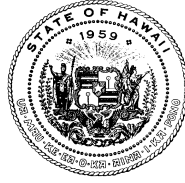


**SB 2989**



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to SB 2989**  
**RELATING TO AGRICULTURE**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE  
Hearing Date: February 10, 2016                      Room Number: 224  
Time: 3:30 pm

1    **Fiscal Implications:** None.

2    **Department Testimony:** The department opposes the bill as we feel it is unnecessary. The  
3    department is in the process of revising HAR 11-50, Food Safety Code, to allow for annual  
4    “special event” food establishment permits for vendors at farmers markets that direct sale  
5    potentially hazardous foods that comply with DOH HAR.

6    Present rules already allow direct consumer sales of non-potentially hazardous foods without a  
7    DOH permit. The revised rules will not change this practice.

8    The initial draft copy of the revised HAR 11-50 has been reviewed by the Deputy AG and the  
9    initial review has concluded that all changes described are legal and are currently being reviewed  
10    for consistency and legal terminology only. The AG review should be complete in a few days,  
11    and is the last step before the department starts preparation to go to public hearings.

12   **Offered Amendments:** No amendments offered.

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lt. Governor



**SCOTT E. ENRIGHT**  
Chairperson, Board of Agriculture

**PHYLLIS SHIMABUKURO-GEISER**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SCOTT E. ENRIGHT**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON WATER, LAND AND AGRICULTURE**

February 10, 2016  
3:30 P.M.  
CONFERENCE ROOM 224

**SENATE BILL NO. 2989**  
**RELATING TO AGRICULTURE**

Chairperson Gabbard and Members of the Committee:

The Hawaii Department of Agriculture (HDOA) supports the intent of SB2989 that amends Chapter 145, Hawaii Revised Statutes to require all farmers markets to be approved by the Department of Health with the exception of direct-marketing of whole, uncut fresh fruits and vegetables, which would be exempt.

HDOA supports a supply chain from farm to consumer that delivers safe food to Hawaii consumers and supports the intent of this measure but defers to the Department of Health who is named in this measure.

Thank you for the opportunity to present testimony.





P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 10, 2016

HEARING BEFORE THE  
SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

TESTIMONY ON SB 2989  
RELATING TO AGRICULTURE

Room 224  
3:30 PM

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

**HFB is in strong support of SB 2989**, which establishes Farmers' Market Vendors as part of Chapter 145, Regulation of Farm Produce, Hawaii Revised Statutes.

With the recent growth in farmers' markets and the demand for local, fresh foods, there has been a push to allow farmers to direct-market their produce without Department of Health regulation as well as to produce and sell specific non-potentially hazardous value-added agricultural products made in their homes. The report prepared by Harvard Law School shows that Hawaii is currently behind the trend set by over 30 states to allow in-home production and sale of certain low-risk or non-potentially hazardous foods like baked goods, jams, jellies, and dried herbs without being required to use a certified kitchen, apply to the DOH for a permit, or ask for an exemption.

Farmers' Market Vendors of agricultural products in Hawaii currently are supposed to apply to the Department of Health Sanitation Branch every 120 days under the Temporary Food Establishment law even to sell fresh, raw fruits and produce. This provides for Farmers to sell only twenty out of 120 days. We believe the Temporary Food Establishment law was never intended to regulate scheduled farmers' markets.

Thank you for the opportunity to comment on this measure.



February 8, 2016

**Senator Mike Gabbard, Chair**  
**Senator Clarence K. Nishihara, Vice Chair**  
**Senate Committee on Water, Land, and Agriculture**

**Testimony in Support of SB2989, Relating to Agriculture. (Requires farmers market vendors that direct-market potentially hazardous value added products to obtain a permit from the Department of Health.)**

**Wednesday, February 10, 2016, 3:30 p.m., in Conference Room 224**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

As an advocate for the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture, including important agricultural lands in Hawaii, LURF supports this measure which supports the need to mitigate the risks involved in food production by identifying good agricultural practices and preventative measure guidelines to ensure safe food throughout the State's agricultural industry and the farm-to-consumer food supply system.

**SB 2989.** This bill requires farmers market vendors that direct-market potentially hazardous value added products to obtain a permit from the Department of Health (DOH); exempts non-potentially hazardous value added products from DOH permitting or inspection; and establishes labeling requirements for value added products sold at farmers markets.

**LURF's Position.** Agricultural safety is vital for the safe and secure production, processing, sale, distribution, importation and consumption of food products and agricultural commodities in Hawaii. This bill will assist in the support and establishment of good agricultural practices and preventative measures in order to meet food safety objectives and standards, and effectively comply with applicable governmental rules, regulations and guidelines.

LURF understands that such practices and measures are necessary on a local level in order that the State may, amongst other things, improve the overall safety of locally grown food, and ensure that local food safety regulations and certifications conform to governmental and other uniform requirements and standards.

This push toward good practices and acceptable measures of agricultural safety which are transparent to all is needed in Hawaii. Establishment of regulations and standards will provide a practical means for the State to support agriculture, and will assist the State in its effort to attain increased food self-sufficiency and sustainability.

