

**Sustainable Agriculture Skill Panel Forum**  
**January 24, 2012**  
**Regulatory Issues**

Chair: Jim Caine

Facilitator: Jennifer Cornish Creed

**Discussion Outline:**

- I. Introductions: Why are we here?
- II. Setting the Context Discussion:
  - a. Panel Chair's Overview
  - b. What is the current state of communication between educational entities and the agricultural industry on regulatory issues?
  - c. What is the current state of labor and labor shortages affecting regulatory issues?
- III. Preferred Vision in 10-20 Years: Best Case Scenario
- IV. Develop Priorities
  - a. What are the opportunities or supporting forces that will move us closer to our best case scenario/vision?
  - b. What are the barriers or restraints that hold us back from moving closer to our best case scenario/vision?
- V. Outline Actions for Priorities (time permitting)

**I. Introductions: Why are we here today?**

- Lots of people and resources helped my family become farmers – I want to give something back; there's a push in Hamakua to support family farming – I want to support it; Honoka'a – Canter for Agricultural Success; I helped to plan conference with farmer's perspective – considered how we can implement solutions from farmers – key things we can accomplish
- Working with co-op we've had opportunities to consider changes and what we can do to make things better
- Offering free mediation services to people in agricultural industry – different levels of dispute resolution will be offered
- Deal with regulatory issues – want to find out about grower's issues in this area
- Here to learn and connect with farmers
- Attended Honolulu session and asked to come and get a better feel for the issues statewide
- Playing catch-up; here to listen
- I see some issues; maybe we can provide some training; we shouldn't be too severe on regulations but we do need rules; I've seen this issue from both sides – I'm from a family of farmers, but I work in the regulatory arena; we can't be knee-jerk in our reactions
- Sustainable agriculture is my interest

- Maintaining Mac Nut industry in this economy, especially relative to insects – especially honey bee; how we can maintain our honey bee industry
- My concern is the overly restrictive regulatory framework – things take a long time and it is expensive to get anything done. In Ka`u small farmers have a hard time getting land (ex. If a young farmer wants to grow coffee and raise cattle he must do an Environmental Assessment and EIS first; that’s difficult when we want to encourage young farmers)
- Listen to concerns and carry back to the board (ADC); looking to see what our position will be on regulatory issues
- Want to hear issues re: workforce
- If state is going to develop agriculture industry further, what are workforce needs and skills; can provide information and resource; here to learn
- What’s going on in each of these areas; how to continue after this event

## II. Setting the Context Discussion

### ***Panel Chair’s Overview***

The panel chair shared an overview of the context in the regulatory issues area. The items listed on the written materials:

There is a critical need to strike a balance between regulations for safety and consistency purposes vs. being unduly restrictive on individual farmers. The targeted and specific identification of regulatory issues need to be addressed and prioritized via strategic action steps (i.e., legislation, laws, ordinances, public awareness, etc.)

- a. Farm Safety Certification. What does it mean for farmers? How can it be achieved? What are the benefits for farmers?
- b. Dept. of Agriculture Leases. What do we need to do to ensure qualified farmers can access DOA leases?
- c. Farm to School Program. How can farmers access our local school market? What do we need to have in place to satisfy procurement protocols. There are some pilot projects already.

The chair shared some additional items not listed on the written materials:

- Country of origin labeling
- Department of Health regulations (ex. Poultry processing; certified kitchens) – more clarity on these regulations

### ***What is the current state of communication between educational entities and the agricultural industry on regulatory issues?***

- Probably not enough; not realizing what’s involved at the front end; maybe we need some sort of primer or checklist – otherwise there’s a big disconnect (re: pesticides –

