

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND
ENVIRONMENT AND HAWAIIAN AFFAIRS

FRIDAY, JANUARY 24, 2025
1:30 PM
CONFERENCE ROOM 224

SENATE BILL NO. 240
RELATING TO THE RIGHT TO FARM.

Chairs Gabbard and Richards, Vice Chairs Richards and San Buenaventura and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 240 that amends Chapter 165 (Hawaii Right to Farm Act) by redefining "farming operation" to include customary and traditional subsistence farming conducted by native Hawaiian cultural practitioners and excluding concentrated animal feeding operations and business entities with unclear or non-transparent ownership or beneficiary structures. The measure also establishes additional criteria for farming operations to meet in order to be protected against nuisance claims and clarifies the purpose and intent of the Hawaii Right to Farm Act. The Department of Agriculture (Department) appreciates the intent of the bill and provides the following comments.

The Department has concerns about the individual amendments and their collective effect on the purpose of Chapter 165 which is "to reduce the loss to the State of its agricultural resources by limiting the circumstances under which farming operations may be deemed to be a nuisance". (Section 165-1) The Department offers comments and recommendations on each of the proposed amendments to Chapter 165 in order of their appearance in the bill.

1. Amending the definition of "farm operation" to be protected by Chapter 165 by adding "customary and traditional subsistence farming conducted by native Hawaiian cultural practitioners". (page 3, lines 12-14)



The Department may be receptive to protecting “customary and traditional subsistence farming” from nuisance claims if this farming is equivalent to a commercial agricultural, silvicultural, or aquacultural facility or pursuit as required in Section 165-2.

Chapter 165 protects commercial farming operations that significantly affect local food production and help the State achieve food self-sufficiency. All farming operations seeking protection from nuisance claims must be qualified as commercial farming operations.

2. The definition of "farming operation" is amended to exclude concentrated animal feeding operations and business entities with unclear or non-transparent ownership or beneficiary structures. (Bill, page 3, lines 15-17)

The Department understands that some states have difficulty harmonizing their right to farm laws with the considerable environmental and nuisance impact of large-scale concentrated animal feeding operations (dairy cows, cattle, swine, and sheep). Hawaii’s existing Right to Farm Act protects farming operations from nuisance claims to the extent that they do not “restrict or impede the authority of the State to protect the public health, safety, and welfare” (Section 165-2) The Department believes this amendment may exclude permissible agricultural activities on land zoned for agricultural use and that are already subject to existing statutes and rules and regulations protecting the public health, safety, and welfare.

3. The characteristics of “farming operations” that are protected from nuisance claims under Chapter 165 are amended in the following three ways. (page 4, lines 9-16)

a) The “farming operation” has been established before encroachment of non-agricultural activities; (page 4, lines 9-10)

The Department understands the concept of protecting farming operations that have been in existence prior to the encroachment of non-agricultural activities. This “triggering event” provision is found in the right to farm laws of 19 states (National Agricultural Law Center, 2019). However, encroachment of non-agricultural activities is unlikely to occur in Hawaii as each county’s planning and zoning ordinances largely prevent unplanned non-agricultural encroachment into agriculture zoned land.

b) Counties are given the responsibility to define “generally accepted agricultural and management practices”; (page 4, lines 11-14. Presumably, the definitions will be in ordinance pursuant to page 4, lines 19-20)

The Department has strong concerns. Chapter 165 provides for a uniform statewide application of “generally accepted agricultural and management practices” or GAAMPs. These practices have yet to be defined in Hawaii and there are no GAAMPs in effect. According to the American Farmland Trust, GAAMPs are agricultural practices that are widely used by farmers, promoted by

agricultural institutions such as the Extension Service from a land grant college (e.g. the University of Hawaii's College of Tropical Agriculture and Human Resilience), and comply with federal and State environmental, health, and safety laws and regulations. GAAMPs are not regulatory documents. They are voluntary guidelines for good farm management.

The Department would support a study to investigate what would be the appropriate content of GAAMPs for application throughout Hawaii and how many GAAMPs would be necessary to encompass most of Hawaii's commercial agricultural operations. Michigan, which enacted one of the first right to farm laws in the country, has eight GAAMP categories, Care of Farm Animals, Cranberry Production, Farm Markets, Irrigation Water Use, Manure Management and Utilization, Nutrient Utilization, Pesticide Utilization-Pest Control, and Site Selection. Each GAAMP document is "written to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of the practices." The Department has yet to come across a "diversified commercial farm operation" GAAMP. The Department is also researching the total cost of and how long it takes to develop a single GAAMP.

