

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
QUALITY ASSURANCE DIVISION
1851 AUIKI STREET
HONOLULU, HAWAII 96819-3100

December 15, 2020

Board of Agriculture
Honolulu, Hawaii

Subject: South Maui Gardens Hemp Producer Update

I. BACKGROUND

Act 014 directed the Department of Agriculture ("department") to adopt rules to effectuate the purposes of Act 014, including any rules necessary to address any nuisance issues by September 30, 2020. To meet the requirements of the Act, the department promulgated rules for the board's approval, and the board at its September 22, 2020 meeting accepted the interim rules as stated, while directing South Maui Gardens ("SMG") to work with the neighboring community ("Maui neighbors") to address issues, and the department to work with other agencies to further research noise, smell, and light issues according to the best science available.

II. ACTIVITY SINCE LAST BOARD MEETING:

Summary of events and testimony received after September 22 board meeting until present:

1. 9/29/2020- Peter Fay ("Fay") sent a letter from Dr. Geoff Leventhal, a sound consultant, stating that for health reasons daytime noise should not be above 50 dBa, and night time noise should not be above 45 dBa, while speculating that the noise experienced by the Maui neighbors is likely above 60 dBa externally.
2. 10/12/2020 Fay sent attachment with sound measurements taken by Maui neighbor's consultant, as requested by Dr. Nick Comerford at the 9/22/2020 board meeting. Measurements were taken at various places on the properties surrounding SMG's property, with a range of 34-92 dBa reported.
3. 11/12/2020 Elisabeth Bluml ("Bluml") submits letter from an M McBride DO claiming that low frequency noise and hemp odor is the root cause of Bluml's mis-aligned neck, spine, and hips. Note: staff was unable to further determine M McBride's profession, licensure, or identity.
4. 11/12/2020= Bluml submits letter from Naturopathic Doctor Bonnie Marsh, stating that various health issues Bluml is experiencing are being caused by noise from SMG's operations.

5. 11/17/2020 Fay states that SMG sent an email describing various mitigatory efforts taken to reduce the possible effects of their operation on the public, but that nothing has changed for the neighbors surrounding SMG's operation on the ground. Fay attached previously submitted attachments on sound assessment and proposed rules.
6. 11/23/2020 SMG submits letter to the department and board listing the efforts they have made to work with their neighboring community as directed by board at the September 22, 2020 board meeting:
 - a. Erected cooling walls and sensors/controls around the perimeter of its cooling fan.
 - b. Reduced usage of fans between 5pm and 8am.
 - c. Turned off the fans for a few days a month.
 - d. Reduced light usage by 50% with plans to further reduce it to 80%.
7. 11/24/2020 Jutta Mueller screenshot of the dBa at her property border showing a dBa of 63.
8. 11/24/2020 Department of Health ("DOH") Noise Section sends noise inspectors to take official measurements to determine compliance with the allowable limits for agricultural operation noise; they find that the operation is operating within allowable limits for agricultural operations. James Toma, Supervisor of Noise Section notes agricultural operations are explicitly allowed to operate 24/7 under state law, and that DOH has specific regulations for noise in many contexts.
9. 11/29/2020 Fay comments on SMG's 11/23/2020 letter to the department and board, stating that SMG's mitigatory efforts have no on the ground effect, and that only 15 foot thick walls can effectively block low frequency noise. Includes previous Dr. Leveanthal report as attachment again.
10. 12/12/2020 Fay provides an email with:
 - a. Previous Dr. Leveanthal attachment on low frequency noise, notes that low frequency noise is measured in dB-C, not dBa.
 - b. Acknowledges that DOH officials only measure noise in dBa. Claims that DOH unofficial measurements on a frequency they do not measure or regulate match the measurements taken by/for Maui neighbors.
 - c. Letter from a Dr. Mariana Alves-Perreira instructing Juetta Mueller to take certain actions to mitigate the health effects she is experiencing. Perreira notes that sound is regulated and measured according to dBa, but that she believes the health issues are being caused by dB-C measured sound.
 - d. Attachment on "vibroacoustic disease" by Dr. Mariana Alves-Perreira, asserting that low frequency noise causes various health outcomes.
 - e. Letters from doctors of two Maui Neighbors regarding their health conditions and the noise from SMG's operations.
 - f. Desired outcome: accept dB-C noise as a measurement level and low frequency noise health issues as established fact.

11. 12/12/2020 Jutta Mueller sends two doctor's letters which were attached in Fay's previous email.
12. 12/13/2020 SMG submits testimony and updates:
 - a. Scooter Walsh, President of SMG details actions taken to mitigate effects of SMGs operations, states that any usage of the greenhouses for crops would necessitate, fans, not just hemp growth. States Fay's proposed would eliminate not just SMGs hemp operations, but some of its other nursery greenhouse operations as well, and many associated jobs.
 - b. James Tallman, a Director of SMG hemp division: disputes Fay's claim that 32 small fans would be quieter than 2 large fans. States residential codes are not as stringent as the noise requirements proposed by Fay. Provides information on the practical effects which Fay's proposed regulation would have on SMG, and the impossibility for any agricultural operation to comply with them.
 - c. Heather Manalii, SMG Hemp employee: asks board to consider effects on all SMG and agricultural employees if regulations force SMG out of business.
13. 12/14/2020 Letter from Dr. Caroline Sakai, stating that Bluml's health conditions are being caused by the SMG noise, and that her physical and mental health is deteriorating into vibroacoustic disease.

III. UPDATE: STAFF RESEARCH ON LIGHTS SOUND NOISE

Noise

1. **In Hawaii:** Noise is regulated by the Department of Health Indoor and Radiological Health Branch, Noise Control Section. Hawaii Administrative Regulations Chapter 46 contains detailed noise regulations for many activities, including agricultural activities. One of the explicitly stated objectives of the branch is to ensure that noise emissions from permitted activities, including agricultural operations, comply with specified conditions, standards, and rules.
2. **Nationally:** Noise is generally regulated by departments of health, or departments of environmental quality. At times it is regulated at a state level, but in many states noise ordinances are county specific.
3. Noise is not regulated by the department of agriculture in any state.
4. **Low Frequency Noise ("LFN"):** No state in the entire nation has adopted regulations on low frequency noise/ultrasound. Internationally some European countries appear to have adopted guidelines for low frequency noise, but actual regulations regarding LFNs do not seem to have uniformly adopted by other countries.
5. **Complexity:** The science behind noise regulation is complex. Proper measurement of noise requires specific training and expertise to measure sound to determine compliance with regulatory standards. The department of

health has a team of investigators specifically trained to deal with noise issues. The department of agriculture does not have the personnel, equipment, or expertise to measure much less create regulations regarding noise.

Odor

1. **Odor** – Odor is far more subjective and difficult to measure than noise.
2. **In Hawaii:** Odor does not appear to be comprehensively regulated by a specific branch like noise is, however, DOH has some references to noxious odor in HRS 322, and several branches within DOH address odor in specific contexts.
3. **Nationally:** Odor alone is not generally regulated, but when regulated it is regulated by “departments of environmental quality,” “clean air branches,” “departments of health,” or in some circumstances by “departments of environmental resources,” as odor issues tend to be health and environmental issues.
4. **Agricultural Odor:** In some limited instances dealing with livestock operations, departments of agriculture in tandem with departments of health/departments of environmental quality are involved with special CAFO (concentrated animal feeding operations)/AFO (animal feeding operations) federal regulations. These regulations are complex, targeted at the environmental and health impacts of concentrated animal operations, and developed at the federal level.
5. Only one state, Idaho, places its department of agriculture in charge of being the primary regulator of certain agricultural odors (compost, manure, onions). The nature of Idaho department of agriculture’s odor regulatory duties are very narrow, however, and do not require any measurement type activities, only review of mitigation plans and best management practices for the activity.

Lighting

1. **Hawaii:** no statewide lighting laws for private property. Act 287 SLH 287 referenced by Peter Fay applies to government/public light fixtures, *not* private property or private operations on public lands.
2. **Nationally:** Most state laws pertaining to lighting are limited to outdoor lighting fixtures installed on the grounds of a state building or facility or on a public roadway.
3. **Community light usage** if regulated is regulated at a county level by county lighting ordinances. Only Hawaii County has adopted a lighting ordinance.

Hemp Specific Practices regarding: lights, sounds, odor:

1. **Hawaii** is the only state in the nation which has adopted statewide hemp specific buffer zones for reasons unrelated to cross pollination concerns in states with both hemp/marijuana production legalized.
2. **Nationally:** Staff raised the issue of odor light and sound issues related to hemp at a national regulator’s meeting. Only Mississippi expressed awareness of such

issues, but has no regulations regarding it. Maryland and several individual counties in California have some individual farms in upscale agricultural communities dealing with the issue, but no statewide regulations have been adopted in response.

3. **County Specific:** California's state law allows regulation hemp production by county, leaving items such as decisions on buffer zones up to each of its 58 counties rather than enacting a statewide mandate. Of CA's 58 counties, only one, Ventura County, to date has temporarily adopted hemp specific setbacks for odor related issues. The setbacks do not apply to indoor greenhouse growth with odor filtration systems in place.

Maui County Agricultural District

1. The SMG operation is in the Agricultural District.
2. **Maui County Code 19.30A.010(B)(6)** - Agricultural District states the following: "It is the intent of this chapter to . . . [n]otify the public that lands within the agricultural district are used for agricultural purposes. Owners, residents, and other users of such property or neighboring properties may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations. Such normal and accepted agricultural practices and operations include but are not limited to noise, odors, dust, smoke, the operation of machinery of any kind, including aircraft, and the storage and disposal of manure. Owners, occupants, and users of such property or neighboring properties shall be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations."
3. The SMG operation is not in a residentially zoned neighborhood, they are in an agriculturally zoned neighborhood and compliant with requirements for agricultural zoning. The Maui neighbors decided to live in an Agricultural District, and as such Maui County Code 19.30A.010(B)(6) provides notice regarding the possibility of inconveniences, discomfort, and possible injury to health that come from living by a normal agricultural operation. According to all existing requirements, SMG is operating as a normal agricultural operation and is not in violation of any noise, light, or odor limits established by law.

