SYLVIA LUKE Lt. Governor



SHARON HURD Chairperson, Board of Agriculture

MORRIS M. ATTA Deputy to the Chairperson

State of Hawai'i DEPARTMENT OF AGRICULTURE KA 'OIHANA MAHI'AI 1428 South King Street Honolulu, Hawai'i 96814-2512 Phone: (808) 973-9600 FAX: (808) 973-9613

### TESTIMONY OF SHARON HURD CHAIRPERSON, BOARD OF AGRICULTURE

### BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

WEDNESDAY, MARCH 29, 2023 2:00 PM CONFERENCE ROOM 325 & VIDEOCONFERENCE

> SENATE BILL NO. 655 SD1 HD1 RELATING TO HEMP

Chairperson Tarnas and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 655 SD1 HD1. This measure gives authority to the Department of Agriculture (DOA) to align state hemp production administrative rules with federal law, with regard to exemptions for fiber, fuel, and seed grain hemp crops. The DOA supports this bill and offers comments.

Under sections 141-42 and 141-43, Hawaii Revised Statues, the DOA is tasked with monitoring the transportation of hemp within the State, enforcing restrictions regarding the growth of hemp within the State, and adopting rules pursuant to chapter 91. In addition to aligning state hemp rules with federal law to exempt fiber, fuel, and seed grain crops, DOA strongly supports deleting the language on page 7 lines 7 to 11 of this bill pertaining to nuisance issues. DOA does not find it necessary or appropriate to create 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 already address (and are the appropriate method of addressing) the areas of nuisance referenced. DOA has serious concerns regarding the creation of a duplicative



enforcement framework that may result in confusion and challenge due to incompatible oversight and conflicting actions and decisions.

Thank you for the opportunity to testify on this measure.



www.hawaiihempfarmersassociation.org

March 28, 2023

RE: SUPPORT SB 655 Exemption for Hemp Fiber, Fuel, and Food Grain Crops

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

Thank you for your continued support of Hawaii Hemp farmers. The Hawaii Hemp Farmers Association, which is composed of Hawaii hemp farmers, processors, and manufacturers, is in strong support of SB 655.

Hawaii's hemp industry has been stymied for a several reasons. There are numerous projects in the state exploring ways to make building materials from hemp and using hemp in affordable housing, but most of these projects import hemp due to the regulatory barriers to growing hemp in Hawaii that make farming hemp in Hawaii very expensive.

The U.S. Congress will be amending federal hemp cultivation laws in the near future to allow for exemptions for hemp crops that are grown for fiber, fuel, or grain for food.

The federal exemptions may include relief from testing and transportation requirements. SB 655 authorizes the Department of Agriculture to amend Hawaii state rules to align with federal laws as soon as exemptions for hemp fiber, fuel, and food grain are passed by Congress. This ensures Hawaii farmers and the Hawaii hemp industry can benefit ASAP from the exemption instead of waiting 1.5 to 2 years for legislation and then rules to be developed. SB 655 ensure Hawaii farmers can remain competitive and provide hemp for instate hemp projects.

Respectfully,

*Gail Byzne Baber* Gail Byrge Baber

President and Farmer

Ray Maki Ray Maki Co-Vice President and Farmer

Brittany Neal Brittany Neal

Brittany Meal Co-Vice President and Farmer

SB 655 Exemption for Fuel, Fiber, Food Hemp Crops TO: Chair Tarnas, Vice-Chair Takayama and JHA Committee Members FROM: Robert Bence, Farmer, for Hawai'i Sustainable Farms RE: Strong Support of the first draft and Offering **Amendments** on SB 655 SD 1 HD1

## DATE: 3/28/23

Aloha Chair Tarnas, Vice-Chair Takayama and JHA Committee Members,

The state is supposed to be already following the USDA AMS Hemp program as we don't have a state hemp program approved by the USDA; therefore, any rules relating to the growth of hemp are already supposed to be under UDSA AMS regulatory jurisdiction.

Please support SB 655 in its original draft or with the proposed amendments as the growth of hemp needs to continue to be aligned with the new federal rules. After years of federally illegal duplicate state hemp laws holding back the state's hemp farmers, this bill would allow the excellent new head of HDOA to stay up to date with federal changes like the bipartisan Industrial Hemp Farm Act introduced four days ago, the new Farm Bill as well as hopefully finally getting our state program in line with the federal one we are supposed to already exclusively be under.