Each of Michigan's GAAMPs has an advisory committee comprised of subject area specialists from universities, USDA-Natural Resources Conservation Service, State environmental programs, farm organizations, and farm operations. There is little, if any, county/local government input and very limited participation by non-agricultural/non-governmental organizations.

- c) "Farming operations" cannot cause "significant environmental harm or public health concern". (page 4, lines 15-16)

This concern is redundant to Section 165-2 that states that "nothing in this chapter shall in any way restrict or impede the authority of the State to protect the public health, safety, and welfare."

4. The bill adds the following that has wide ranging implications for farming operations – "(b) County ordinances governing agricultural practices shall supersede the provisions of this chapter." (page 4, lines 15-16) The Department presumes that the "agricultural practices" are referring to the to-be developed GAAMPs.

If as presumed above, the Department does not support this amendment that would result in the development and deployment of separate sets of GAAMPs for each of the four counties and whose ordinances will supersede Chapter 165. There is concern that this amendment will not protect Hawaii's commercial farming operations from nuisance claims and may contribute to substantial "loss to the State of its agricultural resources". (Section 165-1) We note that California's right to farm law

supersedes any local regulations. Many counties have passed ordinances that bolster the state's right to farm law, providing even further protections for agricultural operations and have held up in court. (California's Right-to-Farm Summary, One Rural Collective, University of Kentucky College of Arts and Sciences, Lexington, undated)

5. Excluded from the protections provided in Chapter 165 are farming operations that do not publicly disclose their ownership and beneficiary structures, including the existence of parent companies. (page 5, lines 1-4)

The Department believes this amendment is not in accordance with the purpose and intent of Chapter 165 which seeks to encourage future investments in agriculture and excludes these farming operations from the protections enumerated in Chapter 165.

6. This measure also adds five criteria that establish the counties' role in defining "generally accepted agricultural and management practices" and the local communities' role in determining desirable community, environment, farm ownership transparency, sustainable agricultural practices, and other characteristics of farming operations to be protected from nuisance claims. (page 5, line 9 to page 6, line 5)

The Department believes these amendments are not in accordance with the purpose and intent of Chapter 165. The concern is that these criteria will not protect Hawaii's commercial farming operations from nuisance claims and will likely contribute to "the loss to the State of its agricultural resources". (Section 165-1)

Finally, the Department notes that this measure does not propose amendments Section 165-1 (findings and purpose).

Summary:

The Department would support a study to investigate what would be the appropriate content of GAAMPs for statewide application and how many GAAMPs would be necessary to cover most of Hawaii's commercial agricultural operations. Otherwise, the Department is very concerned about the fragmented approach proposed in this measure that runs counter to the purpose and intent of the Hawaii Right to Farm Act.

Thank you for the opportunity to present our testimony.

SB-240

Submitted on: 1/22/2025 2:48:16 PM

Testimony for AEN on 1/24/2025 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Catherine Goeggel	Testifying for Animal Rights Hawai'i	Comments	Remotely Via Zoom

Comments:

Chair Gabbard and Members of the Ag Committee:

I am Cathy Goeggel, President of Animal Rights Hawai'i, advocates for animals since 1977.

CAFOs present serious problems for Hawai'i. The odors of poultry houses, pig gestation and farrowing crates, as well as dairy farms are a serious matter, affecting neighbors for some distance. Manure lagoons are particularly dangerous to our water table, as was seen in the overflow of a dairy on Hawai'i, which has now closed.

Hawai'i's environment and the health of our citizens depends upon clean air and water. Several years ago, the people of Kaua'i refused to allow a dairy situated above Mahaul'epu Beach. Accidental runoff could have polluted that beautiful land and surrounding waters. Earlier, during that 40 plus day rains,

Please do not allow any more CAFOs in Hawai'i. Mahalo !

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Herbert M. "Tim" Richards, III, Chair
Senator Joy A. San Buenaventura, Vice Chair

Friday, January 24, 2025, 1:30pm
Conference Room 224

Aloha Chair Gabbard, Chair Richards, Vice Chair San Buenaventura, and Members of the Committee,

My name is Scott Enright and I represent Villa Rose and Waialua Eggs. We strongly **OPPOSE** SB240, Relating to the Right to Farm.

