



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE,

**MONDAY, MARCH 10, 2014
10:40 A.M.**

**SENATE BILL NO. 111, SD2 PROPOSED
RELATING TO AGRICULTURE**

Chairperson Wooley and Members of the Committee:

Thank you for the opportunity to provide testimony on SB111 Senate Draft 2 Proposed, which requires the Board of Agriculture to create "Made in Hawaii" labeling requirements for all agricultural commodities in Hawaii beginning July 1, 2015. The Hawaii Department of Agriculture (HDOA) has concerns that this bill may be preempted by federal regulations and would prefer that language in SB111 SD2 that was passed out of the Senate Ways and Means Committee be reinserted back into the bill.

Under Title 7, Code of Federal Regulations, Part 65 the United States Department of Agriculture's (USDA) Country of Origin Labeling (COOL) program, requires country of origin labeling on beef, pork, lamb, chicken, goat meat, perishable agricultural commodities (fresh and frozen fruits and vegetables), raw macadamia nuts, pecans, peanuts and ginseng. The USDA COOL program allows these covered commodities to use state, regional, or locality label designations in lieu of country of origin labeling. In addition, any state level country of origin labeling programs that encompass commodities that are governed by the USDA COOL regulation are preempted. The HDOA recommends exempting agricultural commodities that are already regulated by the COOL program.



The HDOA would also like to point out that resources and staffing would be needed to carry out the mandate of this bill and would request that an appropriation amount be reinserted into the bill as in SB1111 SD2. Furthermore, given the current staffing and the expansiveness of the rules that will need to be promulgated as a result of this bill, the Department is requesting that the July 1, 2015 date that is referenced throughout the bill be removed to allow the Department the necessary time in its rule making process for outreach and public comment to create the most comprehensive rules possible.

Thank you for the opportunity to testify on this measure.



1768 Kalawi Place
Wailuku (Maui), Hawaii 9679

March 8, 2014

The Honorable Jessica Wooley
Chair House Agriculture Committee
Hawaii State Capitol, Room 441
415 South Beretania Street
Honolulu, Hawaii 96813

OPPOSITION TO SB 111, SD2 (MARCH 10, 2014 HEARING 10:40AM, CONFERENCE ROOM 312)

Aloha Chair Wooley and Members of the Committee:

Vincent Mina
President
Maui

I am writing on behalf of the Hawaii Farmers Union United (HFUU) in opposition to SB111, SD2. This legislation arose during the middle of the legislative session to try to move commodity-labeling standards out of the Legislature and into the Department of Agriculture. HFUU appreciates the Bill's intent to establish general policies for the regulation of "Made in Hawaii" and "Origin" labeling and the efforts made to address some of the concerns we raised in the joint Senate hearings on the Bill. Now, however, the Bill is nearly incomprehensible as it attempts too little, too much, and too soon.

Simon Russell
Vice-President
Maui

Section 1 of the Bill attempts to resolve the one-year deadline of the prior version by leaving "Made in Hawaii" rule making up to the Department's discretion. The Department "may" rather than "shall" make the rules. Under Section 1, subsection (b), however, it still has to do that "[n]o later than July 1, 2015", which sounds like a deadline. Although Section 2 of the Bill amends HRS §147-4 to add subsection (8) to require "Made in Hawaii rules to be made "[b] beginning July 1, 2015", which sounds like a starting date. Section 3 incorporates HRS §147-22(4) and would actually reduce the potential for high quality Origin products by requiring that the minimum standards allowed 'shall not be higher than any standardized product . . . for which a market has been established". This sets up a potential "rush to the bottom" for "Made in Hawaii" products. It is also flatly inconsistent with the 51% minimum content requirement of the existing "Made in Hawaii" regime under HRS §486-119(a). Section 4 of the Bill amends HRS 486-119 to add subsection (d), which provides that the "Made in Hawaii" rules the Department adopts supersede the statutory "Made in Hawaii" standards of HRS 486-119. This raises the likelihood of differing "Made in Hawaii" standards, which will engender confusion for both producers and consumers and uncertainty as to the standards required for "Made in Hawaii" labels and products.

