

2023 AEN Bills:

Successes and Failures

This was my 7th year as Chair of the Senate Agriculture and Environment (AEN) committee. The total number of bills introduced was 3,132 (1618 in the Senate, and 1514 in the House), which was over 600 more than in 2022. As of May 4, 274 bills passed the House and Senate and 29 have become law. (<https://lrb.hawaii.gov/publications/session-reports/>).

For the remaining 245 bills, the Governor has until June 26 to notify the Legislature of his intent to veto any bills, and July 11 to officially deliver the veto. He's got three choices: 1) sign the bill into law 2) not sign the bill, and it automatically becomes a law and 3) veto. If he chooses to veto, the Senate and House have the choice to override his veto, which takes a 2/3 majority in the House and the Senate.

Aloha e Friends,

I hope you and your 'ohana are well. The 2023 Legislative Session concluded on May 4. I hosted my Community Listen Story meeting virtually and in-person, on May 20, where I gave a Legislative Wrap-Up and shared District 21 Community updates. Please visit my YouTube page to view a recording of the meeting and don't hesitate to contact me at (808) 586-6830 or sengabbard@capitol.hawaii.gov if I can help you or your family in any way. I also invite you to follow me on social media: Instagram @GabbardAloha, [Facebook](#), [YouTube](#), and [Twitter](#) @SENNIKEGABBARD

Best wishes to you and your 'ohana.

2023 LEGISLATIVE SESSION WRAP-UP

The fast-paced nature of the Legislative Session, especially near the end, gets pretty hectic. It's a super dynamic process where bills can live, or die, with seemingly no advance warning. As is standard, with bills that have an appropriation, they can't be voted on in conference committee until we have approval by both the Senate Ways and Means Committee and the House Finance Committee. If there's no approval, the bill dies.

Many times, it's hard to say why bills ultimately live or die... could be the lack of agreement on both sides, money chairs not approving the funding, leadership not feeling it's a priority, or just running out of time. But one thing I've learned in my 19 years as a lawmaker, this process takes patience, and determination, plus ongoing collaboration with stakeholders and colleagues. Sometimes, it can often take 4 or 5 years for a good bill to pass! With that said, below are some of the top Agriculture & Environment bills that passed and failed.

TOP AG BILLS THAT PASSED



Feral Chickens and Pigs (SB652) It's no secret feral chickens and pigs are a persistent nuisance in our agricultural districts destroying food crops, and in suburban and urban residential communities as well. This session, \$5M was put into the budget for the Department of Agriculture (DOA) to establish a five-year pilot program to mitigate and control these nuisances. DOA will provide traps, free-of-charge, to the public to capture the ferals, then collect the traps and return empty traps to folks who want to catch some more.



Hawai'i Ant Lab (SB1552) This bill appropriates \$1.5M. to the Department of Land and Natural Resources (DNLNR) to support the Hawai'i Ant Lab in mitigating the effects of Little Fire Ants in the state. These little critters are nasty!



GroupGAP Food Safety Training (SB1588) Did you know close to 50 million people in the U.S. get sick and 3,000 die each year from foodborne diseases according to the Center for Disease Control and Prevention? In 2011, the federal Food and Drug Administration (FDA) created FSMA (Food Safety Modernization Act) to help prevent this. Then, in 2015, the US Dept of

COMMITTEE CHAIR

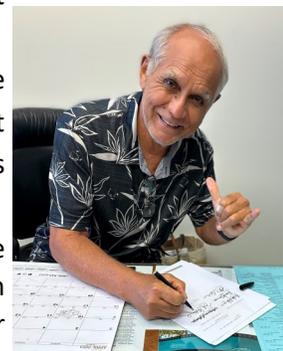
AGRICULTURE & ENVIRONMENT

MEMBER

- ◆ Judiciary
- ◆ Government Operations

DISTRICT 21

Kapolei, Makakilo, Kalaeloa, and portions of: Fernandez Village, Ewa



Sen. Gabbard signs the final Committee Report for Session 2023!

2023 LEGISLATIVE WRAP-UP

(Cont. from p. 1) GroupGAP



Agriculture (USDA) created the GroupGAP program to help small farms train and become certified in Good Agricultural Practices (GAP) to promote food safety. Hawaii GroupGAP is the only comprehensive farm food safety training program in the state that results in Good Agricultural Practices certification. Last session, I introduced SB2960 which passed (Act 136) and required the DOA to partner with the agricultural community to establish a food safety certification training program. SB1588 appropriates \$1M to the DOA to establish and implement a GroupGAP food safety training and certification program. This bill appropriates funds to the DOA to establish and implement a GroupGAP food safety training and certification program.