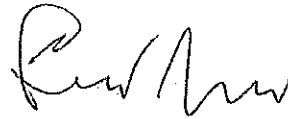
III. CONCLUSION

1. **Health Issues:** Noise, odor, and lighting in the manner referenced in the SMG situation are decidedly health issues. The research outcomes over the past two months by *both* the department and the Maui neighbor group simply affirm the health centric nature of the issues at hand. Given the complexity of noise, odor, and lighting regulations, the health centric nature of issues presented, and the department of agriculture's lack of

expertise, equipment, and personnel for appropriately regulating complex and controversial health issues, the department recommends a continued retention of the rules as currently stated. The department is keenly aware that this course of action does not provide the relief sought by the Maui group, however, the relief sought by the Maui group: which as an underlying basis requires the department to adopt dB-C noise standards and the science behind low frequency noise effects on health as established fact, and make regulations in light of it, is entirely a health issue. The department notes (1) no state in the entire nation has adopted dB-C as a sound measurement for regulatory purposes or low frequency noise standards (2) no agricultural agency in the nation regulates noise, and (3) there is a state agency, the department of health's noise control branch, with its specific regulations on noise, that does have the expertise necessary to assess the validity of the science being asserted by the Maui neighbors. If it is believed long-standing standards for health issues related to noise, odor, and lighting should be adjusted, changes to those standards and discussion on topics such as low frequency noise and how sound should even be measured for regulatory health purposes should be made legislatively— in the areas of law already dedicated to regulating noise, and health generally, with the input of all appropriate agencies, authorities, and stakeholders.

2. **Policy Implications:** The Maui neighbors claim the acceptance of the low frequency noise science and regulations made on less than 50 hemp farmers in light of it will only have a narrow effect. The department, however, finds the opposite to be true: the acceptance of low frequency noise health science, which appears highly controversial, applied at the cost of an agricultural producer, is not a matter which is limited or light, and should not be addressed through the process of an agricultural interim rule. Accepting the Maui neighbor's claims encourages attempts to establish and apply controversial health science regulations to farmers through the circumvention of the normal rules and authorities regarding health, to the detriment of farmers operating in an agricultural zone who are in compliance with all existing authority.
3. **Appropriateness of current interim rules:** The department and its board exist to support agriculture. The issues in question are indisputably health issues. The department's research into the issues of noise, odor, and lights further affirms that the appropriate place to further explore, contest, and update odor, noise, and community lighting regulations is in statutes and administrative regulations specific to health, and county lighting ordinances. Despite claims that the rules as currently stated do not meet the requirements of Act 014, the department holds that the rules as currently promulgated and accepted meet the requirements of Act 014 to address nuisance issues as necessary in the manner most appropriate. Act 014 directs the department to adopt rules to effectuate the purposes of Act 014, including any rules necessary to address any nuisance issues (emphasis added). Regulations specifically addressing the nuisances

identified at hand already exist under the purview of the Department of Health and Maui County's land use ordinances. Where preexisting regulatory oversight of nuisance and other issues are present, a deferral to and reliance on those regulatory frameworks is the proper and preferred means to avoid any ambiguity that may arise from multi-jurisdictional enforcement authority that may conflict. That is especially true when those conflicting standards are imposed by an agency that lacks scientific expertise in those areas of concern. As such, the department did not find it necessary or appropriate to create additional regulatory burdens on farmers in an area which is the authority of other agencies, and promulgated rules which rely on those existing nuisance and land usage regulations at both state and county levels. The department has met the mandate of Act 014 in a manner appropriate to the requirements of the Act and the department's purpose, which is to support agriculture, and requests the board continue to accept the interim rules as currently stated, without making further changes. If changes to the way sound is measured, regulated, and applied are necessary for health purposes, those changes should be made through the normal legislative process, allowing for proper input from the appropriate agencies, stakeholders, and the public.



Leonard G. Obaldo
Acting Administrator
Quality Assurance Division

APPROVED FOR SUBMISSION:



Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

December 3, 2020

Chair Shimabukuro Geiser and members of the Board of Agriculture,

Mahalo for the opportunity to provide written support for South Maui Gardens ("SMG"). I am a loyal customer of SMG and have been the recipient of the company's high level of professionalism on multiple occasions. I am happy to support a company like SMG who is committed to supporting Hawai'i's economy and strengthening the agriculture industry here on Maui. This company services many of our local businesses by providing plants to hotels, restaurants, offices, local contractors, and many Maui residents.

SMG's knowledge of growing and nurturing plants is second to none and their staff offers a wealth of knowledge in the agricultural industry with a willingness to help educate our community by providing guidance for plant growth and maintenance. The staff members are caring and patient, treating you like 'ohana and providing the highest quality customer service. Their retail site in Kihei offers customers offers a wide variety plants to choose from and grow in their own yards. As a customer, I can trust their recommendations and can depend on them to deliver the finest plants in Maui. With this in mind, I strongly support the continuation of SMG's agricultural operations.

Thank you for your service to the State by serving on the Board of Agriculture.

Stephen Behee
Nursery Manager
Chambers Gardening and Irrigation
Keauhou, HI 96739



To whom it may concern:

Dec 07, 2020

My name is Erika Hampton, I am currently the Vice President for the Haleakala Chapter of the HFUU. I have been a full time Maui resident since January 2016, after retiring from the Fire Service in Palm Beach County Florida. I have worked at South Maui Gardens since June 2019 and look forward to continuing this fulfilling career.

As a lifetime gardener and farmer I am grateful for the new skills I have learned working at South Maui Gardens. It is wonderful to be able to share my 4 decades of gardening experience with the community.

It is rewarding to be in a position to educate Maui residents and landscapers about natural and sustainable gardening practices. Assisting customers in creating aesthetic and dynamic landscape designs is another aspect of what I do everyday. It is a joy to be able to encourage adults and children to make the landscape beautiful, to grow their own food and to teach them plant propagation techniques.

It makes me smile to see plants thriving in our community knowing that once upon a time I played a role in that plant's healthy existence. Plants clean our air, provide shade, and give sustenance to our bodies. This is an essential business.

Farming is the future, it is honest rewarding work. We are fortunate to be able to do work that is good for our island while making our bodies physically strong at the same time. A large part of our operation is successfully growing hemp medicine to help residents of Hawaii and beyond. Scientific research shows that hemp cleans the soil. The hemp plant has too many benefits to list here and is worth looking into.

South Maui Gardens is an asset to the community and I am proud to be part of this team! Thank you for taking the time to read this letter.

Best Regards,

Erika Hampton
954 Haiku Road

Haiku, HI 96708
808-283-7877

I am an employee of South Maui Gardens. My family and I are proud to call Maui home and to work for a company that is proud to do business here. I love work working with all types of plants which beautifies our island, hotels, shopping centers and other businesses. I am grateful that South Maui Gardens continues to create new opportunities for our home.

I am asking for your support of our company, and for agriculture and agricultural jobs.

Thank you.

<u>Name</u>	<u>Address</u>	<u>Contact Information</u>
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DAVID FIELDS	11 ALEA PL MAKAWAO, HI	916 952 1006

I am an employee of South Maui Gardens. My family and I are proud to call Maui home and to work for a company that is proud to do business here. I love work working with all types of plants which beautifies our island, hotels, shopping centers and other businesses. I am grateful that South Maui Gardens continues to create new opportunities for our home.

I am asking for your support of our company, and for agriculture and agricultural jobs.

Thank you.

<u>Name</u>	<u>Address</u>	<u>Contact Information</u>
Calla Gentiles	Kihei, HI	808-333-6864
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Knytte Jaramillo	970 Akeiki pl. Wailuku	205-7985
KENT Jaramillo	970 Akeiki pl. Wailuku	205-1733
Jesus Lorenzo	Kahului	727-0857
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Daniel Ducosin	32 Nilu PL	808-633-7180
Henry Romero	12 Naamau place	808-385-9869
Greg Bowyer	2526 Omiko PL	808-359-9445
Ryan Duffy	2631 Ab Olu Pl	808-866-8332
Sebastian Tallman	1135 makawao ave makawao HI 96768	808-359-6745
Heather Munalili	PO Box 81520 Haku, 96708	808 283 5885
James Tallman	1135 makawao ave makawao HI 96768	757-1677
Josh Kangas	PO Box 3826 HAIKU 96708	808-359-6236

December 7, 2020

Chair Shimabukuro-Geiser and Members of the Board of Agriculture Maui, Hawaii

My name is Michael Farina and I am the majority owner and Managing Member of R-DAM LLC dba South Maui Gardens (SMG) located on the Island of Maui Hawaii. R-DAM was registered to conduct business in the State of Hawaii in February of 2013. I will refer to our business as SMG for the rest of this correspondence.

SMG currently operates three plant nursery locations covering thirty nine (39) acres on the Island of Maui, Hawaii. To the best of my knowledge over the seven plus years we have been in business SMG has grown to be the largest company in our industry on the Island. As of this date, we currently have sixty two employees and will soon hire more.

Our products are as follows;

1. A large variety of plants, vegetation, flowers, coconut trees, and much more.
2. Industrial floral design for shopping centers, commercial buildings, hotels, and residences.
3. Agricultural supplies such as decorative pots, urns, plant holders, decorative stones and rocks, dirt, growth enhancement and other items to help with the presentation and long lasting health of our merchandise.
4. Propagation of plants for growing by other nurseries.
5. Rental and maintenance of a variety of our products on a weekly, monthly, annual, or per event basis.

Our customer mix includes;

1. Shopping Centers
2. Hotels
3. Commercial Buildings
4. Commercial Developers
5. Residential Developers
6. Decorators
7. Home Owners
8. Event Planners
9. Restaurants
10. Event Centers

As an important part of SMG'S business development we use, when possible, state of the art growing aids such as greenhouses, fans, lights, and other helpers to control the growth environment. These tools are commonly used, no matter what the product, and well established throughout our industry. These aids also allow SMG to have consistent production no matter what season of the year. It is my duty as the managing member of SMG to maximize the entities return on investment whenever possible.

