

SB111

SD1

Testimony

Requires the Board of Agriculture to create labeling requirements for all agricultural commodities in Hawaii beginning July 1, 2015.



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 SENATE COMMITTEE ON AGRICULTURE,
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION, AND
COMMITTEE ON WAYS AND MEANS**

**WEDNESDAY, FEBRUARY 26, 2014
9:50 A.M.**

**SENATE BILL NO. 111, SD1
RELATING TO AGRICULTURE**

Chairpersons Nishihara, Baker, Ige and Members of the Committees:

Thank you for the opportunity to provide testimony on SB111 Senate Draft 1, which requires the Board of Agriculture to create labeling requirements for all agricultural commodities in Hawaii beginning July 1, 2015. The Hawaii Department of Agriculture has concerns that this legislation may be preempted by federal regulations.

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.

Thank you for the opportunity to testify on this measure.





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:

SENATE COMMITTEES ON AGRICULTURE; COMMERCE AND CONSUMER PROTECTION; and WAYS AND MEANS
Senator Nishihara, Senator Baker, and Senator Ige, Chairs
Senator Kouchi, Senator Taniguchi, and Senator Kidani, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: February 26, 2014
TIME: 9:50am
PLACE: Conference Room 211

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.



1768 Kalawi Place
Wailuku (Maui), Hawaii 96793

February 3, 2014

Vincent Mina
President
Maui

The Honorable Clarence K. Nishihara
Chair Senate Agriculture Committee
Hawaii State Capitol, Room 204

The Honorable Rosalyn H. Baker
Chair Senate Commerce and Consumer Protection Committee
Hawaii State Capitol, Room 230

Simon Russell
Vice-President
Maui

The Honorable David Y. Ige
Chair Senate Ways and Means Committee
Hawaii State Capitol, Room 208
415 South Beretania Street
Honolulu, Hawaii 96813

David Case
Secretary
Kona

RE: OPPOSITION TO SB 111 SD1 – WITH COMMENTS
FEBRUARY 26, 2014 HEARING AT 9:50AM, Conference Room 211

Aloha Chairs Nishihara, Baker and Ige:

Ray Maki
Treasurer
Kauai

I am writing on behalf of the Hawaii Farmers Union United (HFUU) in opposition to SB 111, SD1. This legislation arose during the middle of the legislative session apparently to try to move “Made in Hawaii” labeling standards out of the legislature into the Department of Agriculture as a part of the Department’s normal regulatory functions. HFUU appreciates the Bill’s intent to establish general policies for the regulation of labeling for “Made in Hawaii” agricultural products, but the it tries to do too much too soon.

Pamela Boyer
Member
Oahu

The Bill establishes no standards to guide the Department’s rule making, and it is far from clear how it might affect existing legislative labeling standards. Unlike the process now in place to develop Good Agricultural Practices, this Bill does not provide for any participation or guidance from farmers and farming interests in determining the new standards. It also sets an unrealistic time schedule for the Department to implement the new law and provides no funding or staffing for it to do so. These are perhaps matters best addressed by the Department, but HFUU is concerned that if they are not considered now it will result in confusion, uncertainty and delay in the Department’s ability to implement the law.

David Fisher
Member
Maui

Steve Sakala
Member
Kona

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. 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 vast 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 Committees to consider a more deliberate approach to this critical issue. 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 ranging respectively from wine to potatoes to onions and the family farm economies that depend on them.

Mahalo nui loa,
HAWAII FARMERS UNION UNITED

Vincent Mina

Vincent Mina, President

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: colemel@kanalanifarm.org
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 7:46:02 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Colehour Bondera	Kanalani Ohana Farm	Oppose	No

Comments: Aloha House Committee Members: I represent a Hawaii farm and I submit this testimony in opposition to SB111/HD2. This bill was placed 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 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) 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, HB111/HD2 is 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, HB111/HD2 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 to provide the same types of label and marketing protection for Hawaii farmers as California has provided to Napa Valley grape growers, and Idaho has provided for Idaho potato farmers, and Vermont has provided for Vermont maple

sugar producers, and Georgia has provided to Vidalia onion farmers. Please reject HB111/HD2. Respectfully submitted, Colehour Bondera KANALANI OHANA FARM

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Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Sunday, February 23, 2014 8:06:54 PM

SB111

Submitted on: 2/23/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Wingate	GMO FREE HI	Oppose	No

Comments: SD 2 would be an improvement on SD1

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SB111

Submitted on: 2/21/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Oppose	No

Comments:

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Submitted on: 2/21/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Zoe Whitney	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/21/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/21/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
claudia rice	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
jw nalda	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Larsen	Individual	Oppose	No

Comments:

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Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Carol Cam	Individual	Oppose	No

Comments: SD 2 would be an improvement on SD1

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SB111

Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Noah Brustin	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Anne Thurston	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/22/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Zoe Alexander	Individual	Oppose	No

Comments: SD 2 would be an improvement on SD1.

