

**DAVID Y. IGE**  
Governor

**DOUGLAS S. CHIN**  
Lt. Governor



**JAMES J. NAKATANI**  
Executive Director

STATE OF HAWAII  
**AGRIBUSINESS DEVELOPMENT CORPORATION**  
235 S. Beretania Street, Room 205  
Honolulu, HI 96813  
Phone: (808) 586-0186 Fax: (808) 586-0189

**TESTIMONY OF JAMES J. NAKATANI**  
**EXECUTIVE DIRECTOR**  
**AGRIBUSINESS DEVELOPMENT CORPORATION**  
**BEFORE THE COMMITTEE ON AGRICULTURE**

Wednesday, February 14, 2018  
9:00 a.m.

**HOUSE BILL NO. 2095 HD1**  
**RELATING TO THE ENVIRONMENT**

Chairperson Creagan and Members of the Committee:

My name is James Nakatani, Executive Director of the Agribusiness Development Corporation (“ADC”). The ADC strongly supports House Bill No. 2095 HD1, which authorizes ADC to enter into contracts with private businesses to remove select municipal solid waste, glass, and food and green waste from the waste stream for use in other business sectors, including agriculture, construction, and energy production.

As the State’s economy continues to grow, it is critical that innovative processes are applied to the recycling sector to reduce the pressure on the State’s environment and to capture as much value as possible to support local business sectors. The ADC, in its role of developing agriculture initiatives, is uniquely positioned to implement existing and emerging technology towards the goal of optimizing value from waste streams for agricultural uses. Other industry sectors, such as construction or energy, will also benefit immediately as recycled material often has multiple uses.

Thank you for the opportunity to testify, and for your consideration of this bill.

**HB-2095-HD-1**

Submitted on: 2/10/2018 9:51:42 PM

Testimony for AGR on 2/14/2018 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>       | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------------|---------------------------|---------------------------|
| Dale Sandlin        | Hawaii Cattlemens Council | Support                   | Yes                       |

Comments:

**HB-2095-HD-1**

Submitted on: 2/10/2018 6:12:31 AM

Testimony for AGR on 2/14/2018 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Kat Culina          |                     | Support                   | No                        |

Comments:

**HB-2095-HD-1**

Submitted on: 2/12/2018 11:07:40 AM

Testimony for AGR on 2/14/2018 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Jennifer Milholen   | Individual          | Support                   | No                        |

Comments:

**HB-2095-HD-1**

Submitted on: 2/12/2018 5:46:48 PM

Testimony for AGR on 2/14/2018 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>              | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|----------------------------------|---------------------------|---------------------------|
| Micah Munekata      | Hawaii Department of Agriculture | Support                   | No                        |

Comments:

**HB-2095-HD-1**

Submitted on: 2/13/2018 4:14:43 AM

Testimony for AGR on 2/14/2018 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>                  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------------------|---------------------------|---------------------------|
| Melodie Aduja       | OCC Legislative Priorities Committee | Support                   | No                        |

Comments:

**PRESENTATION OF THE  
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES**

**DEMOCRATIC PARTY OF HAWAII**

TO THE COMMITTEE ON AGRICULTURE

THE HOUSE OF REPRESENTATIVES

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Wednesday, February 14, 2018

9:00 a.m.

Hawaii State Capitol, Conference Room 312

**RE: Testimony in Support** of HB 2095 HD1 2732 HD1 RELATING TO THE ENVIRONMENT

To the Honorable Richard P. Creagan, Chair; the Honorable Lynn DeCoite, Vice-Chair and the Members of the Committee on Agriculture:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No 2095 HD1 regarding waste diversion through the Agribusiness Development Corporation.

The OCC Legislative Priorities Committee is in favor of House Bill No.2095 HD1 and supports its passage as being an effective way to increase environmental

sustainability is to diminish the need for landfills by diverting select municipal solid waste, glass, and food and green waste from landfills to produce compost, animal feed, building materials, and energy.

House Bill No.2095 HD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it authorizes the agribusiness development corporation to enter into contracts with private businesses to remove select municipal solid waste, glass, and food and green waste from the waste stream for use in other business sectors, including agriculture, construction, and energy production.

The DPH Platform states that "[w]e believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation, recycling, and waste reduction. (Platform of the DPH, P. 8, Lines 413-415 (2016)).

We promote solid waste policies that divert green waste and food scraps for making invasive species free compost and enhanced mulch available to our farmers, landscapers, and residents.(Platform of the DPH, P. 3, Lines 115-116 (2016)).

