

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 HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

THURSDAY, MARCH 2, 2023
2:00 PM
CONFERENCE ROOM 325 & VIDEOCONFERENCE

HOUSE BILL NO. 973 HD1
RELATING TO HEMP

Chairperson Tarnas and Members of the Committee:

Thank you for the opportunity to testify on House Bill 973 HD1. This measure repeals the requirement for additional rules by the Department of Agriculture (DOA) to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. The DOA strongly supports this bill.

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 impact to surrounding communities from growing hemp within the State, and adopting rules pursuant to chapter 91. This bill is to amend section 141-43(a) to delete the requirement for 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 address, and are the appropriate method of addressing, the areas of nuisance referenced. The DOA believes that where pre-existing regulatory oversight of nuisance and other issues are present, a deferral to and reliance on those regulatory frameworks is the proper and preferred means to avoid any ambiguity that may arise



from multi-jurisdictional enforcement authority that may conflict. That is especially true when conflicting standards are imposed by the DOA that lacks scientific expertise in the areas of health issues, and the necessary resources and staffing to enforce the type of standard envisioned. As such, the DOA does not find it necessary or appropriate to create additional, duplicative regulations that may increase the challenges to enforcement.

Thank you for the opportunity to testify on this measure.



www.hawaiihempfarmersassociation.org

March 1, 2023

RE: Support HB 973 Remove Duplicative Rules

Aloha Chair Tarnas and Members of the House Committee on Judiciary and Hawaiian Affairs,

The Hawaii Hemp Farmers Association is a nonprofit organization consisting of farmers, processors, and manufacturers. We support deletion of the nuisance rules in 141-43 that singled our hemp farmers and added an extra layer of regulation to agricultural lands. Hemp farmers must still abide by health and safety regulations and existing agricultural zoning requirements. Only one incident in the state drove the creation of this extra set of rules and, to the best of our knowledge, has since been resolved.

Thank you for your continued support of Hawaii Hemp farmers.

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



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March 2, 2023

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**TESTIMONY ON HB 973, HD1
RELATING TO HEMP**

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Takayama, 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 HB 973, HD1, which repeals the requirement for additional rules by the department of agriculture to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers.

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 deleting the nuisance rules in HRS Section 141-43(a) that adds additional and duplicative regulations for Hawai'i's hemp farmers.

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



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

Reba Lopez
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Chapter Presidents

Madeline Ross
Kohala, Hawai'i

Odysseus Yacalis
East Hawai'i

Puna, Hawai'i

Andrea Drayer
Ka'u, Hawai'i

Chantal Chung
Kona, Hawai'i

Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the House Judiciary & Hawaiian Affairs 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 HB973.**

HB973 will repeal a burdensome requirement for additional rules by the Department of Agriculture to address unrealized nuisance issues related to hemp growers in Hawaii. This bill is essential to protect the rights and interests of hemp farmers across our state.

The current regulations requiring additional rules to address nuisance issues, such as smell, noise, and excessive lighting, single out an already well regulated fledgling industry. We recognize the state's responsibility to ensure the safety and health of its citizens, but this bill provides the needed balance of safety and fairness to farmers. We urge the passage of House Bill 973 in order to ensure the survival of our small and medium sized farmers.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

HB-973-HD-1

Submitted on: 2/28/2023 9:28:48 PM

Testimony for JHA on 3/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

HB-973-HD-1

Submitted on: 3/1/2023 6:07:48 AM

Testimony for JHA on 3/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Oppose	Written Testimony Only

Comments:

In opposition of HD1. Thank you.