

JAN 25 2012

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The importance of agriculture to the State is
2 reflected in the Hawaii State Constitution, Article XI, section
3 III. Agriculture not only provides food and other basic needs
4 to society, but has also proven to be an economic engine
5 supporting the State. Agriculture provides the basis for
6 increased self sufficiency, which is important to an island
7 state.

8 Increased globalization and changes in food management have
9 introduced new risks in the food supply system. Risks occur at
10 all levels of food production and management, and are not
11 inherent to any one type of operation. The 2011 Colorado
12 cantaloupe foodborne illness incident demonstrated that
13 individual incidents are far reaching, impacting the entire
14 industry and related industries within the locale. New risks
15 constantly arise, such as the emergence of the rat lungworm
16 nematode on the island of Hawaii. When consumed, the rat
17 lungworm nematode can cause serious illness, which has happened
18 several times during the past few years. Recent cases of



1 foodborne illnesses illustrate the need to understand the
2 innumerable details involved in food production and to implement
3 practices that result in food safety.

4 The agricultural industry has recognized that there are
5 practices that if done correctly, can result in good stewardship
6 of the land, increased worker safety, and ultimately lead to
7 safe products for the consumer. These practices, known as
8 generally accepted agricultural management practices or good
9 agricultural practices, are written to provide uniform,
10 statewide standards and acceptable management practices based on
11 science. These practices can assist producers in the various
12 sectors of the industry in improving their own agricultural
13 managerial routines. The generally accepted agricultural
14 management practices are reviewed annually and revised as new
15 scientific discoveries and changing economic conditions require.
16 Generally accepted agricultural management practices or good
17 agricultural practices are recognized by regulatory agencies
18 such as the United States Food and Drug Administration.

19 Livestock generally accepted agricultural management
20 practices provide guidance for ranchers to ensure sound animal
21 welfare practices and promote animal husbandry and care. State
22 adoption and recognition of these standards are critical to



1 allow farmers and ranchers to have access to the widest array of
2 tools to provide agricultural products to the people of Hawaii.

3 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
4 amended by adding a new part to be appropriately designated and
5 to read as follows:

6 "PART . AGRICULTURAL SAFETY AND SECURITY PROGRAM

7 §141- Agricultural safety and security program;

8 **establishment; definitions.** (a) There shall be established
9 within the department of agriculture an agricultural safety and
10 security program that shall:

11 (1) Provide education, certification, support, and
12 assistance to the agricultural industry; and

13 (2) Interface with other state and federal agencies to
14 meet the requirements of this part.

15 (b) For the purposes of this part, "agricultural
16 commodities" means crops grown and livestock raised by farming
17 operations as defined in section 165-2.

18 §141- **Objectives; duties.** (a) The objectives of the
19 agricultural safety and security program shall be to:

20 (1) Assist the Hawaii agricultural industry in achieving
21 food, environmental, and worker safety in a cost
22 effective and efficient manner;



(2) Provide an integrative system to tie agricultural safety and security with other department mandates, including biosecurity and quality assurance; and

(3) Respond effectively to state and federal rules, regulations, and guidelines to minimize harm to Hawaii's agricultural industry.

(b) To meet the objectives of subsection (a), the department of agriculture shall:

(1) Perform all inspections and certifications of agricultural commodities on farms and in other areas under the jurisdiction of the department of agriculture in an efficient, effective, and expeditious manner; and

(2) Develop and implement programs to educate and develop the agricultural industry in compliance with state and federal laws, rules and regulations.

§141- Rules. The department of agriculture shall have the necessary powers to carry out and effectuate the purposes of this part, and subject to chapter 91, may adopt rules with respect to:



- (1) Adopting generally accepted agricultural management practices as a state wide standard for the agricultural industry; and
- (2) Prescribing records including but not limited to the records of plant cultivation and management, harvest, post harvest and storage, animal care, pest and foreign material controls, fertilizer and feed use, water test results, worker facilities and hygiene and worker training programs to be kept by producers of agricultural commodities for the purposes of compliance with generally accepted agricultural management practices.

The department of agriculture in establishing rules pursuant to this section, shall consult with appropriate state and federal agencies and with any appropriate industry or trade organization."

SECTION 3. Chapter 141, Hawaii Revised Statutes, is amended by designating sections 141-1 through 141-10 as part I and inserting a title before section 141-1 to read as follows:

"PART I. GENERAL PROVISIONS"

SECTION 4. Section 147-101, Hawaii Revised Statutes, is amended to read as follows:



1 "**§147-101 Certification services revolving fund.** There is
2 established a certification services revolving fund for use by
3 the department of agriculture to support the agricultural safety
4 and security program established under part and certification
5 or audit services established under parts I, III, IV, VIII, and
6 IX. Moneys in the fund may be expended for the agricultural
7 safety and security program and materials, salaries, equipment,
8 training, travel, and other costs related to providing
9 certification or audit services. Notwithstanding sections 147-
10 10, 147-34, 147-64, 147-114 and 147-126, moneys derived from the
11 certification or audit services provided by temporary inspectors
12 employed under this part or from charges for traveling expenses
13 or extraordinary services shall be deposited into the fund."

14 SECTION 5. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.

16
INTRODUCED BY: Clarence K. Michikawa

Michael
Gilbert Halpern
[Signature]



S.B. NO. 2916

Report Title:

Agriculture; Agricultural Safety and Security program

Description:

Creates agricultural safety and security program. Designates sections 141-1 through 141-10 as part I, General Provisions. Allows certification services revolving fund moneys to fund the agricultural safety and security program.

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