The SD1 draft was perhaps mistakenly changed to increase the hemp growth buffer zones without an amendment to do so from the original SB 655 version. In support of SB 655 as originally written or prefer offering the following amendment to:

SECTION 2. Section 141-42, Hawaii Revised Statutes, is amended to read as follows:." "[[]§141-42[]] Commercial hemp production. (a) ... (4) Hemp shall not be grown within [500] one hundred feet of any pre-existing house, dwelling unit, pre-existing residentially zoned house, apartment, or other residentially zoned structure that is not owned or controlled by the license holder; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the State industrial hemp pilot program prior to August 27, 2020; and

Or better yet just the official removal of the hemp growing buffer zone entirely from Act 14 as it has been confirmed to be currently in violation of the supremacy clause by USDA and the law firm Clark Hill:

"[(4)] Hemp shall not be grown within [500] one hundred feet of any preexisting house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the [State] state industrial hemp pilot program [prior to] before August 27, 2020; and"

I grew up farming here, after graduating from UH Mānoa with a BBA, returned to Kula to farm full time. Diversified organic farming since and implemented a USDA Natural Resource Conservation Services, (NRCS) Environmental Quality Incentives Program,(EQIP) contract that brought federal funding to help improve the agriculture and environment on the family farm.

After being diagnosed with a previously undiscovered random birth defect, that caused a stroke followed by brain surgery that led to learning to walk and talk again, developed conditions that I treat with hemp. I am licensed to grow hemp by the USDA AMS rules on my farm which was purchased with a loan from USDA FSA. Farming hemp has been a major life goal since returning to farming full-time with a severe disability and the first farm bill over a decade ago.

Plan to include hemp with the farm's agroforestry conservation plan as part of alley cropping and multistory planting practices with ultra high density planting of several different trees including grafted avocados, mango and endemic forests in this area before human contact. Rotational grazing and no-till cover crop rotations of sunn hemp rolled and crimped followed by hemp making it a great companion plant for the no- till rotations that can be done from tractor allowing more production despite the disability.

The benefits of hemp as a food and a myriad of other uses from soil remediation to advanced nano particles of hemp graphene superconductors from animal bedding to housing from fresh juice to solvent-less extracts to seed breeding and microgreens... the market potential and environmental benefit list would go on for countless pages. Hawai'i farmers shouldn't be left behind any longer.

Hawaii hemp farmers have been the most regulated hemp farmers in the country and these regulations have made us non-competitive allowing for unscrupulous processors to use foreign imports to supply the local and export markets with sub par and potentially synthetic hemp. Once that quality brand is lost, that will be the final nail in the coffin for the state hemp industry, we must be known for the quality only Hawai'i can produce.

Greatly appreciate your hearing this bill and hopefully you will change it back from this ridiculous 500' version back to the original 655 draft of 100'. Please include the amendment prosed or other wording to clarify any growth buffer zone doesn't apply to farmers in the Ag zone surrounded by others in the Ag zone or at least allow the HDOA to remove this growth buffer as it is in violation of the supremacy clause by removing the hemp growth buffer zone from Act 14 entirely. 500' prohibits most of the states farmers, 100' can still be several acres out of production and isn't on any other crop the crop is not intrinsically harmful. USDA and advice from Clark Hill have confirmed that any buffer zone is under the USDA AMS regulatory jurisdiction. USDA wisely does not require any additional buffer zones solely on the growth of this commodity. Please make all rules under USDA as they are well suited to administer the hemp growing program and have the regulatory jurisdiction over hemp growth in Hawai'i.

Please support this bill in its original SB 655 form reduced buffer zones to 100 or with an amendment to clarify the buffer zone does not impact farmers in Ag zone surrounded by other Ag zone properties.

Mahalo

Robert Bence Farmer Hawai'i Sustainable Farms

Kula, HI

Farm Board Member of

Keki O Ka 'Āina



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

March 29, 2023

### HEARING BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

### TESTIMONY ON SB 655, SD1, HD1 RELATING TO HEMP

Conference Room 325 & Via 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 SB 655, SD1, HD1,** which gives authority to the Department of Agriculture to align state hemp production administrative rules with federal law, with regard to exemptions for fiber, fuel, and seed grain hemp crops.

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 aligning with federal exemptions for fiber, fuel, and grain from rules regarding testing. Hemp varietals for these functions typically have zero or very low THC and these onerous hemp rules are blocking the development of a fiber and fuel hemp sector in Hawai'i

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

Submitted on: 3/28/2023 8:47:35 AM Testimony for JHA on 3/29/2023 2:00:00 PM

:	Submitted By	Organization	<b>Testifier Position</b>	Testify
	Harriet Witt	Hawaii Farmers Union United - Haleakala Chapter	Support	Written Testimony Only

Comments:

Our dangerous dependence on the mainland for our food needs to come to an end. Support for this bill is support for the local farmers who can help us end this dangerous dependence.