This bill's inclusion of customary and traditional farming practices into protection of the "right to farm" act are to be supported. However, at a time when the state of Hawaii is looking to support growth in its agricultural sector the attempt to remove "right to farm" protection apart from animal agriculture helps defeat this effort. We, at Villa Rose/Waialua Eggs, are currently the largest egg producer in the state of Hawaii and have accomplished this production with sustainable and community oriented agricultural practices. As with many things, not all CAFO's are created equal, ours at Villa Rose is a credit to the state of Hawaii. In the near future, we will be looking to expand our egg production in Hawaii and the loss of "right to farm" protections could jeopardize that expansion. Again, we stand in opposition to SB240 as it is currently written.

Thank you for your consideration.

Mahalo,



Scott Enright
President
Scott E. Enright Company LLC



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Vincent Kimura
Honolulu, O'ahu

Natalie Urminska
Kaua'i

Aloha Chairs Gabbard & Richards, Vice Chairs, and Committee Members,

The Hawaii Farmers Union 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 strongly supports SB240.**

SB240 presents an essential advancement for agriculture in Hawaii by amending the definition of "farming operation" to include customary and traditional subsistence farming conducted by Native Hawaiian cultural practitioners. This inclusion recognizes the vital role that traditional subsistence farming has played in the cultural heritage of Hawaii. For generations, these practices have provided sustenance and community cohesion, enabling native Hawaiians to maintain a deep connection with the land. By formally recognizing these cultural practices within the framework of state law, SB240 acknowledges their value and ensures their protection for future generations. This amendment supports cultural preservation and sustainable agricultural practices, aligning with the principles of self-sufficiency and environmental stewardship that are critical in the face of modern agricultural challenges.

Furthermore, while right-to-farm laws were created to protect farmers from nuisance claims, a [nationwide research study](#) identified critical flaws in how Right to Farm laws are applied and their unintended consequences. While these laws were originally intended to protect farmers from nuisance lawsuits and urban encroachment, the findings reveal that they often shield industrial-scale operations and harm family farms and rural communities. Key points include:

1. Favoring Industrial Agriculture: Right to Farm laws are frequently exploited by large-scale agribusinesses to avoid regulation, allowing them to externalize costs onto communities through environmental degradation, water contamination, and air pollution.

2. Undermining Local Governance: These laws preempt local land use and zoning regulations, limiting the ability of counties and municipalities to address the specific needs and challenges of their communities, such as controlling CAFO (Concentrated Animal Feeding Operation) siting.

3. Harming Family Farmers: Instead of protecting family farmers, these laws often exacerbate economic challenges by enabling unfair competition from industrial operations that benefit from regulatory loopholes.

4. Environmental and Public Health Impacts: The blanket protections offered by Right to Farm laws have been linked to increased environmental harm and public health risks in rural areas due to unchecked industrial farming practices.

5. Disconnect from Original Intent: The original purpose of Right to Farm laws—preserving farmland and protecting traditional farmers from urban sprawl—has been lost as the laws have evolved to benefit industrialized farming practices.

These findings underscore the need to reevaluate and modify Right to Farm laws to align them with contemporary agricultural realities and community resilience goals.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

A handwritten signature in black ink, reading "Kaipo S.K. Kekona". The signature is written in a cursive style with a long horizontal flourish at the end.



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January 24, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
AND
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

TESTIMONY ON SB 240
RELATING TO THE RIGHT TO FARM

Conference Room 224 & Videoconference
1:30 PM

Aloha Chairs Gabbard and Richards, Vice-Chair San Buenaventura, and Members of the Committees:

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 respectfully opposes SB 240, which changes the intent of the Hawaii Right to Farm law, changes the definition of farming operation to exclude certain types of farming and those with certain types of business ownership or beneficiary structures, mandates public disclosure of ownership and beneficiary structures, requires farms to already be established before any surrounding non-agricultural activities exist, allows each county to determine the type of farms protected by the Right to Farm law, and includes in the definition of farming operation the customary and traditional subsistence farming conducted by native Hawaiian cultural practitioners.

Hawaii is struggling to meet its local food production goals for self-sufficiency. The reasons are many and well-known. We are not even close to our goal, and the continuous influx of devastating invasive species is only making things more difficult every year. The work is difficult and exhausting, and requires lots of money and effort for land, equipment, labor, water, electricity, fencing, shipping, marketing, regulatory compliance, etc. There are no guarantees that your crops will grow and not be decimated by birds, bugs, rodents, deer, weather, disease, or thieves. There are no guarantees that you will actually produce a crop, and that people will want to buy your product instead of a cheaper one from the mainland or China.