- read the label); the rules are there but we need to provide education. The biggest issue is everyone has to be a certified applicator. The buck stops there. Normally farmers are licensed and direct their crew, but if the farmer is not available then ... errors get made; the fines are severe
- Regulations are coming from multiple areas. You might be doing your best but miss something. We need to bring together state, county, and federal regulations so you're not piecing it together yourself
  - Most Ag Instructors are not lawyers so the "legalese" is difficult to decipher. I would like a recap of what's new every 3 months so that we can understand the regulations and use
  - Farmers with English as second language and those who may not be computer literate need help. I get most of my information over the internet, but it is difficult for these guys to get access and understand. Suggest other ways to access and more about how to implement on a practical level
  - Hearing stories from high school agriculture teachers, they are tasked with other non-Ag regulated stuff. Ag is an afterthought, If we want to train high school students we need to make Ag programs less restrictive (No Child Left Behind; "teaching to the text") to build the next generation of entrepreneurial workforce. School Garden Network is good at the middle school level, but it's not set up at the high school level to address this need
  - Maybe this is the wrong conversation to be having. Long-term yes, but if I have a problem now I need nearer-term relief. Education plays a role, but on the mainland if I need to dig a hole, I can call and they tell me where the gas lines and water lines are, etc. The information is all in one. We also need quicker access to a permitting pathway. It is daunting if you don't have this framework
  - Labor-wise, how do schools help support your current needs re: regulatory environment?
  - On the job training – you train workers, and they often split off and start their own farms. It depends on what level you want to end up in. Regulation at the farm owner level? At the work level? When they have job training, they learn quickly. They become your competitors, but it's good, too – the students are becoming smarter than you and being successful at what you taught them
  - Farmers are mavericks – you don't share all successful practices typically
  - Current educational entities have to tie into access to the land and provide training (Hamakua ex.). They need the land to practice what they're learning; we need to marry these two
  - Access to markets – the marketing process is part of the educational component. You can't succeed without this (ex. In 2005/2006 – coffee farmers were abandoning farming because there was no market. Once we created markets they came back)
  - Additional pieces are water, financing, permits, transportation
  - We can teach to grow easily, but it's difficult to teach how to navigate. We did this as a mentoring program – like Young Farmers Program – on the job training and understand regulatory issues

- The regulations for obtaining state land are exclusionary and it's a long process. It is holding us up on getting new farmers on land. We need to look at the laws and how to promote new farmers
- Beyond farming, students also need to take science courses – chemistry, etc. – to meet the need in the regulatory areas. We need more technical knowledge at the middle school starting point

***What is the current state of labor and labor shortages affecting regulatory issues?***

- From the state standpoint, our economy was hit is hard. Half the positions were taken away and the remaining people have to carry the workload
- Less Ag majors – the selection pool of potential candidates is more limited; our staff is aging; retention of new employees is minimal
- Regulation about not having farm-worker housing on state land affects labor (leases don't allow affordable residential housing)
- Because we don't have enough functioning farms, we don't have a vibrant labor force to learn about regulatory issues. Most of us learn best from working on an actual farm. We use hired labor as stepping stones to access the land, and that is necessary to lead to sustainability
- There are a lot of regulatory issues and a lack of understanding of these issues. Access to state Ag leases is an issue. It's prohibiting labor/workforce. How can we resolve this?
- Regulatory issues, if not as complex, are time-consuming and costly when we'd like to have more people starting businesses. It is a huge hurdle. We need to be smart and tenacious to get onto the land and hire people.
- There are more and more rules; we need to start rolling back the one's that don't make sense.

**III. Preferred Vision in 10-20 Years: Best Case Scenario**

***10-20 years from now, from a workforce development perspective, what is the best case scenario for assuring workforce development in regulatory capacity?***

- "1,000 points of green" – 1,000 small family farms (ex. Hamakua); a vibrant small scale economy, providing a foundation for young people to start from, with a greater understanding of and training on the regulatory issues
- One-stop office to call for regulations and how to do it, with technical assistance, versus multiple stops
- A collective processing distribution system; farmers joining together to capture markets (examples: Ag Enterprise Centers on mainland, like Vermont, where producers can rent for a period of time; these centers address issues of food safety and security; or Food Technical Center in Portland where small business

development staff help with packaging and marketing; it's a 6-month program and competition to place products in grocery outlets)