Hemp Producers (HB1359) Hemp, hemp hooray!!! This bill repeals duplicate regulations on hemp production to reduce costs for the State and Hawai'i farmers. It amends the hemp law to recognize unique constraints of Hawai'i farmers, while protecting human health. It allows licensed hemp producers to sell hemp biomass and requires transparency in labeling of hemp products. (The percentage of Hawai'i grown hemp or hemp from outside the State in all hemp products must be identified.) HB1359 would establish a Hawai'i Hemp Task Force, including a hemp consultant to recommend infrastructure improvements, and a toxicologist or consultant familiar with hemp industry standards to set limits or exposure levels for different types of hemp products. Finally, it extends the State's hemp processor law through 7/1/2027.

TOP AGRICULTURE BILLS THAT DIDN'T PASS



Sustainable Food Systems (HB308) We keep complaining about how ridiculous it is to import 85-90% of our food at a cost of about \$3B annually, when we have great climate and plenty of ag land. To solve the problem requires a plan. This bill would create a sustainable food systems working group within the DOA to come up with a plan, including recommendations for implementing the plan and proposed legislation. It would also provide funding for a consultant to facilitate the working group and an unspecified number of sustainability specialist positions to be employed by the DOA.



Supplemental Nutrition Assistance Program (SNAP) Incentives (DaBux) (HB1248) This bill would appropriate funds to the DOA for the continued administration of the Hawai'i Healthy Food Incentive program (aka DaBux) and would

provide matching funds to beneficiaries who participate in the [supplemental nutrition assistance program \(SNAP\)](#).



Farm to Food Bank Program (SB430) This bill would establish the Hawai'i Farm to Food Bank Program and Hawai'i Food Assistance Program Special Fund to alleviate food shortages in the State.

TOP ENVIRONMENT BILLS THAT PASSED



Carbon Sequestration Pilot Program Funding (SB419) This bill provided \$1M funding for a pilot program we established last session [SB3225](#): The [Hawaii Carbon Smart Land Management Assistance Pilot Program](#), which provides incentives for farmers and foresters to manage their lands in ways that help sequester carbon emissions. This program will allow small farmers, ranchers, foresters, and land-owners and lessees to be compensated for taking measures to help Hawai'i reach its climate readiness goals.



Sea Level Rise (SB1417) Climate change and sea level rise pose a significant danger to the State. The Kakaako Community Development District and Kalaeloa Community Development District are particularly threatened by the effects of climate change, including sea level rise, king tides, heavy rainfall, and other climate change-related events. This measure requires the Hawai'i Community Development Authority to consider the impacts of climate change in the design and construction of buildings in the Kaka'ako and Kalaeloa Community Development Districts. The lack of drainage infrastructure in the Kalaeloa Community Development District makes that district vulnerable. If enacted into law, HCDA would also consider ways in which hazard mitigation can be designed into buildings.

TOP ENVIRONMENT BILLS THAT DIDN'T PASS



Cesspools HB1396 Hawai'i has more cesspools per capita (over 88,000) than any other state and was the last in the country to ban them by several decades. That's a crappy little secret that has remained hidden from most tourists and even many residents. There are over 11,000 cesspools on O'ahu alone. Many are on the North Shore and Windward (Kahalu'u to Mokuleia), which has no sewers, but there are plenty on Ewa through Makaha as well. Antiquated and outdated (basically just a hole in the ground), cesspools put 53 million gallons of raw sewage into the State's groundwater and surface waters every day – and we rely on groundwater for over 90% of our drinking water!

2023 LEGISLATIVE WRAP-UP

TOP ENVIRONMENT BILLS THAT DIDN'T PASS

(Cesspools, cont. from p. 2)



Obviously, this presents a huge threat to human health and the environment. In Kea'au on the Big Island, there are over 9,400 cesspools, and studies by the DOH have shown that 25% of drinking water wells in the area tested positive for fecal indicator bacteria. Over the last six years, environmental groups, government officials and concerned citizens helped pass three new laws to help protect water quality: 1) Act 120 banned the construction of new cesspools; 2) Act 125 mandated the conversion of all cesspools by 2050; and 3) Act 132 created the Cesspool Conversion Working Group (CCWG).

This session, several cesspool bills were introduced based on the recommendations of the CCWG. HB1396 got very close to passing. It would have conducted public outreach to educate homeowners regarding the State's cesspool situation, among other things. It made it to conference but.... you guessed it... didn't have WAM/FIN release so it died. Really crappy. Disappointed is an understatement. Lots of people put their heart and soul into getting a cesspool bill passed. It's a huge problem affecting all of us. This comprehensive bill had huge support from both the House and Senate, and many other stakeholders, so we'll try again next year.

