

DAVID Y. IGE  
Governor

DOUGLAS S. CHIN  
Lt. Governor



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

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 JUDICIARY**

**FEBRUARY 7, 2018  
2:00 P.M.  
CONFERENCE ROOM 325**

**HOUSE BILL NO. 1883 HD1  
RELATING TO AGRICULTURE**

Chairperson Nishimoto and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1883 HD1, which 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. The Department supports this bill provided it does not impact the Department's priorities listed in the Executive Budget.

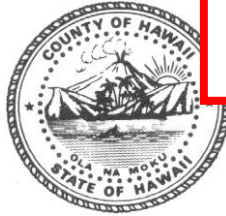
The Department of Agriculture has entered into a one-year contract with the Hawaii County Prosecutor's Office for one investigator to conduct agricultural theft and agricultural vandalism investigations. This has been a valuable and productive project with the limited staff performing investigations and outreach with farmers, law enforcement, and farmers markets. We encourage the continuation of the joint efforts being done to pursue prosecution of agricultural related crimes.

Thank you for the opportunity to testify on this measure.



**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



**LATE**

655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908  
(808) 934-3403  
(808) 934-3503

WEST HAWAII UNIT  
81-980 HALEKI'I ST, SUITE 150  
KEALAKEKUA, HAWAII 96750  
PH: (808) 322-2552  
FAX: (808) 322-6584

## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF HB 1883 HD1

A BILL FOR AN ACT RELATING TO AGRICULTURE

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Wednesday, February 7, 2018, 2:00 P.M.  
State Capitol, Conference Room 325

Honorable Chair Nishimoto, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in **STRONG SUPPORT** of House Bill 1883 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 Hawaii and appropriation of 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.

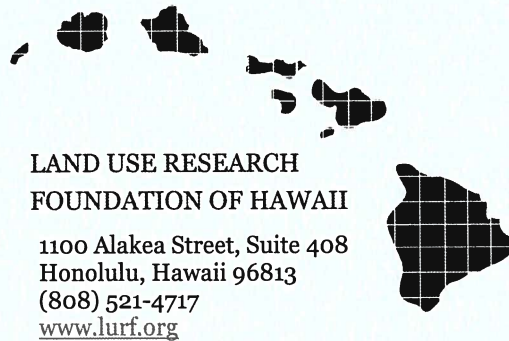
An example of recent instances of agriculture vandalism/theft in Hawai'i County have included a total loss of papaya trees numbering into the thousands. These actions resulted in tremendous economic hardships for the farmers and their families. These actions have created an ever-growing a sense of uncertainty 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.
4. Educating farmers, brokers and retailers about agriculture theft & vandalism prevention techniques.

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. For all of the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai‘i **STRONGLY SUPPORTS** the passage of House Bill No. 1883 HD 1. Thank you for the opportunity to testify on this matter.



February 5, 2018

Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice-Chair  
House Committee on Judiciary

**Comments in Support of HB 1883, H.D. 1, 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.)**

**Wednesday, February 7, 2018, 2:00 p.m., in Conference Room 325**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to provide comments **in support of HB 1883, H.D. 1.**

**HB 1883, H.D. 1.** This bill proposes to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and vandalism cases, including theft and vandalism affecting individuals who are not full-time farmers or ranchers, in the county of Hawaii. The effort involves partnering between the Department of Agriculture (DOA) and the county of Hawaii to hire two enforcement officers within the prosecuting attorney's office or any other law enforcement agency to assess the implementation of the pilot project, including the project's effectiveness, and make recommendations for a statewide program to address agricultural theft and agricultural vandalism no later than January 1, 2020.

**LURF's Position.** LURF fully supports the intent of HB 1883, H.D. 1, which is to protect farmers and other individuals who have been the victims of agricultural theft and vandalism for years and have reportedly suffered losses totaling millions of dollars. LURF understands that it is reportedly difficult for law enforcement agencies to enforce the agricultural theft and vandalism laws currently in effect, and that farmers have, in the past, initiated contact with the police in attempts to work toward more effective enforcement efforts, but that such undertakings have proved unsuccessful.

The proposed pilot project will assist in, amongst other things, identifying best practices for prosecuting perpetrators of, and preventing agricultural theft and vandalism; and identifying areas where agricultural theft and vandalism are most prevalent.

The bill confirms the need for collaboration amongst diverse sectors of the community - business, government, and agricultural stakeholders - and the importance for them to work together cooperatively to prevent agricultural crimes and improve the overall economic viability of the State's agricultural industry.

LURF therefore **supports HB 1883, H.D. 1** as an effort to promote the importance of the issue raised by the bill, as well as the issues relating to the enforcement of agricultural theft and vandalism laws. LURF further respectfully requests that the proposed project allow the opportunity for input by all stakeholders, including, but not limited to farmers and ranchers, government and law enforcement agencies, and legal experts in order that all interested parties may arrive at a consensus regarding the pilot project and any future statewide program that may be developed as a result.