David Case
Secretary
Kona

Ray Maki
Treasurer
Kauai

Pamela Boyer
Member
Oahu

That said, HFUU agrees that there should be a well-thought out state legislative policy to protect and promote the vast array of Hawaii's actual and potential "Origin" products and that the "Made in Hawaii" regime is a good starting point. To that end HFUU initiated a proposal before the 2014 legislative session for an "Hawaii Origin Products Act" that would put in place a comprehensive regime to protect all of Hawaii's potential for Origin products, such a tea, cacao, taro, pineapple and coffee to name a few. We asked to have the proposal withdrawn before it was introduced this session, because we were advised it could not include coffee—Hawaii's signature Origin product. Between now and 2015 we urge your Committee to develop a robust statutory regime such as those already well-established in the states of California, Idaho and Georgia to promote and protect their signature state Origin products and the family farm economies that depend on them. SB111, SD2 has started that discussion, but it is being written on the fly and will likely do the opposite of what it intends. We respectfully request that SB111, SD2 be indefinitely deferred in order to develop a better alternative.

David Fisher
Member
Maui

Steve Sakala
Member
Kona

Mahalo nui loa,
HAWAII FARMERS UNION UNITED\

Vincent Mina

Vincent Mina, President



P O Box 5436, Kailua-Kona, HI 96745 www.KonaCoffeeFarmers.org
email: info@KonaCoffeeFarmers.org

March 9, 2014

Dear House Agriculture Committee Members:

On behalf of its more than 300 members, the Kona Coffee Farmers Association submits this testimony in strong opposition to SB111/SD2.

This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions. Hawaii has the worst record of any state in the country in protecting the geographical identity and reputation of its agricultural products. SB111/SD2 threatens to make that sorry record even worse.

Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused by this type of deceptive labeling when it made the following finding of fact: “EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007)

But rather addressing consumer fraud and damage to the reputation of Hawaii’s farm products, SB111/SD2 risks a step in the wrong direction. The bill would essentially erase labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements.

The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Maui Onion Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package.

At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and (2) prominent identification of the origin and % of non-Hawaii-grown contents on the label.

The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers.

Please reject SB111/SD2.

Respectfully submitted,

Bruce Corker, Chair

Legislative Committee

Kona Coffee Farmers Association

cc: Carolyn Lucas-Zenk, West Hawaii Today

Sophie Cocke, Civil Beat



Executive Officers:
Stanley Brown, ConAgra Foods - Chairperson
John Schilf, RSM Hawaii - Vice Chair
Derek Kurisu, KTA Superstores - Treasurer
Lisa DeCoito, Aloha Petroleum - Secretary
Lauren Zirbel, Executive Director

1050 Bishop St. PMB 235
Honolulu, HI 96813
Fax : 808-791-0702
Telephone : 808-533-1292

TO:
HOUSE COMMITTEE ON AGRICULTURE
Rep. Wooley, Chair
Rep. Onishi, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: March 10, 2014
TIME: 10:40am
PLACE: Conference Room 312

RE: SB 111

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

We believe that the food industry in general and the Hawaii Food Industry Association in particular should be involved in further discussion regarding this measure. Labeling issues can represent significant challenges to our industry, and can have a range of intended and unintended consequences for the Hawaii food industry, Hawaii businesses, and Hawaii consumers. It is imperative that stakeholder input be considered when making decisions about labeling requirements. We ask to be part of the conversation on this bill and other related labeling issues.

Thank you for the opportunity to testify.



ATHENA of HAWAII LLC

POB 286

Kealahou HI 96750

Tel. 808 328-1401

ATHENAofHAWAII.com

Testimony in Strong Opposition to SB111 / SD2

("Made In Hawai'i" Bill)

According to the Federal Trade Commission (FTC) for a product to be called "*Made in USA*", or claimed to be of domestic origin without qualifications or limits on the claim, the product must be "all or virtually all" made in the U.S. The term "United States" includes the usage of each of the 50 state names separately, the District of Columbia, and the U.S. territories and possessions.