Based on the above, LURF **supports SB 2989**, and respectfully urges your favorable consideration of the bill.

Thank you for the opportunity to provide comments and to express support for this measure.

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**Cc:** [pogqoppogqop@gmail.com](mailto:pogqoppogqop@gmail.com)  
**Subject:** Submitted testimony for SB2989 on Feb 10, 2016 15:30PM  
**Date:** Monday, February 08, 2016 11:34:05 AM

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Marshall	Individual	Oppose	No

Comments: This bill would put an undue burden on those selling "potentially hazardous" products. It is contrary to time-honored tradition and is regulatory overreach.

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**Cc:** [neil.vonhof@gmail.com](mailto:neil.vonhof@gmail.com)  
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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Neil Vonhof	Individual	Support	No

Comments:

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**Cc:** [naomi.picinich@gmail.com](mailto:naomi.picinich@gmail.com)  
**Subject:** \*Submitted testimony for SB2989 on Feb 10, 2016 15:30PM\*  
**Date:** Tuesday, February 09, 2016 2:11:47 PM

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**SB2989**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
naomi	Individual	Support	No

Comments:

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**Cc:** [marie.janiszewski@gmail.com](mailto:marie.janiszewski@gmail.com)  
**Subject:** \*Submitted testimony for SB2989 on Feb 10, 2016 15:30PM\*  
**Date:** Tuesday, February 09, 2016 7:08:35 AM

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**SB2989**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
marie janiszewski	Individual	Support	No

Comments:

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**Subject:** \*Submitted testimony for SB2989 on Feb 10, 2016 15:30PM\*  
**Date:** Tuesday, February 09, 2016 7:46:38 AM

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**SB2989**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louisa Wooton	Individual	Support	No

Comments:

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**Cc:** [info@beyondorganicresearch.com](mailto:info@beyondorganicresearch.com)  
**Subject:** Submitted testimony for SB2989 on Feb 10, 2016 15:30PM  
**Date:** Monday, February 08, 2016 9:56:50 PM

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Jana Bogs	Individual	Support	No

Comments: I realize this is designed to help farmers sell products without the health department stepping in and imposing difficult hurdles. Great! However, one aspect I feel needs to be addressed in this or related legislation is to require labeling of GMOs (transgenic genetically-modified organisms) in value-added foods. For examples, ulu chips sold at our farmers' market are cooked in GMO canola oil, and not labeled at all; jams and jellies are made with GMO sugar; GMO corn tortillas are sold there too. Thousands of doctors are now recommending that their patients avoid GMOs and the associated chemicals, such as glyphosate, due to deleterious health impacts.

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**Cc:** [hokudi@aol.com](mailto:hokudi@aol.com)  
**Subject:** Submitted testimony for SB2989 on Feb 10, 2016 15:30PM  
**Date:** Monday, February 08, 2016 11:53:34 AM

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diana Duff	Individual	Support	No

Comments: As a former farmer's market vendor and as a farmer's market consumer, I support passage of SB 2989 as a way to encourage farmers to add value to their crops and a way to insure consumers that questionable items have been deemed safe. Since many consumers know and trust the farmers they buy from to use safe and clean practices, I feel over-legislation is not really needed, but these minimal requirements should help both sellers and buyers try new products.

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dennis F Lokmer	Individual	Support	No

Comments:

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**Cc:** [ihemphi@live.com](mailto:ihemphi@live.com)  
**Subject:** \*Submitted testimony for SB2989 on Feb 10, 2016 15:30PM\*  
**Date:** Monday, February 08, 2016 3:11:12 PM

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Key	Individual	Support	No

Comments:

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**Date:** Tuesday, February 09, 2016 1:12:00 PM

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**SB2989**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Klein, Ph.D.	Individual	Comments Only	No

Comments: I support this bill because it s sensible and promotes organic farming and vending.

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**Subject:** Submitted testimony for SB2989 on Feb 10, 2016 15:30PM  
**Date:** Wednesday, February 10, 2016 2:22:12 AM

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**SB2989**

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ben Hambright	Individual	Support	No

Comments: We need cottage industry to get people local jobs doing local things with local foods and goods. Support people spring themselves in good ways :)

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**Cc:** [begoniabarry@gmail.com](mailto:begoniabarry@gmail.com)  
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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Support	No

Comments:

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Astrid	Individual	Support	No

Comments:

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**Date:** Tuesday, February 09, 2016 3:08:30 PM

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**SB2989**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
AlanaRoss	Individual	Support	No

Comments: I meant to click on SUPPORT not oppose.

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracy E Mills	Individual	Support	No

Comments:

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**SB2989**

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tara Grace	Individual	Comments Only	No

Comments: HFUU would also like SB 2959 to focus on sustainably managed (as defined by the USDA definition of sustainable agriculture) animal feed production, with little or no negative impact on our environment. Feel free to offer comment as you wish, as our leaders in the legislature look forward to hearing from you, especially if you have creative and substantive recommendations.

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**Subject:** \*Submitted testimony for SB2989 on Feb 10, 2016 15:30PM\*  
**Date:** Sunday, February 07, 2016 9:37:15 PM

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**SB2989**

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Simon Russell	Individual	Support	No

Comments:

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