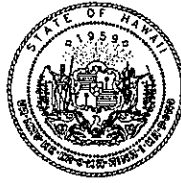


# **SB 737**

## Testimony

NEIL ABERCROMBIE  
Governor



RUSSELL S. KOKUBUN  
Chairperson, Board of Agriculture

SCOTT E. ENRIGHT  
Deputy to the Chairperson

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
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TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE

TUESDAY, FEBRUARY 5, 2013  
2:50 P.M.  
ROOM 229

SENATE BILL NO 737  
RELATING TO TRUTH-IN-ADVERTISING

Chairperson Nishihara and Members of the Committee

Thank you for the opportunity to testify on Senate Bill No. 737. The bill proposes to establish a farmers' market operator license to ensure that more than 50% of the vendors in respective farmers' markets sell food, farm produce, or flowers which are prepared, grown, or produced in Hawaii. The department supports the intent of the bill and offers comments.

The department also recognizes that consumers associate farmers markets as a venue where vendors sell locally produced or prepared food products and flowers. Based on the department's farmers' market listing, there are an estimated 109 recognized farmers' markets in the State.

In order to fulfill the requirements of this bill, the department will need to amend the Hawaii Administrative Rules to establish the licensing requirements for each farmers' market operators and how each vendor is to be evaluated to determine if they are "primarily" selling food, farm produce, or flowers prepared, grown, or operated in Hawaii, which may take up to one year or more to adopt. Or in the alternative, the Senate can amend existing statute to address these concerns.



Thank you for the opportunity to testify on this measure.

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**SB737**

Submitted on: 2/2/2013

Testimony for AGL on Feb 5, 2013 14:50PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Annie Suite	Ala Moana Farmers Market	Oppose	No

Comments: Regarding SB737 Truth in Advertising Aloha, and Mahalo for hearing my testimony. As the co-owner and operator of five farmers' market in the state of Hawaii, I must question the purpose of SB737. I find it very difficult to understand its intent. It seems to read that up to 49% of produce sold at farmers' markets may be grown in China, California, New Zealand, Equador, or anywhere else on the globe, as long as 51% of the produce is grown in Hawaii. If we are talking about truth-in-advertising, then I would suggest that 100% of the produce sold at farmers' markets have the requirement that it be grown in our beautiful state. The general public should be able to trust that when they enter a farmers' market they are not simply buying produce that has been repackaged from Costco. I recently visited a "farmers' market" and found produce from 17 different countries and states well beyond the borders of Hawaii. The deceit in that is horrific. Why on earth would anyone think it is okay to sell Mexican Mangoes at a farmers' market in Hawaii? And what percentage of the general public has the knowledge to walk through and start counting imported items? The expectation is that you are buying local when you make the choice to shop at your neighborhood farmers' market. This bill does nothing to address that concern. If we truly want to increase Local Food For Local Consumption, then we need to support our local farmers who are breaking their backs trying to feed us. As to the language regarding complaints, it seems not only excessive, but illegal to have the State DOA digging through the records of a legitimate business at the paranoid request of its competition. It seems to read that if I have a personal vendetta against so-and-so who happens to run a farmers' market, then I can simply call the Department of Agriculture and wreak all kinds of time consuming havoc for them, making their business suffer and giving me opportunity to get more of the market share. How is this legal? Although I am in favor of a very clear set of high standards for farmers' markets (similar to our personal market regulations) I do not feel SB737 addresses the immediate farmers' market concerns regarding Truth in Advertising and therefore it does not have my support. Mahalo for your time- Annie Suite Ala Moana Farmers' Market, Haleiwa Farmers' Market, Hawaii Kai Farmers' Market, KailuaTown Farmers' Market

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**SB737**

Submitted on: 2/3/2013

Testimony for AGL on Feb 5, 2013 14:50PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Boyar	Hale'iwa Farmers Market	Oppose	Yes

Comments: What is the definition of a farmers market in Hawaii? There is not one. We are putting the cart before the horse when asking a person who runs a farmers market to get a license. We don't even have a process in place to verify what a farmer is. I have been operating farmers markets for almost two decades. My credits are being voted Farmers Market Manager of the year in North America by all my peers in 2005 by the North America Farm Direct Marketing Association. The markets that I have run have been voted twice one of the top 5 markets in the country along with Union Square in New York and Ferry Plaza in San Francisco. Hale'iwa Farmers Market before it closed was voted one of the Coolest Markets in the World and voted twice Hawaii's favorite market by American Farmland Trust. What I would like to understand is what does 50% of the vendors in the market primarily sell food, farm produce, flowers, prepared, grown or processed in Hawaii mean? Does it mean 50% of what the farmer sells should be from Hawaii? I believe as does California and Texas that it should be 100% grown in Hawaii. Nothing is more insulting to me and our farmers to see Dole Ecuadorean bananas or mangoes being sold at a so called farmers markets. Also resellers that purchase carrots, potatoes, garlic, lemons, peppers etc from a wholesaler or Costco and deceive the customers that they grow that item and it is freshly harvested when it could be a month old. What does primarily mean? Does that mean that the food vendors should have 50% of their prepared food be grown in Hawaii? Does it mean that a market can have 49% imported food? This bill is so vague. Truth in Advertising is so important when it comes to produce that local people and visitors purchase. Farmers markets are the backbone for Local Food for Local Consumption. Value added from the farmers helps the farmer quadruple his raw product in dollars. Prepared food at markets support the farmers by using the local product in their dishes and sharing with others how to prepare local food at home. Also to investigate an operator based on a complaint will not meet "probable cause" laws already enacted. To subject a business to examination of their books, ledgers, scales etc based on a complaint process is clearly a competitors dream. There needs to be a wrong doing proved before a state can allow examination and production of documents. This act is trying to supersede processes already defined in the court system. In conclusion, this SB737 is so vague in so many ways and possibly illegal in others that I must oppose it.

Simon Russell  
Hui 'O Mālama 'Āina  
910-A E. Kuiaha Rd  
Haiku, HI 96078

Aloha Honorable Senators,

I am writing to support SB.737 and the truth in advertising. I am a small farmer, and I have a hard time recollecting a farmer's market that did not have someone there selling Costco produce. Please make Farmer's markets a place where Hawaii farmers sell their produce.

Respectfully Submitted,  
Simon Russell  
Owner and Farmer  
Hui 'O Mālama 'Āina

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**SB737**

Submitted on: 1/31/2013

Testimony for AGL on Feb 5, 2013 14:50PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**SB737**

Submitted on: 2/3/2013

Testimony for AGL on Feb 5, 2013 14:50PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kerri Marks	Individual	Oppose	No

Comments: I support locally grown food and farmer's markets selling local products. Many people go to farmer's markets for items other than food though, and often those items are still made in Hawaii. Flowers are already permitted to be sold, which is not a food product. Other products like koa or other rare wood bowls, artwork, handmade jewelry and those things also represent Hawaii very well. A better idea may be to concentrate on making sure anything, perishable or non-perishable, sold in a farmer's market is actually made or grown in Hawaii. Many merchants here on the Big Island bring in bulk items from the Philippines or other places and sell them with no country of origin labeling, and many people don't realize they aren't local products. Mahalo, Kerri Marks, Hilo, Hawaii

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