

SB2692

Late
Testimony

KONA COFFEE FARMERS ASSOCIATION
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LATE

TESTIMONY OF DAVID S. CASE
ON BEHALF OF KONA COFFEE FARMERS ASSOCIATION (KCFA)
ON SB 2692 (RELATING TO AGRICULTURE)
BEFORE THE HAWAIIAN SENATE AGRICULTURE COMMITTEE
JANUARY 31, 2012 AT 2:45 PM

CHAIRMAN NISHIHARA AND MEMBERS OF THE COMMITTEE:

MY NAME IS DAVID S. CASE. I APPEAR BEFORE YOU TODAY ON BEHALF OF OVER 325 KCFA MEMBERS, REPRESENTING MORE THAN 200 GENERALLY SMALL FARMS IN THE HISTORIC KONA COFFEE DISTRICT OF WEST HAWAII. ON BEHALF OF KCFA AND ITS MEMBERS LET ME EXPRESS MY SINCERE APPRECIATION FOR THE OPPORTUNITY TO ADDRESS YOU TODAY ON SB2692. KCFA SUPPORTS SB2692 AND ITS COMPANION HB 2430, SUBJECT TO CERTAIN AMENDMENTS WE ARE OFFERING FOR YOUR CONSIDERATION TODAY.

A. BACKGROUND

SB2692 IS POTENTIALLY HISTORIC LEGISLATION AS IT SEEKS TO REDEEM THE PROMISE TO "PROMOTE AGRICULTURAL DIVERSITY AND INCREASE AGRICULTURAL SELF-SUFFICIENCY" ENVISIONED IN ARTICLE XI, SECTION 3 OF HAWAII'S CONSTITUTION. IN FURTHERANCE OF THESE GOALS IT WOULD LODGE IN THE HAWAII DEPARTMENT OF AGRICULTURE (HDOA) THE "AGRICULTURAL DEVELOPMENT AND FOOD SECURITY PROGRAM TO ENCOMPASS ALL ASPECTS OF AGRICULTURE FROM FARM TO MARKET" (THE "HDOA PROGRAM").

THE BILL'S FIRST FEW LINES ACKNOWLEDGE THAT:

Hawaii's agriculture has transformed from sugar and pineapple to diversified agriculture and now faces such complexities as export markets, increased pest pressure, global competitiveness, sustainability, food safety, food security, and self-sufficiency.

B. "POINT OF ORIGIN" COFFEES AND OTHER PRODUCTS

KCFA AND ITS MEMBERS, TOGETHER WITH FARMERS OF ALL KINDS THROUGHOUT HAWAII, ARE AT THE CENTER OF THIS TRANSFORMATION. KCFA FOR ONE WOULD WELCOME AN EFFECTIVE PROGRAM THAT FOCUSES ON THEIR RAPIDLY GROWING AND DIVERSE NEEDS. AMONG THOSE ARE THE NEED TO PROTECT AND PROMOTE HAWAII'S UNIQUE "POINT OF ORIGIN" AGRICULTURAL PRODUCTS, INCLUDING SPECIFICALLY ITS UNIQUE COFFEES THAT CAN BE GROWN NOWHERE ELSE IN THE WORLD.

A 2004 REPORT BY THE HAWAII DEPT OF AGRICULTURE NOTED:

Quality maintenance and product differentiation are the major factors determining long-term success of Hawaii coffee industry. Product differentiation based on point of origin is critical because bean quality is partially determined by natural factors (soil composition, rain, temperature, and sunlight), which are

location-specific, in addition to cultural practices and cherry processing.* (Emphasis added.)

IT IS PAST TIME TO TAKE EFFECTIVE STEPS TO PROTECT HAWAII'S UNIQUE "POINT OF ORIGIN" COFFEES AND OTHER AGRICULTURAL PRODUCTS BEFORE THEY ARE SO COMBINED WITH LESSER "COMMODITY" PRODUCTS AS TO BE INDISTINGUISHABLE. TO THAT END, KCFA PROPOSES THAT SB2692 BE AMENDED AT PAGE 5, LINE 19 TO ADD A NEW OBJECTIVE TO THE HDOA PROGRAM AS SUBPARAGRAPH "(11)", DELETING THE "AND" AT THE END OF SUBPARAGRAPH (10) AND RENUMBERING EXISTING SUBPARAGRAPH "(11)" AS "(12)" AS FOLLOWS:

(11) Ensure the product integrity of Hawaiian point of origin coffees and other agricultural products by protecting the unique product differentiation of those coffees and other products based on their point of origin; and

C. NOTICE

ADEQUATE NOTICE OF PROPOSED HDOA ACTION ON ANY MATTER HAS BEEN A PERENNIAL PROBLEM FOR KCFA AND WE SUSPECT MANY OTHER SMALL HAWAIIAN FARMERS WITH LIMITED RESOURCES. HDOA HAS BEGUN TO ADDRESS THIS ISSUE WITH MORE EFFECTIVE NOTICE REQUIREMENTS TO "INDUSTRY GROUPS" THAT MIGHT BE AFFECTED BY ITS DECISIONS TO DESIGNATE AREAS AFFECTED BY COFFEE BORER BEETLE INVESTATION. SEE HAWAII ADMINISTRATIVE RULES ("HAR") §4-72-4.5(3), APPROVED JANUARY 30, 2012. KCFA BELIEVES THAT THIS SORT OF NOTICE SHOULD EXTEND TO ANY RULES ADOPTED UNDER THE PROPOSED HDOA PROGRAM AS WELL. ACCORDINGLY KCFA ASKS THAT THE COMMITTEE CONSIDER ADDING THE FOLLOWING LANGUAGE TO SECTION 3 OF THE BILL AT LINE 21 AT THE BOTTOM OF PAGE 8 AND CONTINUING OVER TO PAGE 9:

"In addition to any other notice required by law, notice of rules to be adopted under this section shall include written notice at least thirty (30) days in advance of the adoption of the proposed rule to industry groups that have provided the Department with advice that they wish to receive notice under this section. From time to time the Department may require all industry groups as a class to reaffirm their desire to continue to receive such notice. Notice under this section may be delivered by either by electronic means, paper copy or both.

