

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1471

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1471, entitled "A Bill for an Act Relating to Farms."

The purpose of this bill is to appropriate \$140,000 from the Hawaii Tourism Authority Special Fund to finance a one year pilot food safety certification program. The program is to be managed by the State Department of Agriculture with the assistance of the Department of Health.

The safety of our food is of utmost concern to all and remains a priority for the State of Hawaii. The Department of Health is responsible for investigating complaints regarding food-borne illnesses and maintains a rigorous inspection and investigation program to ensure that foods are properly handled, particularly in restaurants, hotels, and food markets. They conduct hundreds of inspections each year on behalf of Hawaii consumers and have important enforcement powers to close establishments that do not abide by cleanliness and proper food handling procedures.

Likewise, the State Department of Agriculture has worked with farmers, ranchers, and the fishing industry on their picking, packing, shipping, and sanitation programs. In 2007 the Department started an innovative program to trace certain food products through a radio frequency tracking system starting in

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the fields at the farm all the way to the consumer's table. Additionally, Department of Agriculture inspectors conduct regular inspections of food shipments into Hawaii to ensure foods do not contain pests, mold, and harmful insects.

The proposed pilot program contained in this bill diverts State tourism funds to a program that has already been adopted by some Hawaii farmers on a voluntary basis. The link between the uses of the Tourism Special Fund and this program does not meet the criteria set forth in State statutes. In particular, HRS 37-52.3 requires special funds to be used only for the purposes originally sought, must reflect a clear nexus between the benefits and the charges imposed on a particular group of people, and must demonstrate that it can be self-sustaining. The use of tourism dollars in this bill fails to meet these criteria.

Furthermore, this bill does not contain a statutory enforcement mechanism nor does it give the Department of Agriculture rulemaking authority to enforce the food safety certification program. As such, this appears to be a gesture to improve food safety without the teeth necessary to make it a viable program.

For the foregoing reasons, I am returning House Bill No. 1471 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written over the printed name.

LINDA LINGLE
Governor of Hawaii