I appreciate your support.

Mahalo, Harriet Witt, Haiku, Maui

Submitted on: 3/28/2023 8:52:29 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Carolyn Witcover	Ma'alahi Farm	Support	Written Testimony Only

Comments:

I support any legislation that will allow Hawaii famers to grow this harmless yet economically beneficial plant. The benefits to our state could be huge in terms of the viability of farms, additional jobs, product growth, increased economic output, good environmental stewardship, and tax revenues. Please move this legislation forward.

Officers Kaipo Kekona State President

Anabella Bruch Vice-President

Maureen Datta Secretary

Reba Lopez Treasurer

### Chapter Presidents

Madeline Ross Kohala, Hawai'i

Odysseus Yacalis East Hawai'i

Puna, Hawai'i

Andrea Drayer Ka'ū, 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, Oʻahu

Christian Zuckerman Wai'anae, Oʻahu

Ted Radovich Waimanalo, Oʻahu

Vincent Kimura Honolulu, Oʻahu

> 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 SB655.** 

If passed, SB655 Hemp would establish an administrative framework for hemp production, allowing the Department of Agriculture to align state regulations with federal law and make exemptions for fiber, fuel, and seed grain hemp crops. This would open the way for commercial hemp production, leading to additional markets, investments, and jobs in the agricultural sector. The bill would benefit farmers, consumers and our economy in general, bringing much-needed economic and environmental sustainability to the islands. Accordingly, we urge the legislature to pass SB655 Hemp.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

Kend S.K. Rebune

<u>SB-655-HD-1</u> Submitted on: 3/24/2023 5:54:20 PM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Andrew Crossland	Individual	Support	Written Testimony Only

Comments:

I support this Bill.

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 6:11:06 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Teresa Gardner	Individual	Support	Written Testimony Only

Comments:

I am writing today in strong support of this bill to make it easier for farmers to grow hemp.

I believe this could be a great new farming industry for Hawaii!

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 6:19:53 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Nani Kahinu	Individual	Support	Written Testimony Only

Comments:

Aloha I support this bill SB655 for all farmers to grow hemp for food, fuel, fiber and soil remediation.

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 6:49:39 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Rexann Dubiel	Individual	Support	Written Testimony Only

Comments:

This bill only makes sense.

Our state could thrive and agriculture could grow.

Please, pass Bill 655.

### SB-655-HD-1

Submitted on: 3/28/2023 6:58:38 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Troy Person	Individual	Support	Written Testimony Only

Comments:

As a member of the Hawaii Farmers Union United I am writing to express STRONG SUPPORT of SB655.

will make it easier for farmers to grow hemp for food, fuel, and fiber and submit testimony NOW for hearings Wednesday, March 29 beginning at 2:00 pm by the House Committee on Judiciary and Hawaiian Affairs.

SB 655 gives authority to the Department of Agriculture to align state hemp production administrative rules with federal law, with regard to exemptions for fiber, fuel, and seed grain hemp crops from onerous and costly inspections and testing.

Overregulation hinders the growth of the hemp industry, which otherwise could foster sustainable resources and food security in Hawaii, particularly with regard to the fiber, fuel and seed grain sectors. Hemp seeds are high in essential fatty acids, as well as vitamins E, Bl, B2, B6, and D, calcium, magnesium, and potassium and contain more digestible proteins than meat, eggs, cheese, and milk, which is expected to drive their demand as a food. Hemp has been used as a biofuel for decades and has been proven to be a soil remediator. There are numerous projects in the State exploring ways to make building materials from hemp and using hemp in affordable housing, but most of these projects import hemp due to the regulatory barriers to growing hemp in Hawaii that make farming hemp in Hawaii very expensive.

The United States Congress will be amending federal hemp cultivation laws in the near future to allow for exemptions with industrial hemp crops that are grown for fiber, fuel, or grain for food. The federal exemptions may include relief from testing and transportation requirements. SB 655 authorizes the department of agriculture to amend state laws to align with federal laws as exemptions for hemp fiber, fuel, and food grain are passed by the United States Congress and ensure state rules.