D. COFFEE ORIGIN DISCLOSURE

FINALLY, AS A FIRST STEP TOWARD THE OBJECTIVE OF PROTECTING HAWAIIAN COFFEES' UNIQUE PRODUCT DIFFERENTIATION, KCFA URGES THE COMMITTEE TO REQUIRE AT LEAST MINIMAL TRUTH IN LABELING OF BLENDED COFFEE PRODUCTS BY MAKING MANDATORY WHAT IS NOW ONLY VOLUNTARY DISCLOSURE OF THE CONTENTS OF BLENDED COFFEES. AT KCFA'S REQUEST, SEN. GREEN INTRODUCED SB 2097, TO AMEND SECTION 486-120.6, HAWAII REVISED STATUTES TO ACHIEVE THAT RESULT. SB2097 WAS REFERRED TO THE

* Southchuck, 2004 <http://hawaii.gov/hdoa/add/research-and-outlookreports/Coffee%20Outlook%202004.pdf>; cited and quoted in: Feldman, Marvin, "Economic Effects of Blending Kona Coffee—A Preliminary Analysis" (Resource Decisions, Feb. 10, 2010).

SENATE COMMERCE & CONSUMER PROTECTION COMMITTEE, WHOSE CHAIR HAS ADVISED KCFA THAT SHE WILL NOT EVEN SCHEDULE A HARING ON THE BILL. KCFA HAS REVISED SB 2097 TO REMOVE GARBELED LANNGUAGE AND REQUESTS THAT THE AGRICULTURE COMMITTEE CONSIDER INCLUDING THE SB 2097 AMENDMENT AS A NEW SECTION 5 OF SB 2692 AND RENUMBERING THE FOLLOWING SECTIONS ACCORDINGLY AS FOLLOWS:

SECTION 5. Section 486-120.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:
"(b) A listing of the geographic origins of the various Hawaii-grown coffees and the regional origins of the various coffees not grown in Hawaii that are included in a blend [may] shall be [shown] listed on the label. [~~If used, this~~] This list shall consist of the term "Contains:" followed by, in descending order of per cent by weight and separated by commas, the respective geographic origin or regional origin of the various coffees in the blend [~~that the manufacturer chooses to list~~]. Each geographic origin or regional origin [may] shall be preceded by the per cent of coffee by weight represented by that geographic origin or regional origin, expressed as a number followed by the per cent sign. The type size used for this list shall [~~not exceed half~~] be at least equal to that of the identity statement. This list shall appear below the identity statement[~~, if included~~] on the front panel of the label."

THIS ADDITON WOULD ALSO REQUIRE A CHANGE TO THE EFFECTIVE DATE IN CUIRRENT SECTION 7 (NEW SECTION 8) AT LINE 16 OF PAGE 10 AS FOLLOWS:

Section 8. Except for Section 5, [T] this Act shall take effect on Jul 1, 2012.
Section 5 shall take effect on July 1, 2013.

E. CONCLUSION

Thank you, Mr. Chairman and members of the Committee. I'd be happy to try to answer any questions.

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January 31, 2012

LATE

Testimony in Support of Senate Bill 2692

Aloha Chairman Clarence Nishihara, Vice Chair Gilbert Kahele and agricultural committee members. My name is Mrs. Juanita C. Kawamoto Brown, Subcommittee Chair of Food and Farm Sustainability of the Environmental Caucus of the Democratic Party of Hawaii, Executive Board member at Large and a Hawaii citizen advocate.

I am here to testify in support of Senate Bill 2692 – Relating to Agriculture and the need for Hawaii's Food security and sustainability empowered by Hawaii's Department of Agriculture whose mission should focus on the perpetuation, growth and development of local small family farms, local business and local food sustainability. Our organization has been in extensive discussions with food farms through out the State of Hawaii via various agricultural organizations-Hawaii Farmer's Union – Board and Members, Hawaii Farm Bureau – county boards, former board for State charter and general members, Hawaii Cooperative of Organic Farmers – President, Board and members, Hawaii Fruit Growers Association – Former President, Board members and membership, Waimanalo Neighborhood Board, Kahaluu Neighborhood Board, Hawaii North Kona Coffee growers Association –President, Board Members and members, Kamilonui Farmer Alliance – Hawaii Kai, Maile Moa Egg Farm and many more who have been contacting us daily regarding their support of this bill.

Senate Bill 2692 will create a bill that will support food farms who are dedicated to addressing food security for all the people of Hawaii. The passing of this bill will build the integral foundations for Food sustainability and the current community plans by many community organizations focused on food sustainability. Hawaii needs to be able to find our food farm resources ready and willing to feed the people of Hawaii, reduce the import of out of state and out of country foods that could be easily grown here in our own state which then keeps our local economy thriving via more local jobs and other local green career oriented businesses that are developed as a result of small family farms and all agricultural industry dedicated to true food security .

SB2692 provides us with a means to protect and preserve Hawaii Ag food farm lands, food farms and agricultural related industry and maintain a healthier environment throughout the State of Hawaii.

Our legislators need to determine what Hawaii's Food Policy is really about by supporting healthy local food sustainability and good direction through Hawaii's Department of Agriculture who is responsible for the agricultural welfare of all the people of Hawaii.

Please support this bill and thank you for the opportunity to provide testimony.

Juanita C. Kawamoto Brown
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