The younger generation is not interested in going into farming for a living once they realize all the obstacles they'd be facing. There are better job opportunities that are easier and don't require the investment or the risk. It's easy to understand why the average age of our farmers is over 60 years old. This does not bode well for sustainability.

The Legislature acknowledged the importance of Hawaii's agriculture industry when they enacted the Right to Farm law. The express purpose of the law is to make sure that those who farm for a living would not be shut down or sued out of business because their normal farm operations may be considered a nuisance; things like dust, noise, and smells that may bother others.

This bill turns that purpose upside down. It arbitrarily restricts the nuisance protection of farming to only certain types of farms and business structures and further allows the counties to dictate which farms merit protection from litigation and which farm practices don't. How will we keep farming alive in Hawaii with this kind of overbearing, subjective, and unreasonable policy?

Regarding health and environmental impacts, the current law and many other State and federal laws already limit agricultural practices to ensure that public health is protected. In fact, the current law explicitly states that "...nothing in this chapter shall in any way restrict or impede the authority of the State to protect the public health, safety, and welfare." The fines and penalties associated with those laws are significant; many are in the tens of thousands of dollars per day, per violation. Additionally, the current Right to Farm law excludes from protection any alleged nuisance that involves water pollution or flooding.

This bill would actually require all farms and ranches to have started before any non-ag activities are going on around it. It would wipe out any protection for new farms even on agriculturally zoned lands if there are residences, or other non-ag activities in the area. In essence, it would nullify the entire State statute and instead, give each county the right to dictate what types of farming practices and management are protected from litigation. Farmers will be required to farm according to methods and restrictions dictated by those who don't farm and don't know farming. Each county will be able to micromanage the farms in its jurisdiction, likely resulting in unfair and unreasonable mandates and competition from other areas that could drive local farmers to give up and shut down. Is this how Hawaii is going to become more self-sufficient?

Thank you for the opportunity to testify against this measure.



COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair

COMMITTEE ON HAWAIIAN AFFAIRS
Senator Herbert M. "Tim" Richards, III, Chair
Senator Joy A. San Buenaventura, Vice Chair

SB240
RELATING TO THE RIGHT TO FARM

Friday, January 24, 2025, 1:30PM
Conference Room 224 & Videoconference

Chairs Gabbard & Richards, Vice Chair Richards & San Buenaventura, and Members of the Committees,

The Hawaii Cattlemen's Council **opposes SB240** which amends the definition of "farming operation" by including customary and traditional subsistence farming conducted by native Hawaiian cultural practitioners and excluding concentrated animal feeding operations and business entities with unclear or non-transparent ownership or beneficiary structures.

We support the inclusion of customary and traditional subsistence farming, but we advise against the exclusion of concentrated animal feeding operations.

The Hawaii Cattlemen's Council supports all types of agriculture when done in a manner that is safe for the animals, the community, and the environment. Having access to various methods of animal agriculture ensures that we can be flexible in the ways that we feed our community. While the term "CAFO" has negative connotations, the key to ensuring animal and environmental safety is well managed facilities and regulations that are enforced. Restricting methods of agriculture can have detrimental impacts on our flexibility and ability to achieve local food security, and we advise against a complete prohibition.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





Senate Committee on Agriculture & Food Systems

Senate Committee on Hawaiian Affairs

Hawai'i Alliance for Progressive Action (HAPA) Supports: SB240

Friday, January 24th, 2025 1:30pm, Conference Room 224

Aloha Chair Gabbard, Chair Richards, and Members of the Committees,

HAPA supports SB240 which appropriately amends the definition of "farming operation" in Hawai'i's "Right to Farm Act" by both including customary and traditional subsistence farming conducted by native Hawaiian cultural practitioners and excluding concentrated animal feeding operations and business entities with unclear or non-transparent ownership or beneficiary structures.

Importance of Including Native Hawaiian Customary & Traditional Subsistence Practices

Hawai'i has a unique and longstanding tradition of robust subsistence food production practices dating back millennia. Hawai'i's 'ōiwi communities, often led by those with lineal ties to place, are increasingly leading efforts to reactivate facets of traditional and customary ahupua'a food production systems. A resurgence in these efforts is an important part of Hawai'i's overall food security and should be prioritized for inclusion in Hawai'i's Right to Farm statute. Given a variety of factors Hawai'i's traditional and customary practitioners are more vital than ever. Hawai'i's geographic isolation, the increasing frequency of climate change related disasters, and the staggering food insecurity (1 in 3 households are reporting food insecurity) all underscore the need to ensure that T&C practices receive the protections included in Hawai'i's right to farm laws.

