILL FOR AN ACT RELATING TO AGRICULTURE. We support this bill.

Agricultural research is the foundation upon which Hawaii's agricultural industry can flourish in an increasingly competitive global market. The Hawaii Farm Bureau Federation has cooperatively worked with the Hawaii Agricultural Research Center, the University of Hawaii's College of Tropical Agriculture, and the Department of Agriculture on various agricultural research and market development initiatives. We believe that the Hawaii Farm Bureau Federation will wisely utilize this appropriation to ensure that its agricultural research initiatives meet the needs of Hawaii's farmers, ranchers, and various commodity organizations.

Based on the aforementioned, we respectfully request your favorable consideration on this bill.

Thank you for the opportunity to testify.

Written Testimony Presented Before the
Senate Committee on Agriculture
Tuesday, January 28, 2014; 2:45 pm
by
J. Kenneth Grace

SB 2291 RELATING TO AGRICULTURE

Chair Nishihara, Vice Chair Koichi, and members of the Senate Committee on Agriculture, thank you for this opportunity to provide comments on SB 2291, which appropriates funds to be expended by the Department of Agriculture and granted to the Hawaii Farm Bureau Federation for agricultural research on the efficacy of alternative methods of insuring farm food safety.

My name is J. Kenneth Grace, and I am Interim Associate Dean and Associate Director for Research in the College of Tropical Agriculture and Human Resources (CTAHR), University of Hawaii at Manoa. I am providing personal testimony today on SB 2291, and my testimony does not represent the position of either CTAHR or the University of Hawaii.

Introduction of this bill is a very strong indication of the potentially serious impact on Hawaii's farmers of proposed new federal farm food safety regulations (Food Safety Modernization Act, or FISMA), and the ongoing efforts of the large food retailers to require that farmers comply with private farm food safety audit procedures. We all want safe food, but FISMA imposes significant capital improvement and record keeping costs on small farmers, who do not have the business staff in place that are typically part of large mainland USA farming operations. The need to comply with, and pay for, different audit procedures for different large retailers also imposes significant labor and financial burdens on Hawaii's farmers. Unlike the situation in much of the United States, the vast majority of Hawaii's farms are under 10 acres in size, and much smaller farms (under 5 acres) are common. Thus, the "one size fits all" approach of FISMA imposes large burdens on our farmers, and so does the requirement of specific (and different) private audits by distributors and retailers. FISMA would also put a great deal of liability on the farmer for food safety from "farm to fork," including possible liability for actions removed from the farm that are beyond their control.

Although the procedures for providing funding for research on this significant problem suggested in SB 2291 are not perfect, and perhaps not workable, the problem is serious. Provision of funds for an open Request for Proposals by the Department of Agriculture might be more workable, for example. If not with this particular bill as it is currently worded though, means really need to be found to support research on reasonable alternative means of ensuring safe food production. Other needs that must be addressed are farm coaching in good agricultural practices, ensuring audit consistency among distributors and retailers, setting realistic limitations on the liability of farmers for problems encountered further down the distribution line, education of the public on food safety, and perhaps assistance to small farmers in meeting the costs required to comply with regulatory requirements.

Thank you again for the opportunity to offer these comments on SB 2736, and on the need to assist our Hawaii farmers with developing locally appropriate methods to ensure that safe food is always on the plate of Hawaii consumers, and that farming remains economically viable in the State of Hawaii.