Other than our retail location in Kihei, the general public is no allowed on premises without an appointment. This is done to protect proprietary secrets and keep our plants from possible outside contamination.

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Recently SMG began growing hemp on approximately one-half acre at our 248 Piliwale Road location in Kula. Hemp was legally added to our product mix first under the Pilot Project authorized by the State of Hawaii and more recently under a Federal License granted by United States Department of Agriculture. All necessary Federal, State, and local regulations were and are followed in the growth of this product. All growth aids such as greenhouses, fans, lights, etc. were added the same as they would have been for the addition of any other agricultural product. 248 Piliwale Road is located in a designated agricultural area and has been operational as such since 1971.

Some of our neighbors have requested noise and light abatement from the greenhouses. SMG has recently, in order to be a good neighbor, turned off the cooling fans for a few days a month when the greenhouses are empty, cut the fan volume in half from 5:00pm to 8:00am, reduced the light by fifty percent (50%) in mid-October, and installed cooling walls to help insulate the fan noise. I should further note that a recent visit and test by the Department of Health showed our fan noise level between 44 and 58 decibels well within the current regulations.

I emphasize the 248 Piliwale Road, Kula address in a designated Agricultural Zone and has been operating since 1971 well before any of the neighboring houses were built. The current residents bought or built on their properties knowing full well we were in existence. This strikes me the same as people who buy or build near an existing airport and then complain about the noise. SMG is in full compliance with all regulations and grandfathered in place by all legislation.

SMG has never been cited for a violation by any governmental authority, operates its business in a legal and orderly fashion, and familiarizes itself with all regulations before beginning any new business venture. We consider ourselves a responsible member of the communities where we operate and try to enhance the business environment where we are located.

Respectfully Submitted,


Michael A. Farina Managing Member

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December 10, 2020

To whom it may concern:

Aloha. My name is Calla Gentiles and I live at 30 Auhana Rd in Kihei, HI 96753. I am the Office Manager located at our Kihei location. I have been working for South Maui Gardens in the office since June 2018. One of the things I love most about my job, and the reason I have continued to work for South Maui Gardens is because of how much they care about their employees. The managers and executive staff are continuously willing to go above and beyond to make sure that we have what we need to work in our positions while trying to make the job enjoyable as well. Especially during this pandemic, when so many other small businesses had to shut down and furlough, South Maui Gardens took great care to make sure we continued to have paying jobs.

When I began my job almost three years ago, I couldn't even keep a cactus alive; I knew very little about plants except that my mother had an exceptional garden, and I wanted to learn more about gardening to help our relationship grow closer. The staff have always been willing to teach with great patience and without indignation while I was still new to the job. It has been a pleasure to learn about not only what we grow here in Kihei, but also what we have in our greenhouses and field stock trees up in Kula as well. I am proud that I can now go out into Maui and list almost every plant and tree growing around me because of my job. I have even started my own little garden at home (and kept alive); which I never thought would be possible.

In addition, I want to mention that it has been a sincere pleasure to work for Thomas "Scooter" Walsh, who in my opinion is one of the most caring, selfless bosses I have ever had. He treats all of us as his family and his friends. Scooter continues to have time for us not only to talk about the business, but also talk story and make sure he knows we are doing alright even through health issues that have taken him out of the on-site day-to-day. He cares for us all employees, his customers, his suppliers and his vendors, and I am proud to be an employee of South Maui Gardens.

If you have any questions, I would be happy to answer. You may email me at calla@southmauigardens.com.

December 15, 2020

Chair Shimabukuro-Geiser and members of the Board of Agriculture,

My name is Thomas "Scooter" Walsh, and I am the President of South Maui Gardens ("SMG"). I am a lifelong resident of Maui, my family of 10 (including my wife and my 7 children) are part of this community, and I have been active in Maui's agricultural industry since I was 15 years old.

Today I would like to give the Board of Agriculture an update on SMG and the various communications that have transpired this year. We started off a bit late to this conversation, and unfortunately some of that was not within my control as I have been battling health issues over the last few months. However, my staff has been working very hard to keep our operations going without me, and our team has been diligently conducting outreach since the last August 12th Board of Agriculture meeting. We hope that the communications and testimony offered today provides you with a clear update to balance the extremely vocal rhetoric and incessant communications sent to you all, to various agency staff, to many public officials and to others by a few surrounding property owners.

Brief Background on SMG and Kula Operations

First, let me share what South Maui Gardens is for Maui agriculture.

Our agricultural operation at Piliwale Road, located in Kula, Maui, has been in operation since 1971. SMG took over this agricultural operation eight (8) years ago. This site currently serves as a nursery for a variety of plants, (including hemp) and includes nine greenhouses. I oversee not only SMG's Piliwale Road site, but also our other two nurseries located in Kihei and Ōma'opio, providing plants and agricultural products to hotels, restaurants, offices, landscape contractors, and many local residents, throughout Maui. We also ship and supply starter materials to nurseries on most of the other islands each week. SMG employs 62 people, many of which were born and raised on Maui, and all of whom live with their families here.

Many of our employees and some customers wanted to share their experience with our company and to lend support through testimony today, and for that I am very grateful.

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Mitigative Actions Taken by SMG

At the last hearing, the Board recommended that SMG work with surrounding property owners to address the concerns that they raised. Based on previous feedback, the concerns included (1) noise from the cooling fans; (2) light emissions at night; and (3) smell from the hemp plants.

SMG assembled a team to work on community outreach, which I intended to lead, but couldn't. After I left the islands, the team was asked to have conversations with folks to determine if we could find a compromise, a solution, with the neighboring property owners. The outreach was limited due to COVID, but it did occur notwithstanding the physical limitations of the pandemic.

In the course of this effort, our team spoke with many public officials and community members, including Mr. Fay. We received suggestions on how to mitigate sound and light concerns. Specifically, Mr. Fay suggested that SMG reduce the fan speed and light emissions at night. Despite operating within the agricultural zone, not a residentially-zoned "neighborhood" as has been suggested, SMG took this suggestion seriously to see what we could do, and implemented the following actions:

- Erected cooling walls and sensors/controls around the perimeter of its cooling fans;
- Reduced the use of fans after 5 p.m. each night until 8 a.m. since October;
- Turned off the cooling fans for a few days a month when SMG harvests its crops and empties its buildings; and
- Reduced light usage by 50% by mid-October, and has implemented a plan to continue to reduce its light usage such that the operation will be using 80% less light by the end of the year.

For the record, we did research Mr. Fay's other suggestions for alternative fans but they would not be able to meet the cooling needs of the greenhouses. I would also like to emphasize that SMG has always operated in complete compliance with county, state and federal laws and also the covenants, conditions and restrictions set forth in the Subdivision Agreement that applies to this community, including sound levels between 44 to 58.2 decibels from different locations on the property. These levels have just recently been verified by (and were, in fact, lower) according to the Department of Health.

I would also like to point out that any agricultural greenhouse operation requires cooling fans for the plants being grown, whether they are flowers, vegetables like lettuce or tomatoes or hemp. Greenhouses are an ideal way to grow, especially in Hawai'i where there is limited land for agriculture, because they allow the farmer to maximize yields.

All of these efforts made by SMG were conveyed to Mr. Fay in an e-mail dated Friday, October 23, 2020. We assumed that he would review the suggestions and perhaps propose additional

solutions – we thought that our e-mail would generate a dialogue. However, to date, we have received no response to this communication, whether it is to acknowledge the actions taken or suggest additional solutions. Instead, we have learned that Mr. Fay had continued to complain to you and to other public officials about SMG's lack of action, care and concern. We were asked to be a good neighbor, and we have made a concerted effort to do this. But it appears that no solution short of the removal of the fans, which would shut down a good portion of the operation and eliminate many jobs, would appease the surrounding property owners. If that is not the case, we would like to hear about any and all other proposed solutions.

We all know that we are living in difficult times. The COVID-19 pandemic has hit our local economy hard, and especially our tourism sector, which is a strong customer base for SMG. As with many other small businesses in Hawai'i, SMG has taken a huge financial loss this year. However, despite these significant financial losses, the company has absorbed them to ensure that they could keep all 62 Maui employees (25 of which work on the hemp operation) on payroll so that their families can get through these difficult financial times. All of these employees and their families are dependent on this operation to continue to make a living on Maui. And they are growing increasingly frustrated with the complaints being lodged by surrounding property owners who run a massage business on their property or are a dentist by trade, and the harassment they have felt over the past few months for simply doing their jobs on a fully compliant farm operating on agricultural lands.

Conclusions

I'm a local Maui boy, born and raised here my whole life, as are my seven kids. I want to continue to build the agricultural industry here and provide opportunities for my family to continue to live here. SMG is committed to the development of the hemp industry and for the agricultural economy in the State of Hawai'i. SMG truly believes that hemp could be a very advantageous agricultural industry for our State. There are many public officials who believe this and have been championing this industry for years.

That being said, and given this situation, we are concerned for other growers. We do not want this unique situation to impact what they are doing in their respective communities. However, there has to be compromise on both sides. Agricultural operations should be able to operate in agriculture zones without unreasonable burdens that work to eliminate certain crops and eliminate agricultural jobs. We should not allow folks to move into agricultural areas, build their homes next to farm operations (including greenhouses), then seek to eliminate the operations for "health" reasons. If we do not find a proper balance, agriculture will get nuisance-d out of existence by large "gentlemen estates" that only do agriculture as a hobby to meet minimum requirements, but that also benefit from significantly reduced real property tax and utility rates offered in an agricultural zone.

Chair Shimabukuro-Geiser
and members of the Board of Agriculture,
December 15, 2020
Page 4

The proposed rule changes offered by Peter Fay in his August testimony would essentially cease SMG's operations – not just hemp, but some of its other nursery operations as well. This means that the proposed rule changes would also eliminate many jobs during this pandemic. As someone who has been committed to agriculture throughout my entire adult life, I do not want to see this happen. I ask the Board, and my employees ask the Board, to please weigh all voices and concerns as you move forward with any proposed regulatory changes, **and please be a champion for agriculture**. Hawai'i needs to welcome economic diversification and support local agriculture to ensure that we are sustainable as an island state.

