

ACT 153

H.B. NO. 573

A Bill for an Act Relating to Hawaii Good Agricultural Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii's farms and farmers reflect the heritage and diversity of many cultures and are the cornerstones of the State's goals for food security, sustainability, and self-sufficiency. The number of small farms in Hawaii has grown substantially during the last ten years, reflecting a shift in the agricultural landscape from plantations to smaller farms with diverse cropping and marketing systems that create new local food sources and increase employment. This trend necessitates the development and implementation of risk-reducing guidelines and a science-based Hawaii good agricultural practices program to decrease the potential for food product contamination on farms.

The legislature further finds that a Hawaii good agricultural practices program would cover all crops and farms and integrate risk-reducing practices, similar to the good agricultural practices of Georgia, Canada, Kenya, Thailand, and the United States Department of Agriculture Agricultural Marketing Service's harmonized audit, and support farm practices in a variety of areas. These areas include field management; proper hygiene; water quality for irrigation and produce rinse; agricultural chemicals; use of animal manure; pest and on-farm animal management; pesticide, fertilizer, and soil amendment use; packing-shed operations and maintenance; and product traceback.

The legislature additionally finds that the Food Safety Modernization Act of 2011 authorizes the Food and Drug Administration to develop science- and risk-based criteria for preventing food-borne illnesses and encourages states to establish similar criteria for the safe production, distribution, and consumer handling of food. However, due to economic thresholds in the legislation and other factors, relatively few farms in Hawaii will be under the authority of the Food Safety Modernization Act and the earliest any oversight will appear, beginning with a dozen of Hawaii's largest farms, will be the middle of 2017. Thereafter, other farms will come into compliance. The national focus, however, will be on bigger agricultural states such as California, Oregon, and Michigan. Even when the Food Safety Modernization Act produce rule takes effect, the rule will not cover the range of important actions that are covered under a good agricultural practices program.

The legislature also finds that the Hawaii State Constitution mandates the preservation and protection of agricultural resources. To fulfill this mandate with safe food in mind, it is important that the State establish a permanent good agricultural practices program within the department of agriculture. Currently,

the department has auditors trained in good agricultural practices. Besides auditing farms at their request for compliance with good agricultural practices, the department of agriculture also performs egg, seed, and coffee inspections. The department of agriculture has a successful history of agricultural oversight, which is in its operational mandate.

The purpose of this Act is to develop and support good agricultural practices by establishing a permanent Hawaii good agricultural practices program for farms growing local agricultural food products.

SECTION 2. Chapter 147, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§147- Hawaii good agricultural practices program. (a) There is established the Hawaii good agricultural practices program to be administered by the department of agriculture. The purpose of the program is to develop and support good agricultural practices for Hawaii farms growing agricultural food products.

(b) Notwithstanding any provision of law to the contrary, the Hawaii good agricultural practices program shall:

- (1) Develop science- and risk-based good agricultural practices that reasonably reduce the potential for on-farm food-borne illness and include, as appropriate, specific considerations and methodologies for farm sizes, practices, techniques, materials, and crops;
- (2) Develop and implement programs to educate and train Hawaii farmers to learn and implement good agricultural practices in a cost-effective and efficient manner;
- (3) Provide procedures for the voluntary verification of on-farm implementation of good agricultural practices and the subsequent issuance of state compliance certification; and
- (4) Develop a consumer information program for publication and broadcast to teach home practices for the treatment and handling of fresh and processed agricultural food products.

(c) The department shall consult as necessary with the department of health, the University of Hawaii college of tropical agriculture and human resources, and other state and federal agencies to develop and implement the Hawaii good agricultural practices program.

(d) The department may adopt rules under chapter 91 to facilitate the implementation of this section.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2015-2016 for the implementation of the Hawaii good agricultural practices program.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2015.

(Approved June 26, 2015.)

Note

1. Edited pursuant to HRS §23G-16.5.