Importance of Excluding CAFO's and Non-transparent Ownership of Beneficiary Structures

While HAPA supports efforts to support the state mandate to increase local food production, a 2019 analysis of all 50 states found right-to-farm laws increasingly favor large-scale, industrial operations, while infringing on the rights of residents living adjacent to contained animal feeding operations. Right to Farm legislation has created regulatory loopholes for concentrated animal feeding operations (CAFO's) that can lead to the spread of infectious diseases, contamination of drinking water sources, nutrient water pollution and harmful air emissions. Communities in

Hawai'i should not have to choose between increased local food production and environmental health.

Additionally, business entities with unclear or non-transparent ownership or beneficiary structures raise concerns about potential land speculation. Given the overwhelming need for bona fide local farmers to access affordable land Hawai'i's Right to Farm statute should incorporate provisions which disincentivize land speculation.

Mahalo for your consideration, please support SB240.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a long horizontal flourish extending to the right.

Anne Frederick
Executive Director

SB-240

Submitted on: 1/23/2025 5:17:37 PM

Testimony for AEN on 1/24/2025 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Danny Cup Choy	Testifying for Hawaii Crop Improvement Association	Oppose	Written Testimony Only

Comments:

The Hawaii Crop Improvement Association is opposed to SB240. Mahalo for the opportunity to register our opposition.

SB-240

Submitted on: 1/23/2025 7:33:58 PM

Testimony for AEN on 1/24/2025 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Gene Harrington	Testifying for Biotec	Oppose	Written Testimony Only

Comments:

The Biotechnology Innovation Organization (BIO) is the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. Our key areas of focus are health biotechnology, industrial and environmental biotechnology, and food and agriculture biotechnology.

We are testifying in opposition to SB 240. The regulatory authority for agriculture appropriately lies with the State Department of Agrilcutlure. The counties lack the expertise, tools, resources and time to take on this additional responsibility - especially as tackle many competing priorities.

Mahalo for your time.



The Molokai Farm Bureau serves as Molokai's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community. We are an arm of the Hawaii Farm Bureau Federation, organized in 1948 and comprised of 1800 farm families statewide.

**HEARING BEFORE THE SENATE COMMITTEES ON
AGRICULTURE AND ENVIRONMENT, HAWAIIAN AFFAIRS**

January 24, 2025, 1:30pm
Conference Room 224 & Videoconference
Hawaii State Capitol, 415 South Beretania Street

SB 240 - Relating to the Right to Farm

OPPOSE

January 23, 2025

Aloha Chairs Gabbard & Richards, Vice Chair San Buenaventura, and Respected Committee Members,

Thank you for the opportunity to provide testimony on SB 240, relating to the Right to Farm.

With respect, we would like to highlight the following sections of our current Hawaii Revised Statute, Title 11, Chapter 165 Hawaii Right to Farm Act, which states:

Chapter 165-1 Findings and purpose.

The legislature finds that when nonagricultural land uses extend into agricultural areas, farming operations often become the subject of nuisance lawsuits that may result in the premature removal of lands from agricultural use and may discourage future investments in agriculture. The legislature also finds that under the Hawaii State Planning Act, it is a declared policy of this State to "foster attitudes and activities conducive to maintaining agriculture as a major sector of Hawaii's economy." Accordingly, it is the purpose of this chapter to reduce the loss to the State of its agricultural resources by limiting the circumstances under which farming operations may be deemed to be a nuisance.

Chapter 165-3. Declaration of public purpose.

The preservation and promotion of farming is declared to be in the public purpose and deserving of public support.

For the following reasons, the Molokai Farm Bureau **OPPOSES SB 240**:

- We respectfully **do not support individual county ordinances** that would supersede or be in contradiction with HRS Title 11, Chapter 165 Hawaii Right to Farm Act.
 - County ordinances could create policy conflicts with unintended consequences to currently allowable agricultural practices on agriculturally zoned lands, as well as designated or potential

Important Agriculture Lands (IAL). Agricultural lands are based on Hawaii’s land classifications and are already highly regulated to ensure permissible uses take place. This system serves to protect and preserve the lands that are most suitable for agricultural productivity and are instrumental in the state’s agricultural plan.