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SB111

Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Friedberg	Individual	Oppose	No

Comments:

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Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Richele Frailey	Individual	Oppose	No

Comments: SD 2 would be an improvement on SD1

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Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Laura	Individual	Oppose	No

Comments: sd 2 would be an improvement on sd 1

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Submitted on: 2/22/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Spitz	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/23/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Melanie Bondera	Individual	Oppose	No

Comments:

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Submitted on: 2/23/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Susan Douglas	Individual	Oppose	No

Comments:

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Submitted on: 2/23/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Lyn Howe	Individual	Oppose	No

Comments: SD 2 would be an improvement on SD1

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Submitted By	Organization	Testifier Position	Present at Hearing
Eve Dion	Individual	Oppose	No

Comments: SD 2 would be an improvement on SD1

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SB111

Submitted on: 2/23/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Austin	Individual	Oppose	No

Comments: pass SD2 instead as it is a better version.

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SB111

Submitted on: 2/23/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sunny Savage-Luskin	Individual	Oppose	No

Comments:

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SB111

Submitted on: 2/23/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lemoine Radford	Individual	Oppose	No

Comments: SD 2 would be an improvement on SD1. I am asking you to protect the safety and health of each of us, the citizens of Maui, by supporting SD 2. Thank you.

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Submitted on: 2/23/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kory	Individual	Oppose	No

Comments:

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Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Donn DeShayne	Individual	Oppose	No

Comments:

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Submitted on: 2/23/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Blake	Individual	Oppose	No

Comments:

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Cc: demayca@gmail.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Sunday, February 23, 2014 10:04:24 PM

SB111

Submitted on: 2/23/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Carol DeMay	Individual	Oppose	No

Comments: Aloha - Please oppose SB111 SD1. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: barryyokoyama@gmail.com
Subject: *Submitted testimony for SB111 on Feb 26, 2014 09:50AM*
Date: Sunday, February 23, 2014 10:06:25 PM

SB111

Submitted on: 2/23/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Barry Yokoyama	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: vallophoto@yahoo.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 12:49:36 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Loh	Individual	Oppose	No

Comments: Please oppose SB111. Mahalo.

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: barb@kanekiki.com
Subject: *Submitted testimony for SB111 on Feb 26, 2014 09:50AM*
Date: Monday, February 24, 2014 6:50:50 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Barb Cuttance	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: lat22long157@yahoo.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 7:58:21 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
W.K. A	Individual	Oppose	No

Comments: SD 2 would be an improvement on SD1.

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: arbeit@hawaiiantel.net
Subject: *Submitted testimony for SB111 on Feb 26, 2014 09:50AM*
Date: Monday, February 24, 2014 8:02:14 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: suzanne@punapono.com
Subject: *Submitted testimony for SB111 on Feb 26, 2014 09:50AM*
Date: Monday, February 24, 2014 9:28:36 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: bbclayplay@gmail.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 9:40:45 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Brown	Individual	Oppose	No

Comments: SD2 would be an improvement over SD1

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: shannonkona@gmail.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 10:13:07 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Oppose	No

Comments: Oppose. I no longer trust the Ag Board to do what's best for Hawai'i residents.

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: carolynblake@mac.com
Subject: *Submitted testimony for SB111 on Feb 26, 2014 09:50AM*
Date: Monday, February 24, 2014 10:51:14 AM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Ornellas	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: ashzz@mac.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Monday, February 24, 2014 4:22:12 PM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Wilcox	Individual	Oppose	No

Comments: SD2 would be an improvement to SD1

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: davidsher@juno.com
Subject: *Submitted testimony for SB111 on Feb 26, 2014 09:50AM*
Date: Monday, February 24, 2014 7:15:22 PM

SB111

Submitted on: 2/24/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: baylyk001@gmail.com
Subject: Submitted testimony for SB111 on Feb 26, 2014 09:50AM
Date: Tuesday, February 25, 2014 8:35:55 AM

SB111

Submitted on: 2/25/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
katy bayly	Individual	Oppose	No

Comments: We the people of Hawaii DEMAND the right to know what we are eating! If there are no toxins in our food, why are you afraid to let it be labeled. Do whats PONO. Label it!

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: konajake@yahoo.com
Subject: *Submitted testimony for SB111 on Feb 26, 2014 09:50AM*
Date: Tuesday, February 25, 2014 9:36:03 AM

SB111

Submitted on: 2/25/2014

Testimony for AGL/CPN/WAM on Feb 26, 2014 09:50AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Jake Jacobs	Individual	Oppose	No

Comments:

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