"All or virtually all" means that all significant parts and processing that go into the product must be of U.S. origin. That is, the product should contain no — or negligible — foreign content. Bill 111 terminologies of "51% wholesale value added" via processing, manufacture, for a foreign commodity to qualify for a '*Made in Hawai'i*' label appears to be incompatible to Federal laws.

By approving this bill the State of Hawaii, the HI Dept of Agriculture and each business using the term '*Made in Hawai'i*' label will become a possible subject of litigation in Federal courts. The Lanham Act gives any person (such as a competitor, consumer, producer, distributor) who is damaged by a false designation of origin the right to sue the respective party making the false claim.

Noncompliance is enforced by the state Attorney General, Division of Enforcement/Bureau of Consumer Protection/Federal Trade Commission, or the local Better Business Bureau.

The labeling of a product name with an associated geographical location of a food that is substantially different from the actual contents of the packaging is perceived by consumers as misleading. Such a practice is a form of misbranding and in violation of the Federal US Fair Packaging and Labeling Act of 1966.

The importance of the respective country of origin of products in the consumers' perception of risk, quality, price, environmental, socio-economic impact are well documented (Bilkey and Nes, 1982; Hodgson and Bruhn, 1992). The Country of Origin Labeling Act (COOL, 2002) is answering many of those issues for a variety of products.

The Food & Drug Administration (FDA) considers misbranding an economic fraud. To protect both the food manufacturer and consumer, legislative measures have to be used to curtail this deception.

Sincerely,

Joachim Oster , Farmer & Retailer

onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 4:06 PM
To: AGRtestimony
Cc: rloo07@yahoo.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rosalyn Loong	K.T.L. Kona Coffee LL	Oppose	No

Comments: I am representing myself and five other members of my 3rd generation family Estate coffee farm. We work hard to grow 100% Kona coffee and are angry that there are people who have been exploiting the Kona coffee name. Please help us by providing legislature that will protect the interest of us farmers. Kem Loong Rosalyn Loong Andrea Bonifacio Andres Bonifacio Kem Loong, Jr.

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onishi2-Micah-Seth

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Sent: Saturday, March 08, 2014 8:16 AM
To: AGRtestimony
Cc: miles@aloha.net
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Miles Mulcahy	Kona Coffee Farmers	Oppose	No

Comments: Dear House Agriculture Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: “EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an unelected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name “Hawaii”, “Hawaiian” or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided for Vidalia onion farmers. Please reject SB111/SD2. Respectfully submitted, Miles H Mulcahy
aaahhh....Paradise Farm

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 6:28 PM
To: AGRtestimony
Cc: peppisascho@yahoo.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Georgie Fong	Oreo Aloha Farm & Sanctuary	Oppose	No

Comments: Aloha Senators: I am a small farmer in Hilo County. I grow coffee, cacao, heart of palm, coconuts, passionfruit etc. I also manufacture chocolate from bean to bar. I would like Legislature and your committee to enact strong "labeling and marketing" legislation that would protect us "Hawaiian" farmers and "manufacturer" so we do not get "wiped" out by "Price competition" from "diluted and adulterated" blend of our agricultural products.

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Dear Senate Committee Members:

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Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: **“EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007)**

But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements.

The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package.

At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label.

The Hawaii Legislature and your Committees need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers. Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please help us protect our hard work by supporting us to provide the quality of agricultural products that Kona and Hawai'i are famous for.

Please reject SB111/SD2.

Respectfully submitted,

Greg Garriss

Aina Ku Hina

Holualoa, Hawai'i Island

Karen K. Kemp
75-5760 Mamalahoa Highway
Holualoa, HI 96725

March 8, 2014

Dear House Agriculture Committee Members:

I am a resident in Hawaii's Kona coffee area and I submit this testimony in strong opposition to SB111/SD2.

