

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON JUDICIARY

FRIDAY, FEBRUARY 24, 2023

9:30 AM

CONFERENCE ROOM 016 & VIDEOCONFERENCE

SENATE BILL NO. 655 SD1
RELATING TO HEMP

Chairperson Rhoads and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 655 SD1. This measure gives authority to the Department of Agriculture (DOA) to align state hemp production administrative rules with federal law, with regard to exemptions for fiber, fuel, and seed grain hemp crops. DOA supports this bill and offers comments.

Under sections 141-42 and 141-43, Hawaii Revised Statutes, the DOA is tasked with monitoring the transportation of hemp within the State, enforcing restrictions regarding the growth of hemp within the State, and adopting rules pursuant to chapter 91. In addition to aligning state hemp rules with federal law to exempt fiber, fuel, and seed grain crops, DOA strongly supports the deletion of the language on page 7 lines 10 to 14 of this bill pertaining to nuisance issues. DOA does not find it necessary or appropriate to create additional rules to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. Pre-existing regulations and authority under the Department of Health and county land use ordinances already address (and are the appropriate method of addressing) the areas of nuisance referenced. DOA has serious concerns regarding the creation of a



duplicative enforcement framework that may result in confusion and challenge due to incompatible oversight and conflicting actions and decisions.

Thank you for the opportunity to testify on this measure.



www.hawaiihempfarmersassociation.org

February 22, 2023

RE: SUPPORT SB 655 Exemption for Hemp Fiber, Fuel, and Food Grain Crops

Aloha Chair Rhoads and Members of the Senate Judiciary Committee,

Thank you for your continued support of Hawaii Hemp farmers. The Hawaii Hemp Farmers Association, which is composed of Hawaii hemp farmers, processors, and manufacturers, is in strong support of SB 655.

Hawaii's hemp industry has been stymied for a several reasons. There are numerous projects in the state exploring ways to make building materials from hemp and using hemp in affordable housing, but most of these projects import hemp due to the regulatory barriers to growing hemp in Hawaii that make farming hemp in Hawaii very expensive.

The U.S. Congress will be amending federal hemp cultivation laws in the near future to allow for exemptions to make it easier and more cost effective to grow hemp crops that are cultivated for fiber, fuel, or grain for food.

The federal exemptions may include relief from testing and transportation requirements. SB 655 authorizes the Department of Agriculture to amend Hawaii state rules to align with federal laws as soon as exemptions for hemp fiber, fuel, and food grain are passed by Congress. **This ensures Hawaii farmers and the Hawaii hemp industry can benefit ASAP from the exemption instead of waiting 1.5 to 2 years for legislation and then rules to be developed. SB 655 ensure Hawaii farmers can remain competitive and provide hemp for in-state hemp projects.**

Respectfully,

Gail Byrne Baber

Gail Byrne Baber

President and Farmer

Ray Maki

Ray Maki

Co-Vice President and Farmer

Brittany Neal

Brittany Neal

Co-Vice President and Farmer

SB 655

Exemption for Fuel, Fiber, Food Hemp Crops

SB-655-SD-1

Submitted on: 2/22/2023 4:53:12 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
JARED DALGAMOUNI	Testifying for Hawaiian Choice	Support	Written Testimony Only

Comments:

Good Afternoon,

We are in support of SB655 and feel it is a good, sensible step forward for an adequate amount of regulation for supporting Hawaii's farmers.

Jared Dalgamouni

Hawaiian Choice

Agripelago
www.agripelago.com
Oahu, Hawaii



February 22nd, 2023 – Testimony on SB655: Support with Qualifying Comments

Aloha Chairperson Rhoads and Members of the Senate Judiciary Committee,

Thank you for your continued support of the hemp industry in Hawaii and the opportunity to testify.

Agripelago is an Oahu-based small business focused on breaking Hawaii's import dependency by creating renewable biofuels and foods from locally grown hemp. Our cofounders are Oahu-born residents under the age of 30, humbly representing a part of the future of Hawaii agriculture.

We would like to express support for SB 655, but offer the following qualifying comments:

The original version of SB 655 explicitly amended HRS §141-42 Commercial hemp production, Section (a)(4) to reduce certain buffers distance for hemp production from 500 feet to 100 feet. Note the language is not amending the buffer distances in (a)(3), which remains at 500 feet from playground, childcare facility, or schools. The exact wording from the original version of SB 655 is provided below in quotations for clarity:

“ (4) Hemp shall not be grown within [~~500~~] 100 feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the State industrial hemp pilot program prior to August 27, 2020 ”

SB 655 – SD1 returned the (a)(4) buffer distance to 500 feet. We strongly advocate the bill language revert the (a)(4) buffer distances to the originally stated 100 feet for the following reasons:

- 1) The 500-foot restriction infringes upon agricultural districts and hurts the Hawaii farmer. Limiting bona fide agricultural activities for the preference and benefit of residential structures or dwellings is contradictory to supporting farmers and small agribusinesses.
- 2) The USDA program does not require buffer distances whatsoever, thus we believe this is an overreach that continues to inhibit the opportunity for farmers to grow hemp in Hawaii.
- 3) To our knowledge, no other agricultural commodity is currently regulated in this manner by HDOA. As provided in previous testimony by HDOA, the agency does not wish to overregulate.

Ideally, the State would eliminate the (a)(4) buffer distance entirely, but we acknowledge that reducing it to 100 feet would substantially improve the current dilemma for farmers. We look forward to a positive outcome and thank you again for the opportunity to testify.