Please find pictures and a short clip of our hemp operations via these two links below:

Video: https://youtu.be/iyEwVKzU_L8

Pictures: <https://drive.google.com/drive/folders/1PS-ZRnNNk3NUFaiorVNM4mThUxYnbNZp?usp=sharing>

Thank you for your service to the State by serving on the Board of Agriculture. We look forward to continuing the conversation with you.

Thomas "Scooter" Walsh

President
South Maui Gardens

December 15, 2020

To Chair Shimabukuro-Geiser and members of the Board of Agriculture,

My name is James Tallman. I am one of the Directors of South Maui Gardens Hemp Division. I've been a resident of Maui for over 20 years. My family has lived in Hawaii since the 1960's and I am proud to call Hawai'i my home. I am also very proud to be part of South Maui Gardens and to be part of the newly established Hawaii hemp industry. It is a great honor to be able to work with a plant that has so many benefits.

South Maui Gardens has been hard at work creating a division of this business dedicated to producing high quality clean hemp products. The product we are producing is free of bugs, molds, mildews, and pesticides.

When we started the hemp project, our goal was to grow hemp with the consumer in mind. The target consumer is interested in exploring the potentially medicinal qualities of hemp derived products. For end products to reach the potential, the product must be free of contaminants. Many consumers who seek out hemp have compromised immune systems, or if they are health minded. This kind of individual wants to know that he or she is not consuming harmful plant pathogens and contaminants in addition to cannabinoids that are not THC.

Therefore, we decided to grow our crops in environmentally controlled greenhouses. By doing so, we eliminate the need to use chemical pesticides and fungicides, of which many are not approved for use on hemp. We keep the crops free from outside contamination. We have created an environment specific to this crop which ensures that the plant thrives and produces a higher quality hemp product than anyone in the country. We are aiming to position Hawaii grown hemp to have same recognition as other sought-after Hawaii grown crops like coffee and macadamia nuts.

We grow in greenhouses for the same reasons that other nurseries around the world grow in greenhouses: To ensure a high-quality crop that is safe for the consumer and to maximize the growing season. For Hawaii, this means utilizing the ability to grow hemp year-round. This makes it economically viable in a State with such a high cost of doing business and a high cost of living. Without the equipment that we installed, it is my opinion the economic viability of hemp is dubious, at best.

A lot of time and energy went into the planning of design of the greenhouses that we use to grow hemp. South Maui Gardens consulted numerous experts before starting the buildout of these greenhouses. We explored all commercially available cooling options for these greenhouses before we decided to go with the fans that we did. These fans, as well as all our equipment, are highly energy efficient and have variable speed drives. Variable speed drives offer the ability to turn the fans down to a lower speed when cooling needs are not as great. This allows us to save energy and to reduce noise.

Adequate air flow is necessary when growing hemp in greenhouses. Not only is it necessary to cool the environment for the plants during the daylight hours, but also to reduce the probability of the crop getting disease, such as molds and mildews. Plant disease is a result improper environmental conditions and an eco-system out of balance. The difficulty in maintain a balanced eco-system is the reason most farmers use pesticides and fungicides, whether they are conventional or organic. It is our belief that anything that is sprayed on plants is a potential harm to the product that will ultimately be given to an

end consumer. Use of pesticides and fungicide are potentially harmful if used incorrectly or excessively. Even organic pesticides and fungicides are still potential contaminants.

The design of our greenhouses greatly reduces the need for us to spray our crops with anything that could be potentially harmful. Our priority is to create a safe clean product in a responsible way. An added benefit is that our operations more environmentally friendly in general, being safer for our employees, end consumers, and the surrounding neighbors.

Peter Fay and the Omaopio Ohana association have proposed numerous rule changes for the commercial hemp program. If these rules were to go into effect, they would effectively put this operation out of business.

1) Greenhouse (or similar structures) may not use fans larger than 24 inches in diameter.

It generally accepted that a greenhouse needs 1 to 2 air changes per minute to keep a greenhouse at appropriate temperatures during daytime hours. Using this equation, if we used 24" fans instead of the fans that we currently use, we would need 16 to 32 x 24" fans to cool our greenhouses. If their goal is to reduce noise, I highly doubt that 32 smaller fans would be any quieter than the 2 fans that we have. It is more likely that a higher quantity of smaller fans would be louder and likely outside of compliance levels for sound pollution.

2) Greenhouse (or similar structures) fans that generate 30 dB C of Low Frequency Noise measured at the property border are prohibited.

As far as I am aware, residential codes are not even subject to this rule. There are no commercial greenhouse fans that would meet this requirement and manufacturer's do not produce products to these standards. How would a farm go about buying equipment when it is not even a sound range that fans are tested for? To achieve this, a farm would have to keep buying fans and testing them for a sound range until they found one that fit into this criterion. This added cost would excessive and burdensome. This would cause us to not be able to grow our crops and put us out of business.

3) Hemp farm noise between 10 pm and 7 am is limited to 50 dB A.

This proposed rule appears to arbitrary and burdensome if generalized across an industry that produces a single plant type. If this rule were to be generalized to all agricultural crops it would be met with major push back from the Hawaii Agriculture industry as a whole.

50 dB has been targeted due to the equivalence with commercially zoned properties and businesses. However, 70 dB was determined because it is generally accepted that a farm will naturally be louder than a restaurant, or a retail store. A 50 dB limitation would force a farm to be below the generally accepted minimum airflow requirements in order to maintain a healthy crop. The consequence of such a regulation would most certainly cause major disease to any crop that requires a controlled environment which would put us out of business.

4) Hemp greenhouses (or similar structures) must be fit with carbon filters to minimize the amount of smell emitted to the outside environment.

Large Carbon filters are used to filter out hazardous materials from the air, from heavily polluting industrial companies, not for agricultural applications. This discussion is regarding agricultural applications. Hemp is no different from flowers or any other fragrant plants in regard to potential allergens and community impact.

Imagine if this rule were generalized to Basil greenhouses (or similar structures). The smell of the hemp plant is nonhazardous. Large carbon filters are expensive to setup infrastructure and to maintain. The cost to make such accommodations would put us out of business.

5) Hemp farm grow lights must be shielded to prevent light from shining above the horizontal level of the lights.

All our lights have reflectors, that direct the light at the ground. All the lighting in our greenhouses is of low intensity. We made the conscious choice to use the minimal amount of light that is needed. We do not use high intensity lighting that is used in large scale agricultural applications. Our lights are not brighter than that of a workshop. The lights are less bright than a grocery store parking lot. It would be very unreasonable to tell Foodland to turn off their parking lot lights at night. If we had to mount something above the lights to block the minimal amount of light that is emitted, it would reduce air flow and increase crop loss due to disease. If we have excessive crop loss we will go out of business.

In my experience cultivating hemp in a rural farm community of Eastern Oregon, farmers run their machines around the clock at all hours of night because it is their livelihood. It is, indeed, what is required to be a successful farmer.

There are houses on every farm, and no one who lives there ever complains about noise, because everyone living in this Agricultural zone is there to farm. Farmers understand that. To simplify the issue at hand, the root of the problem is that there is a group of people on Maui that are not farmers that are trying to turn an agricultural zone into a neighborhood.

Most of them benefit from the incentives offered in agricultural zones: relatively cheaper land, tax incentives, and agricultural water rates. It is my opinion that the issue at hand is not that there are unhappy with the fans, the lights or even the smell, but their opposition to the hemp plant. None of their proposed rule changes are directed at agriculture, but at hemp specifically.

We have invested our most sincere efforts into creating a viable, ecologically friendly, and ethical business. I hope that our elected officials and agricultural departments and regulators will side with the industry that is trying to help diversify industry in Hawai'i.

Take any one of the proposed regulations and replace the name with any other crop and it would receive pushback from established and organized agricultural businesses. The room considering these regulations are because the commercial hemp program in Hawai'i only went into effect November 1, 2020. Many of the license holder from the Hawai'i Pilot program were unable to continue due to the regulations imposed by Act 014.

If any of these regulations went into effect it is more likely that the equipment would be maintain it's location, but the crop would change, and South Maui Gardens would be in full compliance.

The proposed regulations would force us to grow a different crop and discourage farmers from farming Hemp and other crops in Hawaii, due to the precedent set. During a time when tourism is suffering. The state should be embracing responsible agriculture.

South Maui Gardens has been responsible member of the Hawaii Ag community since its inception.

Thank you for your time and consideration.

James Tallman

Aloha e Chair Shimabukuru-Geiser and members of the Board of Agriculture,

My name is Heather Manalili. I have been a resident of Maui for fifteen years. My two partners and I were hired by South Maui Gardens to direct and manage the operations of the Hemp Division of the company. I am proud to have played a part in building our Hemp Division upon South Maui Gardens' strong foundation of high standards and core values, a company that is a model and leader in agriculture not just on Maui, but in all of the islands of Hawai'i.

As a company, we recognize the numerous benefits that hemp can provide in this community, this state, and in the world as a whole. The implications that hemp can positively affect all aspects of life, from medical, nutritional, and health benefits, to being used in producing sustainable building materials, soil rejuvenation and regeneration, are vast.

My partners and I are experienced in cultivating hemp in different parts of the country, and are so very honored and grateful for the opportunity to be able to work with this plant here on the beautiful island we call home. We are dedicated to ensuring that South Maui Gardens is able to offer safe and clean hemp products of the highest quality.

One of the benefits of growing in Hawai'i versus growing on the Mainland, is the ability to grow outdoors, year-round. However, it also offers many unique challenges. We wanted to be able to utilize and harness the power of the Hawai'ian sun to grow plants, while making sure our products are free of bugs, mold, pathogens and other bacteria, and pesticides. One of the only ways to achieve all of this successfully is by growing hemp in environmentally controlled greenhouses.

We will continuously strive to improve and find better ways of doing things in the most efficient, most environmentally responsible way possible. All of the tools and equipment we use are GMP-certified and are considered standard in the agricultural industry. We have maintained all of our operations to be compliant within the rules of the HDOA Hemp Pilot Program, as well as all of the USDA Federal Hemp Commercial Program Guidelines.

The proposed rules that Peter Faye and his 'Ōma'opio group are petitioning for would not only affect our Piliwale farm, but all of the hemp farms in Hawai'i, making it virtually impossible for any of us to continue to stay in business in an already difficult time in this pandemic. I humbly ask the Board of Agriculture to think of all of us farmers, our children, our families, and how we will survive, as you move to decide on making any regulatory changes.

Thank you very much for the opportunity to provide my testimony and be heard at this meeting.

Mahalo a nui loa,

Heather S. Manalili

From: Elisabeth Bluml <ebluml@hotmail.com>
Sent: Sunday, December 13, 2020 2:35 PM
To: HDOA.BOARD.TESTIMONY; Choy, Shelley N; peterfay@hawaii.rr.com
Subject: [EXTERNAL] Department of Agriculture 12/15/20 Board meeting
Attachments: Dr Marsh letter - Bluml.pdf; Roy Genatt DC.pdf; Michael McBride DC.pdf

Aloha Ag Board Secretary,
Please forward the below email to all the Ag Board members before the upcoming Tuesday, 12/15/20, Board meeting. And please forward this to Shelley Choy as well.

Mahalo,
Elisabeth Bluml

Aloha Department of Ag Board members. Aloha Shelley Choy,

I am writing to add to the email below that Peter Fay from our Omaopio/Piliwale Ohana sent to you earlier. I have a main physician that is also writing a letter that may not be ready in time for your meeting.

I have to inform you with sadness how my life and my child's life have been negatively changed since South Maui Gardens started growing hemp at their established nursery in Kula, Maui this past February. I have so enjoyed my life here after the tens of thousands of hours I have placed into my beautiful farm over the last 20 years.

I come from a farming family and the joy from being able to spend my life energy in making a beautiful and productive farm that is a place to raise my child and feed us and the community has been a high point of my life.

Now, I and my daughter have to stay overnight at friend's houses to get restful sleep, which is not possible anymore at our own home.

This has taken away any enjoyment of my property and impacts my ability to farm. I am being assaulted by the sounds/vibrations and smells of this business. I consider this a taking of my use and enjoyment of this property.

We need your help to get our health and way of life back. ITS IMPERATIVE AND I EMPLORE YOU FROM THE BOTTOM OF MY HEART, please help us by writing meaningful rules.

Mahalo,

Elisabeth Bluml
Khandro Farm
1195 Omaopio Rd
Kula, Maui
(808) 280-1556

----- Forwarded Message -----

Subject:Department of Agriculture 12/15/20 Board meeting

Date:Sat, 12 Dec 2020 17:37:39 -1000

From:Peter Fay <peterfay@hawaii.rr.com>

Aloha Chairperson Shimabukuro-Geiser, Ag Board members, and Shelley Choy,

I'm writing today on behalf of the 40+ individuals in the Omaopio/Piliwale Ohana (OPO) that surround the South Maui Gardens (SMG) hemp farm in Kula, Maui. We see that the last item on your agenda under Old Business for the Ag Board meeting this coming Tuesday, the 15th is, "Discussion regarding South Maui Gardens and hemp licensee updates." As you all are aware, ACT 014 (signed by the Governor in August of this year) required the Ag Department to write interim rules by September 30th, 2020, concerning "nuisance issues" such as noise, smell, and excessive lighting caused by Hemp Pilot Program licensees grandfathered past the restrictions against operating within 500 feet of

preexisting houses, etc. At the 9/22/20 Ag Board meeting the document that was passed did not contain any rules addressing these nuisances so by unanimous consent of all Board members, an amended motion was passed stating, "To accept the interim rules as stated and ask DOA staff to develop rules relating to noise, smell, and lights by January 31, 2021 and work with other department agencies to make rules based on the best science available." Since that time, I and other members of the OPO have sent Ag Board members all sorts of scientific studies, sound analysis reports, medical reports, etc. so you all have plenty of the 'best science available' to help write effective and fair rules. We don't know what you are planning to discuss at this coming Tuesday's meeting concerning 'South Maui Gardens and hemp licensee updates' but we are hoping that you will include a progress report on how the rules are coming along as part of that discussion. A number of OPO members will be available on that Zoom meeting to answer questions that may come up about our situation in general or about any of the information we have already submitted.

One very important thing to understand when writing these 'nuisance' rules is that the legislation was specifically worded so that any rules would ONLY be applicable to the Hemp Pilot Program licensees licensed before the date ACT 014 was signed (a maximum of 49 licensees) and who are grandfathered in to be allowed to operate inside the 500 foot buffer zone (reducing that 49 number to only 21 licensees). So any rules you come up with are NOT wide sweeping changes across the entire Hawaii agriculture community. Even if the rules might be applicable to those 21 licensees, as far as we have been able to determine, the reality of the situation is that only one licensee would be affected by the rules - South Maui Gardens. And that was the legislature's exact intent of that portion of ACT 014 after hearing about what has happened to the health and well being of our OPO neighborhood since SMG added hemp to the other crops grown in their Kula nursery.

SMG has said that they are reducing the use of night time grow lights and we thank them for their efforts. We have not heard and SMG plans to mitigate the smell 'nuisance' so do not know if they have done anything with that issue. As we have reported previously, we have contacted many local and mainland hemp farmers and they all say it's an easy thing to install Carbon Filters to reduce the smell coming out of the greenhouses. We hope that the Board will consider a Carbon Filter rule requiring hemp grown in greenhouses to install those filters.

The overwhelming 'nuisance' that is causing our OPO neighborhood so much trouble is the noise caused by the huge industrial fans that SMG installed in several of their greenhouses. The noise can be broken up into two sections. The first is what is called the dB-A range of noise frequencies. This is the range regulated by the Department of Health under Title 11, Chapter 46 Community Noise Control. These regulations say that Class C zoning districts like Agriculture zoned lands such as SMG's property and all of our OPO properties have noise limits of 70 dB-A day and night. Those regulations also say

that Class B zoning districts like business, commercial, hotel, resort, etc. properties have noise limits of 60 dB-A from 7:00 am to 10:00 pm and 50 dB-A from 10:00 pm to 7:00 am. One reason for the lower Class B noise limits is that hotels and resorts run their HVAC system's fans and condensers, etc. 24 hours per day every day and they didn't want the neighborhood residents surrounding those hotels, resorts, etc. to be subjected to excessive noise, especially at night. When rules were written for the Class C Agriculture zoned lands, there was no realization that at some future date Ag operations might install huge industrial fans, that were never intended to be placed anywhere near pre-existing houses, and run them 24 hours per day. Since that is what has happened in our neighborhood with the SMG industrial fans running 24 hours a day for months on end now, the situation is now the same for our neighborhood residents as it is for neighborhood residents of Class B zones where they expected noise to be generated 24 hours per day. As such, a rule limiting allowable dB-A noise limits generated by equipment that runs 24 hours per day to the same limits allowed in Class B zones would seem completely fair and rational.

The second and most severe noise 'nuisance' being caused by SMG's industrial fans is the noise generated in the dB-C range of Low Frequency Noise (LFN). As time went on after the first SMG industrial fan started to run in February of this year, the OPO residents closest to those fans started suffering various health and emotional issues that we now know are being directly caused by the LFNs generated by the industrial fans. We have submitted to the Ag Board members a huge amount of information concerning all this that can be summarize as follows.

1) We have made highly accurate, professional equipment LFN noise level measurements on various properties surrounding SMG generated by their industrial fans. A detailed description of the methods used is contained in the report written by our world recognized LFN expert consultant, Dr. Geoff Leventhal, entitled "Dr Leventhal Final Report - Assessment of Noise from South Maui Gardens Fans." The Ag Board requested a copy of this report when we talked about it at the 9/22/20 Board meeting and I emailed it to you many weeks ago. To help I will attach it here again. Also contained in that report are the dB-C noise limit regulations in place in England, various European countries, and recommended by the World Health Organization. As Dr. Leventhal's report shows, the industrial fans are subjecting the closest OPO neighbors to as much as FOUR TIMES the W.H.O. recommended maximum allowable noise limits. Not double. Not triple. FOUR TIMES the W.H.O. recommended noise limits.

2) At the 9/22 Ag Board meeting, James Toma, the Department of Health's Indoor and Radiological Health Branch, Noise Section Supervisor, testified correctly that dB-A noise rules for Agriculture zoned land was already in existence. That would be the above mentioned Chapter 46 Community Noise Control. What he was not asked and so what he did not get a chance to testify to, was that there are currently NO regulations for dB-C noise limits. As such his Noise section does not regulate or enforce excessive dB-C noise

levels. A few weeks ago on November 24th, James Toma and his co-worker Stan Yu made noise limit measurements of one set of SMG's industrial fans in both the db-A range that they regulate and in the dB-C range which they do not regulate. Since the Noise Section does not regulate dB-C noise levels they want to make sure I call those readings 'unofficial.' But whether their dB-C readings are 'official' or 'unofficial' their recorded levels match the levels found by our consultants and reported in Dr. Leventhal's report almost exactly. This means that the measurements taken and reported in Dr. Leventhal's report are now validated by 'unofficial' Hawaii Department of Health experts. And so, the excessive levels of dB-C noise the industrial fans are subjecting the OPO neighborhood to are accurate. And this means that the conclusion(s) in Dr. Leventhal's report that we are being subjected to up to FOUR TIMES acceptable levels of LFNs is scientifically accurate.

