

JAN 25 2023

A BILL FOR AN ACT

RELATING TO ANIMAL AGRICULTURE.

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

1 SECTION 1. The legislature finds that there are
2 significant risks to public health and the environment from
3 concentrated animal feeding operations or "CAFOs". These
4 facilities house hundreds or thousands of animals at a time,
5 creating a concentration of massive amounts of animal waste that
6 contains chemicals, pharmaceuticals, heavy metals, and pathogens
7 such as fecal coliform, E-coli, camphylobacter, salmonella,
8 cryptosporidium parvum, clostridium, and giardia. These
9 pollutants can contaminate the environment and harm human and
10 animal health.

11 Even when adhering to state and federal permits,
12 concentrated animal feeding operations harm wildlife through air
13 and water pollution and threaten surface water and groundwater
14 due to runoff and seepage of animal waste. Those who live in
15 proximity to these facilities and breathe their pollution suffer
16 increased rates of asthma and other diseases, significantly
17 lowering their quality of life. Additionally, these impacts are



1 suffered disproportionately by indigenous people and people of
2 color. Concentrated animal feeding operations are also
3 injurious to animal welfare and put small, independent farms
4 using ecologically sensitive methods to raise livestock at a
5 disadvantage.

6 The legislature further finds that the negative effects of
7 concentrated animal feeding operations have impacted native
8 Hawaiians. In the 2010s, the O'okala community was significantly
9 polluted by the Big Island Dairy, a large dairy concentrated
10 animal feeding operation operated by Idaho owners that generated
11 millions of gallons of animal urine and feces. Wastewater was
12 allowed to flow through several gulches and into the O'okala
13 community before it ran into the Pacific Ocean. Because of the
14 dairy's pollution, those in the O'okala community were unable to
15 fish, swim, gather food, or enjoy their beautiful streams and
16 ocean. For years, the community attempted to get Big Island
17 Dairy to stop polluting their waters, but the dairy continued
18 its injurious practices even after the groups filed a Clean
19 Water Act lawsuit. In May 2018, Big Island Dairy released
20 2,300,000 gallons of contaminated water over three days into the
21 waterways that flow through O'okala. Furthermore, during



1 Hurricane Lane, the dairy released at least 5,900,000 gallons of
2 manure water into nearby gulches, followed by a 600,000 gallon-
3 discharge on Christmas Eve in 2018. Through the community's
4 lawsuit, it became clear that a concentrated animal feeding
5 operation such as Big Island Dairy could not be lawfully or
6 safely operated in Hawaii. In 2019, Big Island Dairy settled
7 the lawsuit and agreed to close.

8 While local food production is crucial for Hawaii, the
9 legislature also finds that the harms and impacts of large
10 concentrated animal feeding operations outweigh any benefits
11 and, in fact, make it harder for small, midsize, and independent
12 farms to operate.

13 To avoid environmental and community health issues like
14 those caused by Big Island Dairy, the purpose of this Act is to
15 protect the State's residents and environment by preventing
16 further large concentrated animal feeding operations from being
17 operated in Hawaii and phasing out existing large concentrated
18 animal feeding operations.

19 SECTION 2. The Hawaii Revised Statutes is amended by
20 adding a new chapter to be appropriately designated and to read
21 as follows:



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"CHAPTER

LARGE CONCENTRATED ANIMAL FEEDING OPERATIONS

§ -1 **Definitions.** As used in this chapter, "large concentrated animal feeding operation" shall have the same meaning as defined in title 40 Code of Federal Regulations section 122.23(b)(4).

§ -2 **Prohibition on large concentrated animal feeding operations.** (a) Notwithstanding any other provision of law to the contrary, beginning , , no new large concentrated animal feeding operations shall be permitted, licensed, constructed, or operated in the State.

(b) Beginning , , the department of health shall not issue or renew a license or permit to allow the modification, construction, addition, or expansion of any existing livestock operation or concentrated animal feeding operation of any size that would thereafter become a large concentrated animal feeding operation as a result of such modification, construction, addition, or expansion.

§ -3 **Phasing out of existing large concentrated animal feeding operations.** Beginning July 1, 2028, all existing large concentrated animal feeding operations shall cease operations in

S.B. NO. 1585

1 the State; provided that the director of health, in cooperation
2 with existing large concentrated animal feeding operations,
3 shall develop proposed rules for the closure of all large
4 concentrated animal feeding operations in the State."

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Will M. Orr*
By Request



S.B. NO. 1585

Report Title:

Concentrated Animal Feeding Operations; Department of Health;
Prohibition; Phase Out

Description:

Prohibits new operations and renewal of existing licenses or permits to operate large concentrated animal feeding operations in the State, under certain conditions and by an unspecified date. Phases out all existing large concentrated animal feeding operations by 7/1/2028.

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