Given that House Bill No. 2095 HD1 authorizes the agribusiness development corporation to enter into contracts with private businesses to remove select municipal solid waste, glass, and food and green waste from the waste stream for use in other business sectors, including agriculture, construction, and energy production, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com), Tel.: (808) 258-8889

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



LORI M.K. KAHIKINA, P.E.  
DIRECTOR

TIMOTHY A. HOUGHTON  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 18-28

February 13, 2018

The Honorable Richard P. Creagan, Chair  
and Members of the Committee on Agriculture  
House of Representatives  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Creagan and Members:

Subject: House Bill 2095 HD1, Relating to the Processing of Waste

The City and County of Honolulu's (City) Department of Environmental Services (ENV) opposes HB 2095 HD1, as written. ENV supports diminishing the need for landfill disposal and that is a core portion of our solid waste management plans which include H-power and ongoing efforts to reuse ash and residue from H-power to eliminate the need for a daily use landfill.

The authority proposed to be given by this measure to the Agriculture Development Corporation (ADC) interferes with the City's "flow control" of municipal solid waste by proposing to authorize the ADC to enter into contracts with private businesses to remove select municipal solid waste, glass, and food and green waste from the waste stream for use in other business sectors, including agriculture, construction, and energy production. The City's authority to direct the disposal of municipal solid waste to specified locations is based on HRS Sec. 340A-3, which authorizes counties to require that solid waste be disposed of at designated facilities in order to meet the minimum operating requirements of a resource recovery facility (H-POWER) and ROH Sec. 9-2.3, which provides that the City, in issuing refuse collection licenses, can condition licenses on disposal at designated disposal facilities.

As stated above, this bill would authorize the ADC to enter into contracts with private businesses to remove certain wastes from the waste stream, which infringes on the City's waste flow control in contravention of HRS Sec 340A-3 and ROH Sec. 9-2.3. HB 2095, HD1, does not specify whether the ADC or the counties' authority over flow control would have priority were such a change made. Thus, the ADC's authority appears to be in direct conflict with the counties' authority to direct the disposal of solid waste at designated facilities.



In addition, the authority proposed by this bill to “enter into contracts with private businesses to remove select municipal solid waste, glass, and food and green waste from the waste stream for use in other business sectors, including agriculture, construction, and energy production” may exceed the scope of the ADC, as set forth in HRS Ch. 163D. The legislative purpose and powers of the ADC appear to be limited to the area of agriculture and agricultural enterprise. The legislative purpose of the HRS Ch. 163D is stated as follows:

The purpose of this chapter is to create a vehicle and process to make optimal use of agricultural assets for the economic, environmental, and social benefit of the people of Hawaii. This chapter establishes a public corporation to administer an aggressive and dynamic agribusiness development program. The corporation shall coordinate and administer programs to assist agricultural enterprises to facilitate the transition of agricultural infrastructure from plantation operations into other agricultural enterprises, to carry on the marketing analysis to direct agricultural industry evolution, and to provide the leadership for the development, financing, improvement, or enhancement of agricultural enterprises.

The legislature clearly stated that the purpose of the ADC is to assist and develop agricultural enterprises. As used in HRS Ch. 163D, “agriculture” means:

The production for marketing and exporting of plant and animal life on land and within ponds and other bodies of water for food, fiber, and raw materials for value-added products, and any agricultural enterprise or enterprises organized for the production of agricultural materials or value-added products based on detailed marketing analysis and strategies to exploit profitable potentials in local, national, and international markets, including general farming, cane growing, fruit growing, flower growing, aquaculture, growing of timber and forest products, apiary, grazing, dairying, and the production of any form of livestock or poultry, and their appurtenant services and facilities.

The use of municipal solid waste, glass, and food and green waste to produce building materials and energy does not appear to fall within the definition of “agriculture” in HRS §163D-2. Finally, the ADC’s powers are set forth in HRS Sec. 163D-4 and do not appear to include the authority to engage in programs or enterprises that handle municipal solid waste for use in other business sectors.

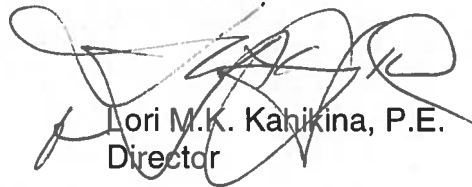
It should be noted that in accordance with HRS Sec. 340A-3, the City does not have authority to require the disposal of **agricultural solid waste** at facilities or in areas

Testimony for HB2095 HD1  
February 13, 2018  
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designated by the City. "Agricultural solid waste" means the solid waste that results from the rearing of animals and the harvesting of crops. (See HRS §340A-1.) Therefore, the ADC may have authority to enter into contracts with private businesses to remove agricultural solid waste from the waste stream, but there is nothing in this bill to indicate that the legislature intends to limit the ADC's authority to this single waste stream. We recommend that HB 2095, HD1, be modified to limit the authority to this single waste stream and the ability of the City and County of Honolulu to control disposition of non-agricultural solid waste be maintained.

Thank you for your consideration.

Sincerely,



Lori M.K. Kahikina, P.E.  
Director