3) I have previously sent the Ag Board members a letter from Dr. Alves-Pereira who is a world recognized medical expert on the effects of being subjected to excessive levels of LFNs. She consulted with us and with Dr. Leventhal and writes that the health issues that the two closest neighbors have suffered since the fans started running can be directly attributed to those LFNs. She also recommends that those closest neighbors try to move off their properties away from the LFNs to sleep at least once a week before having to return to the 'contaminated area.' I will attach her letter here again and I will also attach a scientific article about medical issues caused by LFNs co-authored by Dr. Alves-Pereira that lists close to 200 references if you are looking for lots more medical scientific proof about the damage that is done by excessive exposure to LFNs.

4) Some of the OPO neighbors have submitted to the Board letters from their medical providers describing the actual real life damage being done to their physical and mental health since the industrial fans began to run and started generating excessive LFNs. Those neighbors have given me permission to attach some of those letters here again as well as some medical letters that you may not have received yet.

The 9/22/20 Ag Board amended motion asked that rules be created using the 'best science available.' We have now shown scientifically that SMG's industrial fans are generating excessive levels of LFNs. We have shown that the levels we recorded in Dr. Leventhal's report have been verified by the Hawaii Department of Health's 'unofficial' measurements. We have shown scientifically the link between excessive LFN exposure and medical and mental health problems. We have shown scientifically the link between excessive exposure to LFNs and the actual sufferings caused to our OPO neighbors. There can be no question that for the physical and mental health and well being of all OPO neighborhood residents, rules controlling those LFNs must be enacted. And the simplest, scientific solution would be to adapt the same dB-C noise level limits that are used in England, Europe, and by the World Health Organization. There is no need to reinvent the wheel as the Europeans have been dealing with these LFN issues for decades longer than Hawaii has. If those LFN limits are good enough for the W.H.O. they would sure seem to be good enough for Hawaii.

After all that it bears repeating again that the legislature's intent was to solve the specific 'nuisance' problems being caused by SMG's industrial fans to our OPO neighborhood residents. Your rules would almost certainly ONLY affect this one hemp operation. It won't affect any of the thousands of other agriculture operations across the state.

The legislature gave you a wonderful opportunity to solve this huge ongoing and getting worse every day neighborhood destroying problem. We ask that you please implement meaningful rules to save our neighborhood's residents. We need your help. PLEASE help us.

Mahalo,

Peter Fay
Omaopio/Piliwale Ohana
312 Piliwale Road
Kula, HI 96790
808-283-3072

UpCountry Doctor
Dr. Bonnie Marsh
HI Lic# ND-168
905 Kokomo Rd.
Haiku, HI 96708
naturadoc@gmail.com
PH: 808-575-2242 Fax: 866-397-3688

November 10, 2020

Re: Elisabeth Bluml

To Whom It May Concern:

Elisabeth Bluml is presently under my care. I consulted with Elisabeth on November 9, 2020 in my office concerning the drastic health impact that she is suffering due to living next door to a hemp farm.

Her main physical symptoms include, nausea, dizziness, sleeplessness, and exhaustion due to being 500 feet away from a large greenhouse (plus 4 others on the same property) that create constant intense sounds and literally vibrate her home, which is on stilts. She is unable to sleep in her home without this constant noise and vibration all night long.

Overtime this has created a post traumatic response within her nervous system. She cries easily, cannot focus on her daily tasks and is also very concerned over her 13 year old daughters mental and physical health who presently resides with her. She also feels helpless, hopeless and overwhelmed due to the unproductive process within our political system to help her and her neighbors.

As her physician, I implore you to protect Elisabeth, her daughter and her neighbors from this form of torment they have had to endure from the hemp growers.

Sincerely Yours,

Dr. Bonnie Marsh
Dr. Bonnie Marsh

Paradise Chiropractic
871 Kolu Street Suite 101
Wailuku, Hawaii 96793
808-242-4764

To whom it may concern:

Elisabeth has been a patient of mine for the last eight years. She would come in sporadically whenever she needed an adjustment to her spine. Most recently she has been having unusual symptoms; constant neck spasm, migraine headaches, vertigo, nauseousness, indigestion and upper and lower back pain. The following is a description of her situation and health that I told Elisabeth to summarize for all those concerned.

"My name is Elisabeth Bluml and my daughter and I live on Omaopio Rd. My property with my home is next to the South Maui Gardens Hemp farm on Piliwale road. I have always been able to sleep for my entire life until the SMG hemp farm started into production. Now I have to sleep using sleep medications. The power of low-frequency vibrations coming from large industrial fans used in the hemp production facility that are left on 24/7 vibrates all the buildings on my property, including my home.

The vibrations are so invasive that they go through my body and I am nauseated, dizzy and my throat is very inflamed due to acid reflux.

I am very exhausted due to sleep deprivation. I am irritable and constantly uptight in my body and my spine is out of alignment.

My farm is suffering because I cannot work anymore and my farm has been one of my great joys in life.

I am stressed and feel overwhelmed and have a feeling of hopelessness.

I have brain fog and difficulty focusing and retaining information."

Clinical Findings:

It was obvious from observing her overall demeanor that the patient had been experiencing unusual amounts of stress on her most recent visits.

Most recently she was having difficulty walking on her own and needed her friend to help her from the car to my office. Her low back and neck ranges of motion were very restricted. This was noteworthy since I have never seen her like this before. Her condition has been progressively getting worse. I was having a difficult time adjusting her because of the amount of pain and spasm she was enduring. I recommended massage, acupuncture, hot tub and hot and cold packs to relieve the stress, spasm and pain. My adjustments and treatments were limited and I was not able to accomplish my usual results and instead opted for referring the patient to other therapists for additional help.

Since I have been Elisabeth's chiropractor for eight years I can clearly see the obvious difference the patient's body, mind, and demeanor has undergone since the advent of her experiencing the constant low frequency vibrations. This was not the same symptoms the patient experienced previous to the event of the low frequency vibrations.

It is my professional opinion that Elisabeth is experiencing physical and mental trauma from these low frequencies. There is ample research on the damaging effects of Low Frequency vibrations. I have also had other patients who have had similar experiences.

 12/10/20

Yours Truly,
Roy Genatt D.C.

PARADISE CHIROPRACTIC
ROY GENATT D.C.
371 KOLU STREET, UNIT 101
WAILUKU, HI, 96793

Aloha,

Maui, Nov. 2nd, 2020

Due to excessive constant stress coming from sleep deprivation my patient has ongoing issues of misalignment of the neck, spine and hips.

The constant stress stems from her exposure to low frequency and strong smell, which also causes her throat to be inflamed.

Sincerely,

Michael McBride, MD

Caroline Sakai, PhD

Clinical Psychologist

1300 Pali Highway Suite 204

Honolulu, Hawaii 96813

(808) 753-5797, (808) 536-6868 phone/fax

Psy HI License #537

December 13, 2020

Re: Elisabeth Bluml

To whom it may concern:

Elisabeth Bluml has been under my care since 11/25/2020. She has been suffering persistent nausea, brain fog, dizziness, exhaustion, marked sleep deprivation, agitation, back pains, whole body vibrations, anxiety, throat inflammation, and feeling continuously overwhelmed. She has earaches at times, has lost 15 pounds in 3 months, and is under constant stress and duress with exposure round the clock to low frequency noises (above acceptable WHO levels) from a commercial hemp farm operation next door about 500 feet away. The incessant vibrations and sounds seriously interfere with her sleep, impede her concentration and functioning, and cause her impairing distress. Ms. Bluml is also worried about the effects on her 13 year old daughter whose excellent prior grades and concentration have been dropping with this environmental intrusion.

Ms. Bluml is showing signs of being traumatized by the incessant pulsating vibrations that shake her and the home she resides in 24-7, along with the constant low frequency sounds from the greenhouse fans that run continuously. She is anxious, depressed, exhausted, agitated, and chronically sleep deprived since the vibrational and noise intrusions began.

I am writing on behalf of Ms. Bluml in the hopes that some ameliorating and corrective environmental actions can be taken to protect her physical and mental health from deteriorating any further into vibroacoustic disease.

Sincerely,



Caroline E. Sakai, PhD

From: Jutta Mueller <windsurfmueller@yahoo.com>
Sent: Sunday, December 13, 2020 4:17 PM
To: HDOA.BOARD.TESTIMONY; Choy, Shelley N
Subject: [EXTERNAL] Testimonial Hemp nuisance rules
Attachments: HPSCAN_20201209051356839_2020-12-09_051532066.pdf; HPSCAN_20201209051141015_2020-12-09_051316662.pdf

Aloha Ag Board Secretary,

Please forward the below email to all the Ag Board members before the upcoming Tuesday, 12/15/20, Board meeting. And please forward this to Shelley Choy as well.

Mahalo

Aloha Department of Ag Board members. Aloha Shelley Choy,

I am writing to you to let you know how the noise/ vibrations emitted by the neighboring hempfarm have impacted our lives.

The noise / vibrations started in February, when South Maui Gardens started running the huge aerating fans...it never stops....its a constant humming everywhere on my 3 acre farm...I am devastated as I have been forced to neglect our fruit farm and livestock, after several hours of this noise, it becomes totally unbearable, and it's been running NONSTOP for months now.

It's torture, nothing can stop the noise...you can't get away from it..The vibrations penetrate every room of our house. The constant vibrations in the house interrupted my sleep every night, my health declined due to sleep deprivation.

The constant noise causes depression, anxiety and aggression. Some of this behaviour has sadly been noticed in our animals and livestock as well, as the animals never leave the property.

I have been prescribed antidepressants and sleeping pills in order to tolerate living on my property.

I am now forced to sleep in a carport shack at the furthest away corner of my property even only then I get sleep with medication.

My house and farm are basically total collateral damage, being just a little over 30 feet away from one of the greenhouses. Despite putting up a soundwall, living with earplugs ,

I even tried hypnotherapy , nothing helps, the low frequency hum still can be felt in every room and on the entire property.

attached is a letter from Dr.Friedman who I seeked for help


We are not against hemp , it just needs to be done with equipment that lets the neighborhood have a decent quality of life.

Having grown up in Agriculture (Pigfarm) and having build up our fruit farm over the last 20 years, I understand that living on Ag land comes with certain possible discomfort and exposure to noise/dust and smell, but this new form of Agriculture is totally industrialized needing huge industrial fans 24/7 and it needs different rules!

