

JOSH GREEN, M.D.
Governor

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

FRIDAY, MARCH 17, 2023
9:30 AM
CONFERENCE ROOM 325 & VIDEOCONFERENCE

SENATE BILL NO. 655 SD1
RELATING TO HEMP

Chairperson Gates and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 655 SD1. 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 Statutes, 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 the deletion of the language on page 7 lines 10 to 14 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.



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 17, 2023

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON SB 655, HD1
RELATING TO HEMP

Conference Room 325 & Videoconference
9:30 AM

Aloha Chair Gates, Vice-Chair Kahaloha, 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, 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 varieties 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.



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'u, 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, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the House Agriculture & Food Systems 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

TO: Hawai'i Senate AGR

FROM: Hawai'i Sustainable Farms

RE: Comments on SB 655 SD 1 change from original without explanation by last Committee?

DATE: 3/16/23

Aloha Chair Gabbard and AGR Committee Members,

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 HB 1359 HD2 for hemp and 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 residential neighborhood**, 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.."

Or better yet just the official removal of the hemp growing buffer zone entirely as it has been confirmed to be currently in violation of the supremacy clause:

~~"[(4)] Hemp shall not be grown within [500] one hundred feet of any pre-existing 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 AMA 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.

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 and mango. 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 solventless 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. The grown in Hawai'i label is important.

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 change it back from the ridiculous 500' of SD1 version back to the 100' growth buffer of original SB 655 or just remove this violation of the supremacy clause by removing the hemp growth buffer zone entirely so we can support this bill again. 500' prohibits most of the states farmers, 100' can still be several acres out of production. USDA and top attorneys 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.

Mahalo

Robert Bence
Farmer
Hawai'i Sustainable Farms



www.hawaiihempfarmersassociation.org

March 16, 2023

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

Aloha Chair Gates and Members of the House Committee on Agriculture and Food Systems,

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 in-state hemp projects.**

Respectfully,

Gail Byrne Baber
Gail Byrne Baber

President and Farmer

Ray Maki
Ray Maki

Co-Vice President and Farmer

Brittany Neal
Brittany Neal

Co-Vice President and Farmer

SB 655

Exemption for Fuel, Fiber, Food Hemp Crops

SB-655-SD-1

Submitted on: 3/16/2023 1:57:52 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Emily Emmons	Hoʻola Veteran Services	Support	Written Testimony Only

Comments:

Ho`ōla Farms is in strong support of Bill SB 655

We understand the value that comes along with a "Made in Hawai'i" certification. Hawai'i branded products often garner more in the marketplace, accurate origin labeling is one of the few ways for Hawaii hemp farmers can remain competitive which also creates a more circular economy that benefits Hawaii residents.

SB-655-SD-1

Submitted on: 3/15/2023 3:44:51 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

SB-655-SD-1

Submitted on: 3/16/2023 1:50:42 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Witcover	Individual	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.

SB-655-SD-1

Submitted on: 3/16/2023 1:56:27 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

Strong support!

SB-655-SD-1

Submitted on: 3/16/2023 1:59:41 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Raphiell Nolin	Individual	Support	Written Testimony Only

Comments:

I am in strong support of SB655

SB-655-SD-1

Submitted on: 3/16/2023 2:08:52 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support this important Bill.

Please pass it!

Mahalo,

SB-655-SD-1

Submitted on: 3/16/2023 2:29:18 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Soo Sun Choe	Individual	Support	Written Testimony Only

Comments:

In strong support of SB 655 SD1

SB-655-SD-1

Submitted on: 3/16/2023 2:39:05 PM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
robin knox	Individual	Support	Written Testimony Only

Comments:

I support this bill

SB-655-SD-1

Submitted on: 3/17/2023 8:04:10 AM

Testimony for AGR on 3/17/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dennis F Lokmer	Individual	Support	Written Testimony Only

Comments:

I urge strong support for this bill. DFL