This bill was cobbled onto a "blank bill" at the last minute, it is ill-considered, and represents an abandonment of the Legislature's responsibility to make public policy decisions.

Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007)

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At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label.

The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers.

Please reject SB111/SD2.

Sincerely,
Karen Kemp

Dear House Agriculture Committee Members:

I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. I am also an economist who has prepared an analysis of the effects of blending Kona Coffee with foreign imports. From both perspectives this bill is a terrible idea.

By effectively removing all legislative controls on the actions of the ceding all decision making to an unelected Agriculture Board that can easily bend to the wishes of a few powerful corporate interests. Rather the Legislature should be focusing on ways to protect small Hawaiian farmers rather than dismantling the few protections that are in place.

I urge you to amend SB111/SD2 to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. Alternatively you should reject this hasty, ill-considered bill.

Respectfully submitted,
Marvin Feldman Ph.D.

Kona Songbird Farm

Captain Cook

Dear House Agriculture Committee Members:

I am a Hawaii coffee farmer and I submit this testimony in **strong opposition** to SB111/SD2.

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Please reject SB111/SD2.

Respectfully submitted,

Sharon Kirkland
Fire Island Coffee LLC

onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 10:52 AM
To: AGRtestimony
Cc: sdevi@hawaii.edu
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Shanti Devi	Individual	Oppose	No

Comments: Dear House Agriculture Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: “EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an unelected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name “Hawaii”, “Hawaiian” or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2. Thank you, Dr. Shanti Devi

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onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 9:41 AM
To: AGRtestimony
Cc: richardmakrevis@gmail.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
richard makrevis	Individual	Comments Only	No

Comments: Aloha, My wife and I own a small Kona coffee farm 'Blue Moon Kona Coffee' and we are concerned about the 'Made in Hawaii' Labeling Law. Please, all labels should clearly indicate on the front of the package the % percentage of Kona Coffee. For example 100% Kona Coffee or 10% Kona Coffee Blend.

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onishi2-Micah-Seth

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To: AGRtestimony
Cc: kodo@hawaii.rr.com
Subject: *Submitted testimony for SB111 on Mar 10, 2014 10:40AM*

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kodo Miyaoka	Individual	Oppose	No

Comments:

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onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 11:24 AM
To: AGRtestimony
Cc: jprater@hawaii.rr.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Prater	Individual	Oppose	No

Comments: As a Kona Coffee Farmer, I strongly oppose Bill SB111/SD2 which will erase all current labeling laws. It is important that the percentage of all products originating in Hawaii is listed on the label. The amount of Hawaii products should be 51% as a minimum. Respectfully submitted, Joan E. Prater, Owner Pua Kea Coffee Captain Cook, Hawaii 96704

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onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 5:14 PM
To: AGRtestimony
Cc: renntag@gmail.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Colin Jevens	Individual	Oppose	No

Comments: Dear House Agriculture Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: “EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an unelected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name “Hawaii”, “Hawaiian” or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2. Respectfully submitted, Colin Jevens.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 7:57 AM
To: AGRtestimony
Cc: smithfarms.purekona@hawaiiantel.net
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Cecelia B Smith	Individual	Oppose	No

Comments: I am strongly opposed to this Bill. I do not want an unelected group- our Hawaii Department of Agriculture to have the massive power of deciding policy, specifically to Labeling Requirements for Kona Coffee. We have been lobbying for too many years to have the Legislature enact SIMPLE Federally-mandated truth-in-labeling requirements- specifically for 10% Kona Blends- (where 90% of the bag is not even required). The Legislature refuses to take the subject up. Do not hand this extremely important Policy decision over to an unelected group of people. Not pono. with aloha, Cecelia Smith

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Sent: Saturday, March 08, 2014 9:16 AM
To: AGRtestimony
Cc: mauka248@gmail.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Smith	Individual	Oppose	No

Comments: I think that allowing the HDOA to make policy and labeling requirements is fraught with potential conflicts of interest. I strongly oppose this bill! Bob Smith