We need your help to get our health back. Please help us by writing meaningful rules to limit industrial noise in hempfarms.!

But even while living on Ag land, we are still "people", whose lives deserve to be protected from excessive harm like this.

Mahalo,

 Please help us

Jutta Mueller
Plumeria Plantation Ag Enterprise LLC
266 Piliwale rd
Kula, Hi 96790
808-276-7716

Sent from Yahoo Mail on Android

JACKSON FRIEDMAN, DO, PLLC

HAWAII MEDICAL LICENSE NUMBER: 1397

P.O. BOX 840

KULA, HI 96790

TELEPHONE: (808) 354-1698

JACKSON.FRIEDMANDO@YAHOO.COM

November 30, 2020

To Whom It May Concern,

I write to express concern for the well-being of my patient Jutta Mueller DOB: 3/26/1968 who presents with recent onset anxiety with related underlying situational depression and related headache, neck, shoulder, and upper back pain. These symptoms had a gradual onset in February, 2020 beginning with irritation and aggravation when her new neighbor turned on the fans for his commercial Hemp farm greenhouse that have run 24 hours a day, 7 days a week since.

Attempted communications with the company requesting to at least turn down the fans at night were refuted increasing frustration for Ms. Mueller that led to anxiety and depression stemming from a lack of control over her home situation. The noise reportedly bothers her all the time and prevents sleep. Noise reduction headphones nor ear plugs, nor hypnosis have eased her symptoms.

Ms. Mueller sought help from her PCP at Kaiser, Lisa Sodehani, MD, who prescribed 50 mg of trazadone nightly to aid sleep which is improved by it, and 5 mg of escitalopram daily, an SSRI for anxiety and situational depression. Both are helping a little bit, but are a short-term coping crutch, not a solution Ms. Mueller can live a full life with.

Ms. Mueller has no history of insomnia. She had no trouble falling asleep, nor staying asleep prior to the installation of the noisy fans. Sleep deprivation is detrimental to all the body's systems. It is used for torture. In fact, Ms. Mueller was unable to sleep at all until she moved to the other end of her property. Quality of sleep is poor even with the trazadone and duration is now about six hours interrupted frequently by noise and vibration.

“Sleep deprivation impairs cognition and long term exposure changes neurobiological function (Neurobehavioral dynamics following chronic sleep restriction: dose-response effects of one night for recovery).”

II Medizinische Klinik für Kardiologie, University Medical Center Mainz, Mainz, Germany.

I am also concerned about the effects on her cardiovascular system and potential risk of MI. Not just from the lack of sleep, but from the effects of noise pollution itself.

According to the European Heart Journal, Oxford:

“The role of noise as an environmental pollutant and its impact on health are being increasingly recognized. Beyond its effects on the auditory system, noise causes annoyance and disturbs sleep, and it impairs cognitive performance. Furthermore, evidence from epidemiologic

studies demonstrates that environmental noise is associated with an increased incidence of arterial hypertension, myocardial infarction, and stroke. Both observational and experimental studies indicate that in particular night-time noise can cause disruptions of sleep structure, vegetative arousals (e.g. increases of blood pressure and heart rate) and increases in stress hormone levels and oxidative stress, which in turn may result in endothelial dysfunction and arterial hypertension. This review focuses on the cardiovascular consequences of environmental noise exposure and stresses the importance of noise mitigation strategies for public health.”

Cardiovascular effects of environmental noise exposure.

Münzel T, Gori T, Babisch W, Basner M

Eur Heart J. 2014 Apr; 35(13):829-36. Epub 2014 Mar 9.

Residents of Hawaii deserve to be protected from noise pollution in their own homes on residential property. At least acceptable noise levels up to 50 dB, at least from sundown to sunrise.

Jutta Mueller, her partner, and their animals' health and lives are in jeopardy. The quality of their lives has been seriously compromised since Feb 14, 2020. I am genuinely concerned about their health if the noise at this level continues.

If you have any questions, please contact me directly by email or phone.

Sincerely,



Jackson Friedman, DO

From: Mason Aquino <masonmakanaaquino@gmail.com>
Sent: Monday, December 14, 2020 7:20 AM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL] Testimony on behalf of South Maui Gardens

December 14, 2020

Chair Shimabukuro Geiser and members of the Board of Agriculture,

Mahalo for the opportunity to provide written testimony in support of South Maui Gardens (SMG). My name is Mason Aquino and I have been proudly employed by SMG for 2.5 years as a Professional Gardener and Delivery Driver.

My time at SMG has been an amazing experience. I enjoy being able to work outdoors and travel around the island for deliveries. I have learned countless techniques and facts about plants and how to care for them, while learning how to serve our customers.

I love many things about working in the agricultural industry and for SMG. I enjoy working with my hands, learning how to properly care for plants, and designing landscape features. Since I started at SMG, I have learned how to identify various plants, whether it be on our property or at another location. I really enjoy being able to help our customers and recommend plants to those needing assistance. I also enjoy working with my colleagues and getting through challenges that we face during this difficult time.

I am very grateful to still be employed during this pandemic. Times have been challenging for all of us, but I am thankful to be able to work and be of service to others. I find joy in knowing that SMG has helped our community by offering the materials people can use to keep active while at home. I'm also very happy to be able to live on Maui and work for a company who respects and cares for our island. I humbly ask for your support of our SMG family, and our operation, as well as agricultural jobs on Maui.

Mahalo Nui Loa for your service to the State of Hawaii

December 8, 2020

Chair Shimabukuro Geiser and members of the Board of Agriculture,

Mahalo for the opportunity to provide testimony in support of my company, South Maui Gardens ("SMG"). I am proudly employed by SMG and can speak with great confidence that the company serves as a leader in the agricultural community here on Maui. SMG is committed to supporting Hawai'i's economy and strengthening the agriculture industry. SMG employs 62 people, many of us were born and raised right here on Maui, and we all live here with our families. Our company is devoted to creating jobs in the agricultural industry and have substantially contributed to tax revenue to Maui County and the State of Hawai'i. SMG is a contributing pillar in the community for the last 10 years and has made various donations to Maui county elementary schools, food banks, youth sport teams, churches, and other non-profit organizations.

My 'ohana and I are proud residents of Maui and it has been a pleasure to work for a company that operates with the highest level of professionalism and class and requires the same from us as employees. I am humbled to be employed by a company that continually aspires to innovate and to improve the agricultural industry while remaining true to the deeply rooted values of our community. SMG has given many community members, such as myself, the opportunity to both provide for our families and support Maui's agricultural development. SMG has given me the chance to develop new skills, learn about the agricultural growing process, and engage with other community members in a way that I have found to be personally rewarding.

During this pandemic, while we have lost a significant amount of business, we are still employed. I am so grateful for the opportunity to still be employed during these challenging times and look forward to doing my part with SMG to help revitalize and our State's economy. With this in mind, I humbly ask for your support for continuation of SMG's agricultural operations, and for agriculture and for agricultural jobs here in Maui.

Thank you for your service to the State by serving on the Board of Agriculture.

I Ely Jaramillo, A Proud Supervisor AT SMG
Enjoys working with this Company. I have
been working in Agriculture for 40 years
and am very proud to support my family
doing what I love to do. We appreciate your
support and cooperation, THANK YOU!

955157.1

ELY JARAMILLO 

December 8, 2020

Chair Shimabukuro Geiser and members of the Board of Agriculture,

Mahalo for the opportunity to provide testimony in support of my company, South Maui Gardens ("SMG"). I am proudly employed by SMG and can speak with great confidence that the company serves as a leader in the agricultural community here on Maui. SMG is committed to supporting Hawai'i's economy and strengthening the agriculture industry. SMG employs 62 people, many of us were born and raised right here on Maui, and we all live here with our families. Our company is devoted to creating jobs in the agricultural industry and have substantially contributed to tax revenue to Maui County and the State of Hawai'i. SMG is a contributing pillar in the community for the last 10 years and has made various donations to Maui county elementary schools, food banks, youth sport teams, churches, and other non-profit organizations.

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Thank you for your service to the State by serving on the Board of Agriculture.


Rogelio Hagela

December 7, 2020

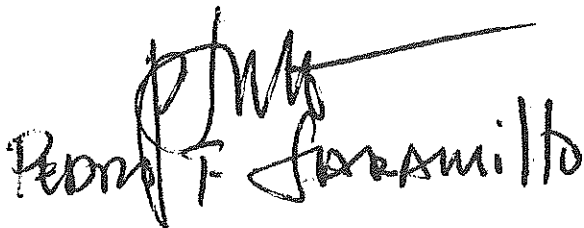
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Pedro F. Jimenez

December 9, 2020

Chair Shimabukuro Geiser and members of the Board of Agriculture,

Mahalo for the opportunity to provide testimony in support of my company, South Maui Gardens ("SMG"). I am proudly employed by SMG and can speak with great confidence that the company serves as a leader in the agricultural community here on Maui. SMG is committed to supporting Hawai'i's economy and strengthening the agriculture industry. SMG employs 62 people, many of us were born and raised right here on Maui, and we all live here with our families. Our company is devoted to creating jobs in the agricultural industry and have substantially contributed to tax revenue to Maui County and the State of Hawai'i. SMG is a contributing pillar in the community for the last 10 years and has made various donations to Maui county elementary schools, food banks, youth sport teams, churches, and other non-profit organizations.

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EDUARDO B. MANZANO

December 9, 2020

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Thank you for your service to the State by serving on the Board of Agriculture.

Bernie Doronillo
Bernie Doronillo

December/0, 2020


Chair Shimabukuro Geiser and members of the Board of Agriculture,

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Thank you for your service to the State by serving on the Board of Agriculture.