PFAS [SB504](#)



According to the Environmental Protection Agency (EPA), PFAS (Per- and Polyfluorinated Substances aka "forever chemicals") are fluorinated organic chemicals that have been used since the 1940s in consumer products such as carpets, clothing, furniture fabric, paper packaging for food and cookware meant to be waterproof, stain-resistant or nonstick. They're also a component of firefighting foam and have other industrial uses. About 1,300 gallons of firefighting foam, called aqueous film-forming foam, that contains PFAS spilled from a pipe at Red Hill in November 2022. PFAS were recently detected in wells in Kunia Village, and the community there has been relying on bottled water for months. This bill would prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use

of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added per-fluoroalkyl and polyfluoroalkyl substances. Last year, we passed HB1644 (Act 152) which banned the manufacture, sale, or distribution for sale or use of wraps and liners, plates, food boats, and pizza boxes that contain PFAS; along with the manufacture, sale, distribution, and use of class B firefighting foams that contain PFAS, all by 12/31/26. We took the issue further with SB504, which made it all the way to Conference with both the House and Senate in agreement, and then unfortunately, died.

Visitor Impact (Green Fee) [SB304](#)



This bill would establish a visitor impact fee program within the DLNR through which the department would collect a fee from visitors for a license to visit a state park, forest, hiking trail, or other state natural area. Surprisingly, in spite of the incredible value of Hawaii's natural resources, the State currently invests less than 1% of its budget (\$16.9B) to protect, restore, & manage these natural assets. Despite eight "Green Fee" bills introduced this year, and the Governor in strong support of the concept, only one made it to Conference Committee, and then it too died. To me, the Visitor Impact Fee is truly a no-brainer and I'm sure we'll see it back in the running next session.

Packaging Waste Reduction [HB1326](#)



This bill would establish the Hawai'i Zero Waste Initiative to manage the State's transition to a zero solid waste economy. It would require the DOH, with assistance from each county, to develop a statewide needs assessment to determine resources necessary to reduce packaging waste by 70% from the baseline amount. It required the DOH to establish an advisory council to advise the Department on how to structure a producer-funded packaging waste reduction and reuse program. These programs are taking root across the country, but it's back to the drawing board for Hawai'i. The bill passed the House and made it all the way to the money committee (Ways and Means—AM) in the Senate before it died.

DISTRICT 21 UPDATES



Sen. Gabbard held his monthly Listen Story Community meeting at Kapolei High School teacher’s lounge on May 20, in-person and online, where he gave a Legislative Wrap-Up and shared District 21 Community updates.

Schools— I’m happy to report that \$15M was included in the budget for design and construction for East Kapolei High School, to be located between Farrington Highway and the freeway, close to Kualaka’i Parkway. The conceptual design is complete, but construction is on hold pending verification if the project will continue within the DOE or move to SFA (School Facilities Authority). Also, under Act 257, SLH 2022, \$75M has been appropriated to expand statewide pre-kindergarten access. Two schools in our community were awarded funds: Ho’okele Elementary: \$4M and Mauka Lani Elementary: \$2M.

‘Ewa Hawaiian Humane Society Grand Opening! —In 2017, developer D.R. Horton gifted the Hawaiian Humane Society 5.5 acres within the Ho’opili master plan. I’m excited to announce that on May 20, 2023, the *Kosasa Family Campus* opened its doors to feature a 27,000-square-foot “new generation” shelter. The facility will offer adoptions, animal admissions, veterinary care, and spay and neuter services. It features three dog pavilions, two cat pavilions, a small animal pavilion, and two gazebos—and a community dog park open to the public. I had a great time at the grand opening!

Kalaeloa (Formerly Barbers Point Naval Air Station) Revitalization—Last, but not least, the Navy is committing \$6M to modernize the Kalaeloa power grid and will work in partnership with HECO. Exciting news for Kalaeloa residents, like our ‘ohana for the past 19 years. Hopefully, this means fewer power outages!



Keirah Allanie Malvar



Jamie Fisher



Lauren Watarida



Jacob Membere

On May 19, Sen. Gabbard attended the Kapolei High School Class of 2023 Commencement Day celebration, as he does each year, and surprised several of the valedictorians and their ‘ohana with an Honorary Certificate on behalf of the Hawai’i State Legislature. (Pictured L-R: Keirah Allanie Malvar, Jamie Fisher, Lauren Watarida, and Jacob Membere).



Sen. Gabbard and Sen. Henry Aquino presented an Honorary Certificate on behalf of the Hawai’i State Legislature to the Hawaiian Humane Society Kosasa Family Campus at Ho’opili on its Grand Opening, May 20, 2023. (Pictured L-R: Anna Neubauer, President and CEO; Sen. Gabbard; Stephanie Kendrick, Director of Community Engagement; Michelle Garcia, Associate Director, Kosasa Family Campus; and Sen. Aquino).