Mahalo,

Grant Overton

Cofounder of Agripelago



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February 13, 2023

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON SB 655, HD1
RELATING TO HEMP

Conference Room 016 & Videoconference
9:30 AM

Aloha Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 655, HD1, which gives authority to the Department of Agriculture to align state hemp production administrative rules with federal law, with regard to exemptions for fiber, fuel, and seed grain hemp crops.

Hemp continues to provide an opportunity for our farmers to diversify and expand agriculture production into new areas. Hemp is a very versatile agricultural product that is used to make a variety of products including clothing, food, animal feed, paper, biofuels, construction material, medicinal products, and various non-medicinal products.

This measure will continue to support and grow Hawai'i's hemp industry by aligning with federal exemptions for fiber, fuel, and grain from rules regarding testing. Hemp varieties for these functions typically have zero or very low THC and these onerous hemp rules are blocking the development of a fiber and fuel hemp sector in Hawai'i

Thank you for this opportunity to testify in support of this measure.

TO: Chair, Vice Chair, and members

FROM: Robert Bence Hawai'i Sustainable Farms

DATE: 2/22/2023

RE: Comment on buffer zone for HEMP (SB 655)

The current buffer zones seem to violate my legal rights as a licensed hemp farmer to grow on the land I own. My USDA AMS contact said that where to grow on agriculture zoned land is regulated by the USDA. If Hawai'i had a state hemp growing program that could limit growing with the buffer zone but as we are already under the USDA AMS program hemp growing including the buffer zone should legally already be solely under the jurisdiction of the USDA.

Also the Hawai'i Right to Farm Act should make this buffer zone aspect of the Act 14 hemp law null and void. The buffer zones are so large the majority of farms in Hawai'i can't grow any hemp and the production of hemp is not intrinsically offensive in any way. The ones complaining are not from Hawai'i and living in an agricultural zone complaining about noise and supposed smells during the occasional parties they attend at a gentleman estate the type of encroachment of residential to agricultural zoned lands meant to be addressed by the right to farm act. The offending farm is not impacted by these buffer zones; however, the buffer zones have destroyed the entire state's hemp industry for innocent farmers.

I am a local, disabled, diversified farmer growing on family lands, in Kula, purchased with help from a UDSA direct farm mortgage and in Waimanalo as part of a partnership on state lease land. Farming full-time since graduation of UH Mānoa with BBA. I am passionate about growing food. The buffer zone, movement and other double regulations will hopefully be addressed by the new members of this legislature, the governor and are excellent new head of the HDOA. These large buffers are barriers to hemp farming and are better addressed through the same already existing laws for any nuisance operation as the vast majority of the people support this sustainable crop.

Also again, I was told by USDA AMS Hemp program contact that the state doesn't control growing so the buffer zone aspects of the current law violate the USDA jurisdiction over growing. Also the state of Hawai'i Right to Farm Act. Is there anything to eliminate that buffer provision of the current bill on agriculture lands? The State Agriculture Department testimony mentions agriculture zone next to residential zones, is the current buffer zone only applicable in that situation of a residential zoning neighbor? The current bill reads as though it would be any house. 100 feet is still too large for the typical non-offensive outdoor field as the department testimony also pointed out the offending farms noise was fans associated with indoor growing. The National Organic Program has buffer zones of 25-50 feet, state Restrictive Use Pesticides buffer zones are under the state jurisdiction under federal rules and are addressing a proven health harm, unlike hemp which poses no health impacts. The 100' and definitely, the 500 foot buffer zones, seem to be a case of the state arbitrarily stopping local farmers from competing in the national hemp market.

The benefits of hemp as a food and a myriad of other uses from soil remediation to advanced nano particles of hemp graphene superconductors from animal bedding to housing from fresh juice to solventless extracts to seed breeding to microgreens...the market potential and environmental benefit list would go on for countless pages. Hawai'i farmers shouldn't be left behind any longer.

Appreciate your help.

Mahalo



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Kauai

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Judiciary Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports SB655.**

If passed, SB655 Hemp would establish an administrative framework for hemp production, allowing the Department of Agriculture to align state regulations with federal law and make exemptions for fiber, fuel, and seed grain hemp crops. This would open the way for commercial hemp production, leading to additional markets, investments, and jobs in the agricultural sector. The bill would benefit farmers, consumers and our economy in general, bringing much-needed economic and environmental sustainability to the islands. Accordingly, we urge the legislature to pass SB655 Hemp.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

SB-655-SD-1

Submitted on: 2/23/2023 7:35:39 AM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brittany Neal	Individual	Support	Written Testimony Only

Comments:

Re: SB 655

Aloha,

I support the passage of SB 655. This bill will allow HDOA to immediately amend Hawaii rules to align with federal exemptions for fiber, fuel and grain that are expected to be passed by Congress in 2023.

Māhalo for your time and consideration.

Sincerely,

Brittany Neal MSOM, BSN, RN

Hawaii Hemp Farmers Association, Vice President

SB-655-SD-1

Submitted on: 2/23/2023 7:41:05 AM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brent Neal	Individual	Support	Written Testimony Only

Comments:

Re: SB 655

Aloha,

I support the passage of SB 655. This bill will help to improve the hemp industry in Hawaii and allow the HDOA to adopt rules that are in alignment with Federal regulations, as they change over time. Thank you for your continued support of Hawaii's hemp farmers.

Sincerely,

Brent Neal