Sincerely,

Troy Person

Hilo, Hawaii

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 7:14:41 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Reba Lopez	Individual	Support	Written Testimony Only

Comments:

Please support SB655

Submitted on: 3/28/2023 7:17:35 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kelly Briley	Individual	Support	Written Testimony Only

Comments:

I would like to express my strong support for SB655. It will make it easier for farmers to grow hemp for food, fuel and fiber, helping to make Hawaii more independent from imports, improve economic vitality and improve sustainable resoures and food security. Hemp is a highly nutritious product and could contribute positively to our food system, particularly as fuel prices increase and imports become more cost prohibative.

Thank you for your consideration,

Kelly Briley

Submitted on: 3/28/2023 7:30:31 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Marilyn Powers	Individual	Support	Written Testimony Only

Comments:

I support Hemp as a constructive product for Hawaii economically and environmentally. I ask for your support in favor of legislation that s supportive of this new industry for the benefit of our state and people which SB 655 does.

Thank you.

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 7:43:06 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Robert ZUckerman	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill and urge you to pass it.

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 7:43:17 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
STACEY ANN LEILANI CASCO	Individual	Support	Written Testimony Only

Comments:

This measure is necessary to make it easier for farmers to grow hemp for food, fuel, and fiber.

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 8:42:31 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

I support using Hemp for whatever purposes it can be. It's a sustainable product which we should be growing, and barriers should be lifted.

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 9:06:51 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Sandi Kato-Klutke	Individual	Support	Written Testimony Only

Comments:

Requesting support to assist our farmers who grow hemp or planning to grow hemp

Thank you

Submitted on: 3/28/2023 9:14:31 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Normand A Cote	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly SUPPORT SB655!

Allow our farmers grow crops to help support their farming operations.

Respectfully,

Normand A Cote

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 9:20:12 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support SB655 HD1 SD1. Mahalo,

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 9:20:29 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
VINCENT KIMURA	Individual	Support	Written Testimony Only

Comments:

### This bill will make it easier for farmers to grow hemp for food, fuel, and fiber!

Time is now....

Submitted on: 3/28/2023 9:59:54 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Terry Huth	Individual	Support	Written Testimony Only

Comments:

Honorable Committe Members,

I ask you to strongly support SB655 to allow state regulators to align regulations with federal laws in order to reduce costly and unnecessary inspections and testing.

Hemp is a valuable and important crop that will help Hawaii farmers and value-added merchants and manufacturers to use this 'aina restoring crop to produce many sustainably products.

Thank you for supporting this bill.

Regards,

Terry Huth

Kihei, Maui, Hawai'i

### SB-655-HD-1

Submitted on: 3/28/2023 10:15:05 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Megan Talley	Individual	Support	Written Testimony Only

Comments:

I have been working in the Hawai'i hemp space for about 7 years. My current project/business plan revolves around the production of industrial fiber for uses outside of plant medicines. In order for this industry to gain a foothold and expand its current utility beyond CBD production, DOA must align with state administrative rules with federal law in regard to exemptions for fiber, fuel, and seed grain production. The testing costs continue to be exorbitant and burdensome to farmers, particularly for hemp producers not producing CBD.

I am in strong support of bill SB655. Thank you.

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 10:35:06 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dennis F Lokmer	Individual	Support	Written Testimony Only

Comments:

I urge strong support for this bill. DFL

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 10:53:20 AM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Paul Landau	Individual	Support	Written Testimony Only

Comments:

I am hoping that Hawaii can join a growing number of states that allow and encourage the cultivation and use of hemp products. Please pass SB 655. Mahalo

<u>SB-655-HD-1</u> Submitted on: 3/28/2023 12:13:27 PM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Karen Reid	Individual	Support	Written Testimony Only

Comments:

Please vote yes to make it easier for farmers to grow hemp for food, fuel, and fiber! Mahalo, Karen

Submitted on: 3/28/2023 2:44:30 PM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
sandi ioakimi	Individual	Support	Written Testimony Only

Comments:

I support SB655

Submitted on: 3/28/2023 7:16:43 PM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mark Shaw	Individual	Support	Written Testimony Only

Comments:

Hemp is a miracle crop. It grows with little water and fertilizer imput, and can out compete any weed. Food, fiber, oil, hemp Crete, etc. The list goes on. Please make it easy for farmers grow, harvest and process this wonder crop. Mahalo. Mark Shaw

Submitted on: 3/28/2023 10:38:57 PM Testimony for JHA on 3/29/2023 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ken Stover	Individual	Support	Written Testimony Only

Comments:

Please give authority to the Department of Agriculture to align state hemp production administrative rules with federal law, with regard to exemptions for fiber, fuel, and seed grain hemp crops from onerous and costly inspections and testing.