FREDDIE ESPEJO


December 10, 2020

Chair Shimabukuro Geiser and members of the Board of Agriculture,

Mahalo for the opportunity to provide testimony in support of my company, South Maui Gardens ("SMG"). I am proudly employed by SMG and can speak with great confidence that the company serves as a leader in the agricultural community here on Maui. SMG is committed to supporting Hawai'i's economy and strengthening the agriculture industry. SMG employs 62 people, many of us were born and raised right here on Maui, and we all live here with our families. Our company is devoted to creating jobs in the agricultural industry and have substantially contributed to tax revenue to Maui County and the State of Hawai'i. SMG is a contributing pillar in the community for the last 10 years and has made various donations to Maui county elementary schools, food banks, youth sport teams, churches, and other non-profit organizations.

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Thank you for your service to the State by serving on the Board of Agriculture.

Cristina Kameh
Cristina Kameh

ATTN: Hawaii State Board of Agriculture

From: Ryan Duffy
2631 Ala Olu Pl
Haiku, HI
POSITION: Compliance Manager & Project Manager

Aloha Chair Shimabukuro-Geiser and members of the Board of Agriculture,

My name is Ryan Duffy, I am the Compliance and Project Manager for South Maui Gardens: Hemp division. I have contributed to ensuring that the hemp operation has been compliance with all relevant regulations throughout the Hawaii Hemp Pilot Program, and hope to continue to do so for the commercial program authorized by the state earlier this year. I have been a Cannabis License writer and consultant since 2017. I am grateful to be a part of a business that has the vision and integrity of South Maui Gardens.

I thoroughly enjoy contributing my skills to building a vibrant and diverse agricultural sector on the island of Maui, which has been heavily dependent on tourism for economic viability for some time. Through the work of the team at South Maui Gardens, we genuinely believe we have built an infrastructure that is in the best interests of economic diversity through agricultural innovation, growth and employment for the County of Maui and the State, as a whole.

I became aware of opposition from some individuals within the neighborhood at the start of the COVID-19 pandemic. After some back-and-forth communication, I met with Peter Fay in early July to discuss our planned mitigating measures in response to his concerns regarding the hemp operation.

In that conversation Peter stated that he "wanted to get [his] neighborhood back. I walked away from that conversation understanding that he was opposed to the cultivation of hemp near his home, and he made it clear that he believed South Maui Garden's had the resources to uproot and move the operation to, as he put it, "the middle of nowhere."

Since then, multiple departments have been called about nuisance complaints." However, to my knowledge, every nuisance complaint has been dismissed due to the fact that South Maui Gardens' has been operating in full compliance of all laws and regulations. Moreover, the primary complaint of sound has been reviewed by 3rd party sound engineers and the Department of Health (SMG invited the Department to visit to have a neutral arbiter evaluate the situation), and SMG is not even close to the 70 dB limit allowed in agricultural zones.

A group has organized to request punitive rules to a burgeoning industry to mediate a complaint regarding an operation that has been complying with County, State, and Federal regulations, and for that matter, the covenants, conditions and regulations set forth in the Subdivision Agreement that encumbers this area. The rules proposed by those who oppose hemp in agricultural zones would not only impact SMG, but other growers and their operations, and would serve to erase the viability of hemp within the State.

Further, the implementation of the Federal IFR which was derived from the 2018 Farm bill and then adopted by the State of Hawaii per Act 014 of this year, is allowing Hawaii Hemp farmers to largely continue operations as they functioned under the Hawaii Hemp Pilot Program. This is a competitive

national advantage, because many pilot programs were much less strict than Hawai'i's program, causing many mainland farmers to have to pivot to very new cultivation and production strategies to comply with the federal rules. The IFR has been a major adjustment for mainland farmers., but not for local farmers.

We have positioned ourselves for long-term success by using best practices and industry standard agricultural tools and equipment to achieve the goal of environmental control and to ensure year-round production. The goal is to create a resilient agricultural model that captures a specialty crop and justify a growing business that is labor intensive and environmentally sound. If successful, the capacity to scale would ultimately mean that more local residents on Maui, and perhaps throughout the state, would be afforded the opportunity to learn and offer skilled labor and expertise in an already highly regulated industry.

Thank you for the opportunity to testify at this meeting. Please, take these points into consideration when determining the direction of the commercial hemp production program.

Ryan Duffy

12/8/2020

Marshall Loope
Plant Quarantine Branch
State of Hawaii Department of Agriculture
635 Mua St. Kahului, HI 96732

Members of the Board of Agriculture,

My name is Marshall Loope, and I am the Master Journeyman Inspector at the Hawaii State Department of Agriculture, Plant Quarantine Branch. In this role, I have had the opportunity to work with South Maui Gardens over the last fifteen years at all three of their locations.

During this time, it has been my observation that South Maui Garden's various operations have employed the very highest level of agricultural best practices, and this includes the equipment they use at each site. In addition, their operations have been consistently and fully compliant with all applicable laws and regulations – they do things by the book. Staff has always been professional with our team on Maui and accommodating to our routine inspections and surveys.

In short, my experience in working with South Maui Gardens has been only positive, and their commitment to agriculture in Hawaii has been exemplary. Hawaii Agriculture could use more businesses like this.

Thank you very much for the opportunity to testify to share these thoughts and experiences.

Sincerely,

Marshall Loope

Aloha my name is Travis James Garcia Gilo. I am born and raise on the island of maui I have grown up here most of my life my and have moved away for a bit around the pacific north west united states. I currently resign at 190 .East lipoa street kihei Hi ,76753. Here is my contact info is 808(793-7902). I would like to start off by saying I am a proud employee at S.M.G as a hemp processor that has been with the company since early July 2020. I believe in the work that this place has provided me and countless individuals make us love our jobs like nowhere else. This has been such an exclusive experience which leads me to believe that is why everyone is so passionate about what we do here and why we choose to be a part of this family. I think right now we are living in a very fragile state when it comes to job security and more than ever it's a crucial time to have some of the basic things in life like a job. But more than just a job it's a career and a dream for a lot of us I can't speak for everyone but I'm living the dream. I believe south Maui gardens will continue to have positive impacts on the community and the people of Maui. Mahalo for your time and aloha,

Sincerely .Travis Gilo

Aloha, my name is Spencer Powell. I am born and raised on Maui and have lived at 1884 Keahikano pl Wailuku, Maui for more than 20 years. My personal phone number is (808)250-3101. I am proud to say that I am a processor at S.M.G and have been working there since early July 2020. I truly am passionate about Maui in every aspect and am proud to say that I work for a company that feels the same way about our beautiful island. It's also a very crucial time in life, and I am more than grateful to not only have a job, but a job that can have huge positive impacts for the people and County of our island Maui. Mahalo Nui for your time.

Aloha,
Spencer P.

Greg Bowyer
2526 Omiko PL
Kihei HI, 96753
808-359-9445

To Whom It May Concern:

My name is Greg Bowyer, I work in cultivation as part of the Hemp Division of South Maui Gardens. I have been employed at SMG for nearly three years. Working at SMG has allowed me to gain friendships and knowledge from the head of operations down to my coworkers. Being able to maintain my employment throughout the 2020 pandemic has been critical not just to my financial needs but also to my physical and emotional well being. Staying busy during these hard times has been a luxury that I have not taken for granted.

Working in the Hemp Division has allowed me the opportunity to better understand this fast growing industry. Helping to make this plant more available to people with medical needs is a passion of mine and I am grateful to South Maui Gardens for making this possible.

Thank You,

Greg Bowyer

I would like to Thank South Maui Gardens for giving me this opportunity in life to be a part of something so beautiful.

Over the past 6yrs I have learned a lot; from plant names, plant information, customer service, office work, computer skills and being able to help design this beautiful creation of South Maui Gardens here in Kihei.

The awesome work flow we have everyday creates the opportunity of learning something new. Weather its more general knowledge or something extraordinary.

Skills I have learned over the years:

- Plant names
- Plant info (Height, Location and other general info) • Design interior and exterior • Machine repair (Hydraulic hoses and seals) • Irrigation installation • Irrigation Maintenance • Business ethics • Sales • Inventory • Customer service • Loading and unload trucks. (with plants its a little more tricky then your normal boxes. Plants are very delicate.)

Sincerely,

Jaime Sanchez

ATTN: The Board of Agriculture

From: Marc Sniffen

Haiku, HI

POSITION: Hemp Processor

To the Board of Agriculture,

I would like to say how grateful I am to be working for SMG, especially during these trying times.

My name is Marc and I am a hemp processor. I was born and raised on the windward side of Maui, to a young couple of Wailuku. My family and I will always call this Island our home.

Now, to be so fortunate to be working in a new and progressive industry, I am filled with excitement and anticipation. I hope that we can all work together at helping to breath life back into our struggling communities. Having jobs to afford our homes and lives are supremely important!

Please! I plead to all of whom this may concern! Hear us!!!

Brittany Alohilani Long
616 Kikania Place
Wailuku, Maui, HI 96793
310.947.2969
bitsofbritt88@gmail.com

Dear Hawaii Department of Agriculture,

Thank you for taking time to read my letter regarding the operations of my employer. My name is Brittany Alohilani Long, and I have been working for South Maui Gardens since July 2020.

While being employed by S.M.G. I have been surrounded by very inspiring and professional individuals from ownership to management to maintenance. Myself being new to agriculture, I value my position at South Maui Gardens, and gain immense knowledge and continued education in the agricultural industry.

I have been given the pleasure of advancing my knowledge on locally grown foliage, flora and hemp flower while being able to observe the growth and beauty of nature daily. I can truly say that I love my job, mainly because we strive to produce an organic and safe work environment. We strongly believe in being ecofriendly, by recycling cans, bottles, cardboard and composting on-site. I believe that South Maui Gardens continues to go above and beyond to benefit their employees, neighbors but most importantly the community and world we live in. With so many different personalities on our team we all share the same passionate belief that all products produced on our farm are not only cared for, but grown, handled, and inspected beyond measure. I believe hemp if given the opportunity, has the potential to better our bodies and environment while making an extremely positive impact not only within Maui County but for the entire state of Hawai'i.

Being in such tough times during this pandemic, I am extremely thankful to be able to work for such an essential, beneficial, and respectful company on island. I hope a compromise can be reached and a peaceful existence maintained.

With love and light,
Brittany A. Long