Thank you for the opportunity to present comments regarding this matter.

**HB-1883-HD-1**

Submitted on: 2/5/2018 10:23:58 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqui Hoover	Hawaii Leeward Planning Conference	Support	No

Comments:

Please accept this testimony in support of HB1883 submitted on behalf of the 100+ members and affiliates of Hawaii Leeward Planning Conference (HLPC), a private, member-based 501(c)3 organization incorporated in 1974 committed to working with government and the community to promote sound planning decisions for Hawaii Island.

As agricultural theft continues to be a significant problem creating severe impacts including and not limited to, economic losses and severe hardship for farmers/ranchers and their families with negative impacts extending to others in the community (e.g. ag workers, vendors, etc.), Hawaii Leeward Planning Conference (HLPC) strongly supports providing recourse for theft of crops, agricultural equipment, and supplies. **HLPC requests that recourse also be provided for vandalism and/or willful damage to crops, agricultural equipment, and supplies.**

**HB-1883-HD-1**

Submitted on: 2/5/2018 10:37:48 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jacqui Hoover	Hawaii Island Economic Development Board	Support	No

Comments:

Please accept this testimony in support of [HB1883](#) on behalf of HIEDB, a private, member-based 501(c)3 organization incorporated in 1984 to help strengthen and diversify Hawaii Island's economy.

As agricultural theft, vandalism and other willful damage continues to be a significant problem creating severe impacts including and not limited to, economic losses and severe hardship for farmers/ranchers and their families with negative impacts extending to others in the community (e.g. ag workers, vendors, etc.), HIEDB strongly supports providing recourse for theft and vandalism of crops, agricultural equipment, and supplies.



PO BOX 116  
Honolulu, HI 96728  
[www.kayefamilyfarms.org](http://www.kayefamilyfarms.org)

Mahalo for the opportunity to support HB 783 Relating to Agricultural Theft.

Our farm sells lychee, longan, and grass-fed beef in Rural South Hilo. Two years ago during peak Lychee Season our farm was "raided." Thieves cut whole large branches off of mature lychee trees, stealing about \$1,000 worth of ripe fruit, probably in a few minutes. When we have purchase orders to fill, the loss of ripe fruit can mean the loss of a whole account and business relationship—not just one order. Worse, these branches will not grow back for years, compounding the losses for our farm. Since, our farm has been invaded at least three times, and every community association meeting in our small town includes time for a litany of farm theft reports.

During the lychee season, thieves stake-out either end of our rural access road, using cell phones to alert one another when farmers are coming and going from our farms. We set out motion sensor lights, camped out in fields, but could not defend our farm while going to our day jobs or running errands in town. They steal our security cameras, and break our gates. We are completely exposed and alone, with the nearest police station 30 minutes' drive away. When officers do arrive, they are unaware of state agricultural theft laws and refuse to take action. These laws lower the dollar amount that triggers a felony offense, and require that produce in transit be accompanied by a bill of lading (documentation of whose produce it is, and who has a right to transport it). Officers have not been trained to take it seriously and believe the theft will not be prosecuted, so they might think following through would be a waste of time.

Since the agricultural theft investigator began working on the Big Island, things have improved. He has taken the time to visit our town and introduce himself to the farmers and community association. We now have someone to work with in the prosecutor's office that will take our losses seriously. We know that this position is a temporary one, and appreciate your efforts to make sure the program continues.

This bill would make it clear that ag theft *is theft*, has a serious impact on a farmer's bottom line, and *will be prosecuted*. Thank you for your consideration.

Springer Kaye, Owner

Kaye Family Farms





P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 7, 2018

HEARING BEFORE THE  
HOUSE COMMITTEE ON JUDICIARY

**TESTIMONY ON HB 1883, HD1**  
RELATING TO AGRICULTURE

Room 325  
2:00 PM

Aloha Chair Nishimoto, Vice Chair San Buenaventura, 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.

**The Hawaii Farm Bureau strongly supports HB 1883, HD1**, which 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.

Agricultural theft and vandalism are persistent problems facing agriculture. Weather, drought, pests, weeds, disease, 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 dedicated enforcement officers 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 provide testimony on this measure.



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

HOUSE COMMITTEE ON JUDICIARY  
Wednesday, February 7, 2018 — 2:00 p.m. — Room 325

**Ulupono Initiative Strongly Supports HB 1883 HD 1, Relating to Agriculture**

Dear Chair Nishimoto, Vice Chair San Buenaventura, 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 better management of waste and fresh water. 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 1883 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

**HB-1883-HD-1**

Submitted on: 2/5/2018 2:19:09 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

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

Comments:

**HB-1883-HD-1**

Submitted on: 2/6/2018 1:56:25 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments: