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Lt. Governor



State of Hawaii
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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

BEFORE THE HOUSE COMMITTEE ON FINANCE

**FEBRUARY 24, 2017
12:30 P.M.
CONFERENCE ROOM 308**

**HOUSE BILL NO. 783 HD1
RELATING TO AGRICULTURE**

Chairperson Luke and Members of the Committee:

Thank for the opportunity to testify on House Bill 783 HD1 which proposes to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the County of Hawaii. The department supports this bill provided it does not impact the department's priorities submitted in the Executive Budget.

Agricultural theft and agricultural vandalism have been a constant problem for farmers and ranchers on the island of Hawaii, increasing the cost of production and preventing farming operations to be successful. The vast farming land area on the island of Hawaii and limited law enforcement officers make it difficult to capture perpetrators.

If the intent of this bill is for a two-year project, the department respectfully requests that the department be allowed to submit a report of the findings and recommendations to the legislature by December 31, 2019.

Thank you for the opportunity to testify on this measure.



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TESTIMONY IN SUPPORT OF HOUSE BILL 783, HD1

A BILL FOR AN ACT RELATING TO AGRICULTURE

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Friday, February 24, 2017, 12:30 P.M.
State Capitol, Conference Room 308

Honorable Chair Luke, Vice-Chair Cullen, and Members of the Committee Finance, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 783, HD1.

This measure establishes a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the County of Hawai'i, and appropriates funds.

Agricultural theft and vandalism in the county of Hawai'i is not only an impediment to running a successful and profitable farming operation, but can also prove harmful to consumers. In 2011, the Food and Drug Administration (FDA) halted the importation of all Mexican-sourced papayas into the United States. The FDA found salmonella in about 16% of imported papayas from Mexico and the finding of this human pathogen in papayas caused the FDA to stop the importation of a food-source from the entire country of Mexico. We cannot allow this to happen here. At the time, 65% of all U.S. imported papayas came from Mexico.

An example of recent instances of agriculture vandalism/theft in Hawai'i County have included a total loss of papaya trees numbering into the thousands. These actions resulted in tremendous economic hardships for the farmers and their families. These actions have created an ever-growing a sense of uncertainty for Hawai'i County farmers that they might fall victim to vandals.

Hawai'i County is the breadbasket of the State. Having the ability to identify and track the sources of agricultural products from field to table is crucial in the event a contamination is found to exist. This pilot project will provide an enforcement officer within the Hawai'i County with the ability to focus on investigating and prosecuting these agricultural issues, as our over-tasked police department does not have the ability to provide a permanent officer to investigate agricultural crimes.

If this project were allowed to go forward, we would have the ability to:

1. Protect our agricultural industry – the economic engine of Hawai‘i county;
2. Ensure our products do not go the way of the Mexican papaya; and
3. Allow our farmers and growers to continue to be world-wide competitors with Hawai‘i-grown products.

This pilot project has the capability to increase the safety and sustainability of our farming and agricultural industry by allowing farmers to focus less on the security of their crops and more on high-quality products and safe farming techniques. By having a committed investigator when crime, vandalism, or contamination of our agricultural products occur, we will be able to act swiftly and decisively to tackle the issues.

The Office of the Prosecuting Attorney, County of Hawai‘i supports the passage of House Bill No. 783, HD1. Thank you for the opportunity to testify on this matter.



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February 24, 2017

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON HB 783, HD1
RELATING TO AGRICULTURE

Room 308
12:30 PM

Aloha Chair Luke, Vice Chair Cullen, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFB strongly supports HB 783, HD1, which would establish a two-year agricultural theft pilot project to work with the county of Hawaii to hire an enforcement officer within the county of Hawaii to focus on investigating and prosecuting agricultural theft.

Agricultural theft and vandalism are persistent problems facing agriculture. Weather, drought, pests, weeds, disease, activists, unstable markets, transportation and labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, fiber, fuel and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft and vandalism, and it's a wonder farms and ranches remain viable.

In working with our members, HDOA, and law enforcement, we have collectively concluded that a dedicated enforcement officer housed in the county prosecutor's office would be a giant step forward in minimizing agricultural crimes and enhancing public safety. Too often a farmer or rancher has sweated, worried, and worked to the bone to produce a crop, only to wake up one morning to find that an opportunistic criminal has helped himself to the harvest. Farmers and ranchers are fed up with this activity and frankly, deserve better. We understand that law enforcement resources are often prioritized for public health and safety. Is the health, safety and livelihood of a farmer and his family any less important? We think not.

Thank you for the opportunity to comment on this measure.



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OUR MISSION

HCIA is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices and build a healthy economy.

ESTIMONY FROM BENNETTE MISALUCHA, EXECUTIVE DIRECTOR

In Support of HB 783, HD1 Relating to Agriculture

HOUSE COMMITTEE ON FINANCE

February 24, 2017, 12:30 p.m.

Conference Room 308

Chair Luke and members of the committee:

The Hawaii Crop Improvement Association (HCIA) is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.