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 2:59 PM
To: AGRtestimony
Cc: soilculture@aol.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Shaffer	Individual	Comments Only	No

Comments: Dear House Agriculture Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: “EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an unelected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name “Hawaii”, “Hawaiian” or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2. Respectfully submitted, Bob Shaffer, agronomist Soil Culture Consulting kona kee farm, owner and farmer

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Sent: Saturday, March 08, 2014 5:54 PM
To: AGRtestimony
Cc: moonstruckfarm@hawaiiintel.net
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Beth Webb	Individual	Oppose	No

Comments: Dear House Agriculture Committee Members: I am a Hawaii coffee and macnut farmer and I submit this testimony in strong opposition to SB111/SD2. I plead with you to reject more opportunities for big ag money to "buy policy". Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name "Kona" may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an un-elected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting "10% Hawaiian Chocolate Blends", or "5% Kona Coffee Blends", or "2% Hawaiian Taro" with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name "Hawaii", "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2. Respectfully submitted, Beth Webb Moonstruck Farm in Honaunau, Big Island

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 08, 2014 8:32 AM
To: AGRtestimony
Cc: bendysart@hawaii.rr.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Dysart	Individual	Oppose	No

Comments: Dear House Agriculture Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: “EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an unelected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name “Hawaii”, “Hawaiian” or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2. Respectfully submitted, Ben W. Dysart
Dysart Farms, member KCFA

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Sent: Saturday, March 08, 2014 1:21 PM
To: AGRtestimony
Cc: konasowncoffeecompany@gmail.com
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

SB111

Submitted on: 3/8/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne	Individual	Comments Only	No

Comments: Dear House Agriculture Committee Members: I am a Hawaii farmer and I submit this testimony in strong opposition to SB111/SD2. This bill was cobbled onto a “blank bill” at the last minute, it is ill-considered, and represents an abandonment of the Legislature’s responsibility to make public policy decisions. Currently Hawaii is the only region anywhere in the world that authorizes the use of the name of its specialty agricultural crops on packages containing only 10% genuine content. For example, the name “Kona” may be used on packages of 10% coffee blends without any express indication on the label that 90% of the contents is foreign-grown coffee and without any disclosure of the actual origin of that 90%. The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: “EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE ‘KONA COFFEE’ NAME.” (SCR102, 2007) But rather than taking a clear step in the direction of reform of labeling for Hawaii agricultural products to conform to basic principles of truth-in-labeling and fair marketing, SB111/SD2 clearly risks a step in the wrong direction. The bill would essentially erase all labeling laws for agricultural products and give a totally free hand to an unelected bureaucratic board (the Board of Agriculture) to re-write agricultural labeling requirements. The bill contains no policy directives, no restrictions and no limitations from the Legislature as to what regulations this board may adopt. Nothing in the bill would prevent the board from bowing to pressure from powerful corporate marketers of agriculture products and proceeding to adopt regulations, for example, permitting “10% Hawaiian Chocolate Blends”, or “5% Kona Coffee Blends”, or “2% Hawaiian Taro” with no disclosure of the actual percentage of genuine contents or disclosure of the origin and percentage of the non-Hawaii-grown contents in the package. At the very minimum, SB111/SD2 should be amended to require that all packages of agricultural products which use the name “Hawaii”, "Hawaiian" or any Hawaii place name on the label-- (1) contain a minimum of 51% genuine Hawaii-Grown content and --(2) prominent identification of the origin and % of non-Hawaii-grown contents on the label. The Hawaii Legislature and your Committee need to stand up for Hawaii farmers. The Hawaii Legislature should provide the same types of label and marketing protection for Hawaii farmers as California has provided to its Napa Valley grape growers, Idaho has provided for Idaho potato farmers, Vermont has provided for Vermont maple sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject SB111/SD2. Respectfully submitted, Wayne Thomas Helg Jr

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Dear House Agriculture Committee Members:

I am a Hawaii coffee farmer and I am submitting testimony in strong opposition to SB111/SD2.

