



1768 Kalawi Place
Wailuku (Maui), Hawaii 96793

February 3, 2014

BY LEGISLATIVE WEBSITE/E-MAIL

The Honorable Clarence Nishihara
Chair Senate Agriculture Committee
Hawaii State Capitol, Rm 204
415 South Beretania Street
Honolulu, Hawaii 96813
sennishihara@capitol.hawaii.gov

LATE

Aloha Chair Nishihara,
RE: SUPPORT FOR SB2913 WITH COMMENTS AND AMENDMENT
FEBRUARY 4, 2014 HEARING AT 8:45 AM, Conference Room 229

The Hawaii Farmers Union United supports HB 2931 even though we have doubts about its effectiveness as a means to prevent false “geographic origin [labeling of] Hawaii-grown coffee”. We note too that the proposed legislation and its companion, HB2361, incorporate enforcement of the HDOA “grade standard requirements of rules adopted under Chapter 147”, which were effectively removed from HDOA oversight as to “origin” by HB280 in 2012. The rules to implement the legislative changes made by HB280 in 2012 have also not been adopted, and this legislation will likely move the goal posts further delaying the rules.

This is all part of a piece meal approach to promoting and protecting the Hawaii coffee “brand” and in particular its specific origin coffees such as Kona and Ka’u. HFUU initiated a proposal 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 as a tea, cacao, taro and coffee to name a few. We asked to have the proposal withdrawn before it was introduced this session, because we were told it could not include coffee—Hawaii’s signature origin product. We look forward to working with the various coffee and other potential origin product growers and interests to develop a robust statutory regime such as those operative in places as diverse as France, California and Idaho. Those jurisdictions promote and protect their origin products ranging from wine to potatoes and the family farm economies that depend on them. We are hopeful that Hawaii will consider and follow those examples going forward,

That said, we also have a suggestion to close what appears to be a gaping loophole in the current Bill and its House companion. As now written the law would only penalize false labeling of “Hawaii-grown” coffee, but it does not penalize false labeling of non-Hawaii-grown coffee as Hawaii-grown coffee. We don’t think the new language penalizing violations of the Chapter 147 “grade standard requirements” covers the false labeling as to “geographic origin” addressed in the rest of the Bill. We have included suggested revisions as an attachment for your consideration.

Mahalo nui loa,
HAWAII FARMERS UNION UNITED

Vincent Mina
Vincent Mina, President

Attachment: HFUU Proposed Revisions to SB 2913

HFUU PROPOSED REVISIONS TO SB 2913
(Dated February 3, 2014)

LATE

New language of the current Committee draft of SB 2913 is indicated by underlining and deleted language by [brackets], HFUU deleted language is indicated [bold brackets] HFUU new language indicated by **bold** underlining at page 2, lines 3-5 of SB2361:

SECTION 2. Section 708-871.5, Hawaii Revised Statutes, is amended to read as follows:

"**[§708-871.5]** **False labeling of Hawaii-grown coffee.** (1) A person commits the offense of false labeling of Hawaii-grown coffee if the person knowingly transports, distributes, advertises, sells, or possesses with the intent to sell **any [Hawaii-grown]** [green] coffee [, cherry coffee, or parchment coffee] that is falsely labeled with regard to **[the] any Hawaii** geographic origin **[of the] as** Hawaii-grown coffee[.] or the grade standard requirements of rules adopted under chapter 147.

nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 10:46 AM
To: AGL Testimony
Cc: maria@coffeesofhawaii.com
Subject: Submitted testimony for SB2913 on Feb 4, 2014 08:45AM

LATE

SB2913

Submitted on: 2/3/2014

Testimony for AGL/CPN on Feb 4, 2014 08:45AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-----------------------------|---------------------------|---------------------------|
| Maria Holmes | Coffees of Hawaii - Molokai | Support | No |

Comments: Coffees of Hawaii is in support of SB2913, We must establish further restrictions and criminal penalties on labeling Hawaii grown coffee in order to prevent counterfeiting and roasted coffee that does not meet established grade quality standards. This helps protect Hawaii's brands, coffee origins and Hawaii's reputation for high quality coffee. 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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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 1:52 PM
To: AGL Testimony
Cc: kkunitake@hawaii.rr.com
Subject: Submitted testimony for SB2913 on Feb 4, 2014 08:45AM

