

ACT 136

S.B. NO. 2960

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, according to the Pacific Regional Integrated Sciences and Assessments Program, Hawaii is the most geographically isolated state in the country and imports approximately ninety-two per cent of its food. Each food product imported to Hawaii is a lost opportunity for local economic growth.

According to the University of Hawaii at Manoa 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 has the potential to 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 would 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 would ensure Hawaii has more stable food sources when faced with global supply chain disruptions, increased global demand for 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 re-

ported nationwide that resulted 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 people was 3.6 outbreaks, and 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, beginning with large operations in 2018. The small farms' compliance deadline was January 2019, and the very small farms' compliance deadline occurred in 2020.

Ninety per cent of Hawaii's 3,682 farms are small to very small farms. The new standards include recordkeeping requirements 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 for 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 the food safety and traceability documentation required by the FDA Food Safety Modernization Act. These buyers will import products that are 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 decrease in agricultural production will negatively impact the State's goals of reducing reliance on 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-sized 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 is a critical first step toward compliance and may 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 the Food and Drug Administration's food safety guidelines. This program is voluntary and is designed to reduce the farm-level risk of produce-based foodborne illness by applying recommended best practices. Good Agricultural Practices certification is the most common certification standard required by produce buyers.

While it is likely that most local retailers and distributors will only purchase products from food safety-certified farms, attaining Good Agricultural Practices certification, or an equivalent certification, is challenging for many farmers, who are adversely affected both by the cost of certification and 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 the agricultural trade, and promotes food resiliency. Reducing the burden on small- to medium-sized farms that are seeking costly but necessary certifications and inspections by providing direct training and implementation assistance will allow many farms to secure Good Agricultural Practices certification and will provide an ongoing food safety resource for Hawaii.

Accordingly, the purpose of this Act is to help small- and medium-sized farms comply with federal requirements by requiring the department of agriculture to partner with the agricultural community to establish a food safety certification training program, and appropriating funds for the training program.

SECTION 2. The department of agriculture, in partnership with Hawaii's agricultural community, shall establish and implement a food safety certification training program. The program shall assist farms having less than \$500,000 in annual food sales in obtaining United States Department of Agriculture Good Agricultural Practices certification or its equivalent.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$265,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of agriculture to establish and implement, under general administration for agriculture (AGR192), the food safety certification training program established by this Act.

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, 2022.

(Approved June 27, 2022.)