Based upon many of the bills I have seen proposed, I have to think that the blenders have your votes in their pocket. I say this because Hawaii is the only region in the world that allows specialty crops such as coffee, macadamia nuts, chocolate and others to be blended and/or marketed in deceptive ways. It is SHAMEFUL!

Allowing a 10% blend of 90% foreign coffee is like buying Beef hotdogs (containing 90% pork). It is like getting a 10 on a school test but passing because you gave the teacher 90% of a test from another class.

Allowing products to be labeled as "MADE IN HAWAII" when only 51% of the value added was added here is SHAMEFUL!

These allowed slogans are marketing to allow companies to make large profits off of the backs of the people actually growing or creating the initial product.

The Hawaii Legislature has recognized the damage caused this type of deceptive labeling when it made the following finding of fact: "EXISTING LABELING REQUIREMENTS FOR KONA COFFEE CAUSES CONSUMER FRAUD AND CONFUSION AND DEGRADES THE 'KONA COFFEE' NAME." (SCR102, 2007)

Yet passing this bill says that you are willing to scrap existing label laws and allow the Board of Agriculture to make new policy. The bill would allow D.O.A. to bow to the companies who use these farm products to help boost their own profits.

Although I would prefer to see requirements that any product using a regional or Hawaii state name have 100 percent of that product inside, I would be willing to accept 51 percent as the lowest included local product.

Recently I bought a Cranberry Raspberry drink based upon the label. When I got it home I found the main ingredient was APPLE JUICE, not cranberry or raspberries as noted on the front label. This is what happens to many visitors who buy a "blend" or "Made in Hawaii" product only to find out later that they have been duped.

Have you or any member of your staff actually gone to a supermarket, COSTCO or drug store and watched visitors buy coffee. Ask them what they are looking for and they will tell you "Kona Coffee to take home as a gift". They will have a bag of 10% blend in their hand and when you tell them that 90% of that product comes from overseas, they put it back. It seems that current labeling still confuses visitors (who are the biggest consumers of Kona coffee).

At a local Kona retailer (Target) I noted a particular blender had 45 rows of 10% blends and 5 rows of 100% Kona. With that much blend out there, the public thinks that being in Kona, the majority of the products for sale MUST be Kona coffee. Wrong!

Here is an ad for a product available at Drugstore.Com:

Caramel & Macadamia Nuts Covered in Milk Chocolate

Taste of the Tropics

Since the first macadamia tree was planted in 1946 on the Big Island of Hawaii, macadamia nuts have been used to create a delectable assortment of the finest products. Great tasting Mauna Loa® macadamia nuts and treats meet the highest standards of quality and excellence. Perfect for gift-giving,

special occasions or an everyday treat! Mahalo (thank you for buying Mauna Loa®)

1-800-468-1714

Let's see, Mauna Loa (Hawaii, check), tropics (sounds like Hawaii, check), the Big Island (check), mahalo (a Hawaiian word, check), a toll free number (U.S. based, check) but on the back is says: MANUFACTURED IN MEXICO!

Where in Hawaii is Mexico? What part of this product is a U.S. product? The description does not say the nuts are from the Big Island, it does not say the chocolate is from Hawaii, they just have a Hawaiian company name and a U.S. telephone number. This is the kind of fraud that gets perpetrated on the public.

Before passing any more regulations on labeling, go out and ask the public, the visitors being duped. See what the results of your legislation does to the integrity of the product we are producing.

Please reject SB111/SD2.

Mark Shultise

onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 10, 2014 7:05 AM
To: AGRtestimony
Cc: labford@hawaiiantel.net
Subject: Submitted testimony for SB111 on Mar 10, 2014 10:40AM

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Submitted on: 3/10/2014

Testimony for AGR on Mar 10, 2014 10:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Ford	Individual	Oppose	No

Comments: Citizens have a right to determine, through their elected officials, what labeling rules they want.

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