

ACT 104

H.B. NO. 463

A Bill for an Act Relating to Food Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii is the most geographically isolated state in the country and imports approximately ninety-two per cent of its food, according to the Pacific Regional Integrated Sciences and Assessments Program.

Each food product imported to Hawaii is a lost opportunity for local economic growth. According to the University of Hawaii college of tropical agriculture and human resources, an increase in the production and sale of Hawaii-grown food would contribute to significant job creation. Increasing the amount of locally grown food by as little as ten per cent could keep hundreds of millions of dollars circulating within Hawaii's economy, stimulate growth, and create thousands of new jobs. Research shows that replacing ten per cent of current food imports with locally grown food will create a total of two thousand three hundred jobs. Such diversification would help make Hawaii's economy more resilient to worldwide events. Increasing local food production will ensure that Hawaii has food sources that will be more stable when faced with global supply disruptions, increasing global demand and shortages of commodities, and potential global food scarcities.

The federal Food and Drug Administration is implementing more comprehensive food safety regulations for agriculture under the 2011 FDA Food Safety Modernization Act. The implications for Hawaii are profound. The need for food safety education and compliance is critical to keep Hawaii's 1,400,000 residents and nearly nine million annual visitors safe from foodborne illnesses. During 2016, eight hundred thirty-nine foodborne disease outbreaks were reported nationwide, resulting in 14,259 illnesses, eight hundred seventy-five hospitalizations, and seventeen deaths. Public health officials reported outbreaks from fifty states, Puerto Rico, and Washington, D.C. The median reporting rate

per million population was 3.6 outbreaks; rates ranged from 0.8 in Texas to 11.2 in Hawaii. The deadline for compliance with the FDA Food Safety Modernization Act has been staggered, starting with large operations in 2018. The small farm compliance deadline is January 2019 and the very small farmers' deadline occurs in 2020. Ninety per cent of Hawaii's 3,682 farms are small to very small farms. The new standards include recordkeeping that can be burdensome and expensive for many of Hawaii's farmers. The costs that farmers must incur to comply with the new food safety requirements are prohibitive to some farmers and will likely result in farm closures.

Furthermore, local retailers and distributors will be less likely to purchase from farms that cannot provide food safety and traceability documentation required by the FDA Food Safety Modernization Act. These buyers will import products no longer available from local sources to meet their customer's demands, increasing the State's dependency on imported food. The average age of Hawaii's farmers is over sixty years old. Many older farmers may be inclined to close their farms rather than invest time and resources into food safety certification and compliance. Fewer farms and the resulting decreased agricultural production will negatively impact the State's goals of reducing food imports, doubling the production of local food, and increasing food resiliency.

Providing additional support to Hawaii's agricultural industry could help reduce foodborne outbreaks, reduce reliance on agricultural imports and foster job growth in the State. In Hawaii, small and medium size farms are key to increasing locally produced food. Most farms currently grow only what can be sold in direct-to-consumer markets, often leaving much of their land uncultivated. Increased demand for locally grown food, driven by anticipated farm closures provides an opportunity for small and medium sized farms to expand production to meet these new market conditions.

Food safety certification of Hawaii farms, a critical first step towards compliance, can lead to increased market access and opportunities to increase production. The United States Department of Agriculture created the Good Agricultural Practices Certification Program based on food safety guidelines of the Food and Drug Administration. This program is voluntary and is designed to reduce the risk of foodborne illness originating with produce at the farm level through recommended best practices. Good Agricultural Practices certification is the most common certification standard required by produce buyers.

By January 2020, most local retailers and distributors will only purchase products from food safety-certified farms, however, attaining Good Agricultural Practices or an equivalent certification is challenging for many farmers who are adversely affected both by the cost of certification and by the time needed to develop and implement the requirements. These farmers require direct training assistance to successfully implement good agricultural practices and obtain certification.

The preservation of small, diversified farming businesses adds to and diversifies Hawaii's economy, helps redress the imbalance in agricultural trade, and promotes food resiliency. Reducing the burden on small to medium farmers seeking costly but necessary certifications and inspections by providing direct training and implementation assistance will allow many farms to secure Good Agricultural Practices certification before the January 2020 FDA Food Safety Modernization Act compliance deadline and will provide an ongoing food safety resource for Hawaii.

The purpose of this Act is to require and appropriate funds to the department of agriculture to partner with the agricultural community to establish a food safety certification training program for small and medium sized farms to comply with federal requirements.

SECTION 2. The department of agriculture shall partner with Hawaii's agricultural community to establish a food safety certification training program that provides direct implementation assistance for small to medium sized farms with less than \$500,000 in annual food sales that results in United States Department of Agriculture Good Agricultural Practices certification or its equivalent for participating farms.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2019-2020 for the department of agriculture to implement a food safety certification training program.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2019.

(Approved June 21, 2019.)