HCIA is in **support of HB 783, HD1**. We recognize that there are many challenges that confront today's farmers: weather, pests, soil conditions, among many. Unfortunately, for some, there is also the issue of agricultural theft and vandalism. It is a serious ongoing problem with reports of thefts of crops, machinery and tools, animals and the vandalism of property, fences and gates or equipment.

We have seen these instances particularly on Hawaii Island. We assert that there needs to be additional focus on this crime since the perpetuation of these acts have increased the cost of production and stymied agriculture.

The proposed pilot program will be a step in the right direction of seeing justice appropriately served. We humbly ask for your support of HB 783, HD1.

Respectfully submitted,

Bennette Misalucha
Executive Director



Hawaii Cattlemen's Council, Inc.

**COMMITTEE ON FINANCE
REP. SYLVIA LUKE, CHAIR
REP. TY J.K. CULLEN, VICE CHAIR**

DATE: Friday, February 24, 2017
TIME: 12:30 P.M.
PLACE: Conference Room 308

HB 783 HD1 – RELATING TO AGRICULTURE.

Establishes a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the county of Hawaii. Appropriates funds.

Chair Luke, Vice Chair Cullen, Members of the Committees:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our 150+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly supports** HB 783 HD1 as this bill addresses agricultural theft and vandalism, issues felt in all agricultural industries in Hawaii.

This issue has become a major problem for ranchers across the state. Many ranchers feel the effects from the actions of trespassers. These include the cut fences, damage to infrastructure, vandalism and damage to farm infrastructure and theft of private property.

Ranchers often experience stretches of fence that have been cut or laid down. Up to 800 feet of fence in one stretch has been found destroyed by the actions of these trespassers. At times these pastures can contain cattle or other livestock and the trespassers actions produce an access point for the livestock to get out. This can lead to other unintended consequences including an animal loose on the roadway or onto a neighboring residential property and could lead to a threat to the animal's safety and that of the public safety.

Damages to infrastructure can also be very costly. Many ranchers utilize gravity flow water systems with flexible pipe to serve remote water troughs for their cattle. Some ranchers have discovered these flexible pipes broken by trespassers, causing great expense to fix these issues.

Our ranchers have also experienced theft of private property including gas cans, chains, spotlights, or anything that they can be easily removed. Ranchers and farmers have installed large and elaborate locking systems to secure their private property and protect themselves from theft and vandalism. Also, gates have been pulled down and boulders that were placed to prevent access have been removed hours after being installed.

The penalties for trespassing carry little penalty and are difficult to prove. This pilot program should help to address these issues. We ask this committee pass this important measure and we appreciate the opportunity to provide this testimony.





Email: communications@ulupono.com

HOUSE COMMITTEE ON FINANCE
Friday, February 24, 2017 — 12:30 p.m. — Room 308

Ulupono Initiative Strongly Supports HB 783 HD 1, Relating to Agriculture

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

My name is Kyle Datta and I am General Partner of Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally produced food; increase affordable, clean, renewable energy; and reduce waste. Ulupono believes that self-sufficiency is essential to our future prosperity and will help shape a future where economic progress and mission-focused impact can work hand in hand.

Ulupono strongly supports HB 783 HD 1, which establishes a two-year agricultural theft and vandalism pilot project on Hawai'i Island, because it aligns with our goal of creating more locally produced food.

In our conversations with farmers and ranchers, one issue that keeps coming up is agricultural theft and how there is little enforcement and punishment for offenders. Agricultural lots are a prime target for thieves as there are many open entry points, farms are often located in rural and isolated areas, and punishments are minor relative to other crimes. For farmers that can afford to, they have to spend money on security infrastructure, monitoring, and manpower to defend their agricultural operations. Profit margins for agricultural operations are already tight and if a business loses revenue from theft or vandalism and has to invest heavily in security, this could push more local farmers and ranchers out of the agricultural sector. Ultimately, this underrated issue is one that hurts our ability to increase locally grown food in our state.

As Hawai'i's local food issues become more complex and challenging, organizations need additional resources and support to address and overcome them. We appreciate this committee's efforts to look at policies that support local food production.

We believe that by collaborating, we can help produce more local food and support an economically robust homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to testify.

Investing in a Sustainable Hawai'i



Respectfully,

Kyle Datta
General Partner

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2017 5:56 AM
To: FINTestimony
Cc: alan@prloffice.com
Subject: *Submitted testimony for HB783 on Feb 24, 2017 12:30PM*

HB783

Submitted on: 2/23/2017

Testimony for FIN on Feb 24, 2017 12:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Ponoholo Ranch Limited	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 1:42 PM
To: FINTestimony
Cc: sue.leeloy@hawaiicounty.gov
Subject: *Submitted testimony for HB783 on Feb 24, 2017 12:30PM*

HB783

Submitted on: 2/22/2017

Testimony for FIN on Feb 24, 2017 12:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Council Woman Sue Lee Loy	Individual	Support	No

Comments:

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