- Allowing counties to impose additional restrictions and establish an inconsistent patchwork of individual county ordinances (that “*shall supersede*” state statutes) will have the very real potential to disrupt inter-island commerce, complicate property rights and community landscapes, create undue threat of litigation, and distort the purpose and intent of the state’s Right to Farm Act.
- We also question if this type of legislation would be able to withstand a challenge based upon the supremacy clause, which could create further uncertainties and go against the policy of the State to “*foster attitudes and activities conducive to maintaining agriculture as a major sector of Hawaii’s economy.*”
- We respectfully endorse **upholding the State of Hawaii’s Right to Farm Act in its current form**. As it stands, Hawaii’s Right to Farm Act supports all sectors of Hawaii agriculture and enables both economic and cultural contributions to our state.
 - It provides the framework for consistent and statewide protections and maintains legal and acceptable standards for all farmers – which is vital in encouraging continued and future farmer investments in local agriculture.
 - It helps to preserve farming as a viable and essential part of Hawaii’s culture, and currently provides the liberal framework for balancing the needs and rights of our culture, our communities and our agriculture. It promotes food security and the sustainability of our communities, like Molokai, and other rural communities across our state.
 - It underlines and maintains the statewide importance of agriculture to the state's economy. (Below is an excerpt from a 2023 economic report that measures direct and indirect food and ag industry economic activity, capturing both upstream and downstream activities. The report reiterates the merit and importance of agriculture to Hawaii).

Hawaii Food and Ag Industries:

Hawaii Total Jobs		220,039
Direct Jobs	120,797	
Total Wages		\$12.04 Billion
Direct Wages	\$5.22 Billion	
Total Output		\$35.20 Billion
Direct Output	\$15.70 Billion	
Business Taxes		\$5.61 Billion
Exports		\$70.22 Million

Link (search by state): <https://feedingtheeconomy.com/>

- As farmers we **understand the need for balance and education**.

- Separated by ocean, farming and strong agricultural roots have fortified each of our island communities' identity, and self-reliance. As farmers we understand the rooted social conversations surrounding farming in Hawaii and recognize the genuine need to fairly balance cultural values, sustainability and the environment with economic contributions and the impacts to Hawaii's jobs and wages.
- Most importantly we respectfully support a stronger focus on statewide ag education and outreach. With the goal of providing the public accurate information, we can best ensure the success of Hawaii agriculture and fulfill the intent of Hawaii's Right to Farm Act.

We thank you for the opportunity to provide testimony, and hope you allow the current Hawaii Right To Farm Act to remain as it is written and intended. Respectfully, the Molokai Farm Bureau is in **OPPOSITION to SB-240**.

Submitted with Aloha,

Nate Oswald

Nathaniel (Nate) Oswald
President, Molokai Farm Bureau

SB-240

Submitted on: 1/23/2025 11:43:26 PM

Testimony for AEN on 1/24/2025 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
J Ashman	Individual	Oppose	Remotely Via Zoom

Comments:

The Hawaii Right to Farm law was enacted to foster farming and ranching businesses by protecting farmers from nuisance lawsuits that could put them out of business for things like dust, smells, and noise that may annoy people but are not violations of State or federal health or safety laws and regulations.

SB 240 misunderstands the purpose of HRS Chapter 165. In Hawaii, everyone has a "right to farm" subject to all kinds of regulatory restrictions, including those related to zoning, human and environmental health and safety rules, natural resource protection, business and tax laws, etc.. Those policies and restrictions are covered elsewhere in HRS and administrative rules.

The law was not meant to dictate who is allowed to farm, how and what they're allowed to farm County by County, and whether they have publicly issued the details of their business ownership and beneficiary structures.

This bill appears to arbitrarily take away these protections for bigger farms, certain large animal farms, and any other agricultural business that someone may not like for a number of vaguely articulated reasons. This is an inappropriate use of the Right to Farm law which was to help, not impede commercial agriculture and food self-sufficiency in Hawaii.

SB-240

Submitted on: 1/23/2025 11:47:09 AM

Testimony for AEN on 1/24/2025 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Yes to - Amends the definition of "farming operation" by including customary and traditional subsistence farming conducted by native Hawaiian cultural practitioners and excluding concentrated animal feeding operations and business entities with unclear or non-transparent ownership or beneficiary structures. Establishes additional criteria for farming operations to meet in order to be protected against nuisance claims. Clarifies the purpose and intent of the Hawaii Right to Farm Act.

SB-240

Submitted on: 1/22/2025 12:03:48 AM

Testimony for AEN on 1/24/2025 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.