- Bite-sized changes on regulations
- Streamlining of regulations
- DOA works in support of small family farm model (mentality has shifted)
- DOA Pesticides branch, Enforcement and Education branches have increased number of county extension agents with full-spectrum of education to provide technical assistance
- Commitment to continuum of education; vibrant high school Ag programs educating those interested about regulatory landscape – mentoring to get young farmers on to land
- Ag is a career that students want to go into. How?
  - Plantation mentality is shifting with economic downturn – we need to show you can make a living at it
  - We've lost a generation or two – we need to start from scratch in some ways – showcasing successes/successful farmers
  - Less of the “big city” draw here
- Farm to School Program – farmers have access to this market (deal with DOE and regulations) to increase farms, farm workers
- Ag was in the classroom (2<sup>nd</sup> grade) and the kids loved it, but after that the school lost interest; what happened to this message?
- School Garden Network – elementary school through middle school; build on this and continuing into high school and keep enthusiasm growing (the students are motivated and wanted to be involved). District schools that can provide viable high school Ag programs for this career pathway.
- Wage and benefit demands are challenging for competent hires
- Finding the right apprenticeships to give entrée into Ag industry as laborers but that can lead to manager roles
- Addressing affordability of health insurance for farmers (tax credit?)
- Country of Origin labeling is in place and ensures locally grown food accessed first (the regulation helps us)
- We still have enough lands to farm (preserve this)
- Instilling from an early age a sense of creativity, flexibility, trying new ideas, experimenting, whether technical skills or just ability to think openly

**IV. Develop Priorities**

<p><i>What are the <b>opportunities or supporting forces</b> that will move us closer to our best case scenario/vision?</i></p>	<p><i>What are the <b>barriers or restraints</b> that hold us back from moving closer to our best case scenario/vision?</i></p>
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**Accessing Markets (8 votes)**

<ul style="list-style-type: none"> <li>• Emphasis on promoting locally-grown food – point this in the right direction – it’s the opportune time</li> <li>• Farm to School Program – accessing DOE market; HB2093 – change administrative and procurement rules to make it work</li> <li>• Opportunity to replace imported food; pair buyers with producers and both sides understand others’ needs</li> </ul>	
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**Land & Water (7 votes)**

<ul style="list-style-type: none"> <li>• Sufficient lands</li> <li>• Land use patterns – ahapua`a – from land to sea vs. current traffic patterns; manageable size lands for things like coffee farmers</li> <li>• Soften some of the land use permitting processes (ex. Hamakua as model with state land – apply to private)</li> <li>• County has a farm-lot subdivision tool</li> <li>• Density – small lots enable people access to do the work they want to do (manageable)</li> <li>• Precedent of lease agreements – look at what has worked and what hasn’t; if it is an Ag land lease ensure it is affordable enough so you don’t have to live on it</li> <li>• Long-term permits for water source (ongoing process)</li> </ul>	<ul style="list-style-type: none"> <li>• Lands are not developed sufficiently for farmers; no infrastructure</li> <li>• Not having residential lease on Ag land (state and private); it’s preferable to have house/farm co-located; it’s a better model because of concerns over protecting the farm</li> <li>• People build big houses and it takes the land out of the flow of Ag activity</li> <li>• No long-term leases – this creates problems when the lease term is shorter than the time it takes to make a profit off the land</li> <li>• State subsidizes water but the issue is trying to get the water, for example, aquaponics – streamflow assessments, red tape, etc. in Waimea, Kohala, Hamakua</li> <li>• Water sources are being wasted; unless you have a long-term permit for the resource you don’t want to invest</li> </ul>
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**Navigating and Streamlining the Regulatory Framework (5 votes)**