LATE

SB2913

Submitted on: 2/3/2014

Testimony for AGL/CPN on Feb 4, 2014 08:45AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------|--------------|--------------------|--------------------|
| Melvin S. Kunitake | Individual | Support | No |

Comments: Please accept this testimony in strong support of SB2913. The purpose of this act is to establish further restrictions and criminal penalties on labeling Hawaii grown coffee in order to prevent counterfeiting and roasted coffee that does not meet established grade quality standards. This helps protect Hawaii's brands, coffee origins and Hawaii's reputation for high quality coffee. I am a cherry coffee farmer and because of the coffee beetle infestation I strip all of the left over coffee at the end of the season. These are the red, green and black coffee. These are very low grade coffee and I dispose them. I know that processors are buying these coffee and selling them as roasted Kona coffee. I am concerned that illegal labeling is hurting our coffee industry and cheating the customers. Sincerely yours, Melvin S. Kunitake

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 9:36 AM
To: AGL Testimony
Cc: carl.campagna@kamakagreen.com
Subject: *Submitted testimony for SB2913 on Feb 4, 2014 08:45AM*

LATE

SB2913

Submitted on: 2/4/2014

Testimony for AGL/CPN on Feb 4, 2014 08:45AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Carl | Individual | Support | No |

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 9:34 AM
To: AGL Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB2913 on Feb 4, 2014 08:45AM*

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SB2913

Submitted on: 2/4/2014

Testimony for AGL/CPN on Feb 4, 2014 08:45AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Javier Mendez-Alvarez | Individual | Support | No |

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 8:12 AM
To: AGL Testimony
Cc: pwayman@hicoffeeco.com
Subject: Submitted testimony for SB2913 on Feb 4, 2014 08:45AM

LA

SB2913

Submitted on: 2/4/2014

Testimony for AGL/CPN on Feb 4, 2014 08:45AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| patricia wayman | Individual | Support | No |

Comments: I am in favor of this bill since it will only strengthen the Hawaiian coffees sold and reward the companies and individuals that want to sell Hawaiian coffees.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 7:03 PM
To: AGL Testimony
Cc: casedavids@gmail.com
Subject: Submitted testimony for SB2913 on Feb 4, 2014 08:45AM
Attachments: 1A - LTR SUPPORT SB2913 COFFEE COUNTERFEITING 2-3-2014.docx

SB2913

Submitted on: 2/3/2014

Testimony for AGL/CPN on Feb 4, 2014 08:45AM in Conference Room 229

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-------------------------------|---------------------------|---------------------------|
| David S. Case | Hawaii Farmers Unio United | Support | No |

Comments: Submitted for and on behalf of HFUU President, Vincent Mina David S. Case, HFUU Secretary

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T & K Trading LLC
44-321 Kaneohe Bay Drive, Kaneohe, HI 96744
(808) 254-5999

LATE

February 4, 2014

T & K trading LLC was re-organized in November 2006 in Hawaii, succeeding the coffee export business of Ko Isayama & Associates, a sole proprietorship.

T & K specializes in exporting Hawaii grown coffee mostly to the Japanese market. We have worked with representative Hawaii coffee growers in Kona, Maui and more recently also on Oahu and in Ka'u. We believe we are the largest exporter of Hawaii coffee green beans to Japan. Last season, 2012/2013, we shipped over 10 container loads of Hawaii green beans to Japan.

We are very proud of the quality of Kona coffee. We also are happy to have successfully promoted and supported the Kona coffee industry to establish its great reputation in Japan. Japanese relate to Hawaii closely and Kona coffee has long been a good "ambassador" for our state.

We commend the State lawmakers and Department of Agriculture which set a high standard and administer rules which resulted in the excellent reputation of Kona as one of the best **specialty** coffees in the world. Japanese appreciate this.

Despite the major setback in recent years with the increase of Coffee Berry Borer (CBB), we must keep the reputation of Kona coffee high. Although the key is the battle with the CBB itself, we must enforce the law that prohibits coffee counterfeiting. Under the circumstances, we are hopeful that SB 2913 will pass by not lowering the standards and punishing those who take advantage of the recent challenges by taking short term profit promoting inferior quality Hawaii coffee.

Sincerely,


Ko Isayama, manager