<ul style="list-style-type: none"> <li>• Soften building permit for non-residential structures (greenhouses, etc.)</li> <li>• Collaboration between county and state on permitting issues</li> <li>• More permitting through a faster track (if separated out from other permits) – simple ones</li> <li>• Creating “presence” on the farm – a trailer, etc. vs. living there</li> <li>• Long-term permits for water sources (ongoing process)</li> </ul>	<ul style="list-style-type: none"> <li>• Multi-layer and unrealistic regulations on farm structures</li> <li>• Not having residential lease on Ag land (state and private); it’s preferable to have house/farm co-located; it’s a better model because of concerns over protecting the farm</li> <li>• State subsidizes water but the issue is trying to get the water, for example, aquaponics – streamflow assessments, red tape, etc. in Waimea, Kohala, Hamakua</li> <li>• It takes a long time and lots of money to comply with regulations because of the bureaucracy and red tape</li> </ul>
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**Education of Lawmakers, Agencies and Producers (3 votes)**

<ul style="list-style-type: none"> <li>• Events like today (with more Legislators present)</li> <li>• Education of lawmakers, agencies and producers</li> </ul>	<ul style="list-style-type: none"> <li>• State exempts itself from laws it passes that the rest of us have to follow (e.g., Land Development Corporation)</li> <li>• It takes a long time and lots of money to comply with regulations because of the bureaucracy and red tape</li> </ul>
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**Building on What’s Already Working (3 votes)**

<ul style="list-style-type: none"> <li>• Events like today (with more Legislators present)</li> <li>• Build on good existing programs like School Garden Network and support them</li> </ul>	
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**Lack of Infrastructure (2 votes)**

<ul style="list-style-type: none"> <li>• Soften building permit for non-residential structures (greenhouses, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of funding for infrastructure (new farmer funding, processing, roads, etc.)</li> </ul>
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**Accessing Resources (1 vote)**

<ul style="list-style-type: none"> <li>• Resources and funding for education – tap these resources (\$24.7 m grant)</li> <li>• Incubator program at UH for new farmers</li> <li>• CTAHR programs – particularly for immigrant farmers</li> <li>• Opportunity to fill the vacuum – young people coming in – resources (new farmer loan program, education)</li> <li>• Build on good existing programs like School Garden Network and support them</li> </ul>	
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**Federal Support (0 votes)**

<ul style="list-style-type: none"> <li>• Federal level lobbying – guest workers – streamlining guest worker program</li> </ul>	<ul style="list-style-type: none"> <li>• We have to compete with rest of world – much of labor done by guest workers (example, coffee pickers – getting paid good money, but we can't get people to do it)</li> <li>• Lack of federal resources – regarding extreme droughts and need for water (in some areas lack of rainfall)</li> </ul>
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**V. Outline Actions for Priorities**

**1. Accessing Markets**

- Farm to School Program and other state institutions
  - Reform procurement laws (in process)
  - Education of producers on what laws/regulations are
  - Expand “Buy Local” program
  - Country of Origin labeling – laws need to be looked into and enforced
  - Increase enforcement
  - Expand commodities



## **2. Land & Water**

- State leases (DOA, DLNR) – coming up with a system that gets qualified people onto lease lands without excluding others
- Reform Ch. 343 (EA's, EIS's, Conservation District Use Application ) – triggers for this could be softened
- Create more Ag parks to increase infrastructure
- Move all DLNR leases over to DOA (still working on), highest and best use, in a timely manner

## **3. Navigating and Streamlining the Regulatory Framework**

- Create the one-stop shop – who to go to and technical assistance
- Discussion at county and state levels – influence/interface with strategic planning happening at ADC (agricultural practices)
- Farm Safety Certification – will help open up some markets
- Create college-level courses on navigating and streamlining the regulatory framework
- Level the playing field (different standards for foreign imports and trade agreements – lower than ours; wages; use of pesticides; working conditions; domestic produces, local)

## **4. Building on What's Working**

- Farm to School Program – funding it and working with DOE and other state institutions to establish true agricultural education programs
- Expand education of lawmakers, etc. – strengthen through increasing farmer involvement in advocacy efforts