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March 29, 2018

HEARING BEFORE THE  
SENATE COMMITTEE ON JUCIARY  
SENATE COMMITTEE ON WAYS AND MEANS

**TESTIMONY ON HB 1883, HD2, SD1**  
RELATING TO AGRICULTURE

Room 211  
10:30 AM

Aloha Chair Taniguchi, Chair Dela Cruz, Vice Chair Rhoads, Vice Chair Keith-Agaran, and Members of the Committees:

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, HD2, SD1**, 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.

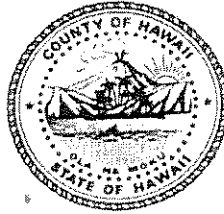
Agricultural theft and vandalism are persistent problems facing agriculture. Weather, drought, pests, weeds, disease, unstable markets, transportation and labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged 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.

MITCHELL D. ROTH  
PROSECUTING ATTORNEY

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## OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HB 1883 HD2 SD1

A BILL FOR AN ACT RELATING TO AGRICULTURE

### COMMITTEE ON JUDICIARY

Sen. Brian T. Taniguchi, Chair  
Sen. Karl Rhoads, Vice Chair

### COMMITTEE ON WAYS AND MEANS

Sen. Donovan M. Dela Cruz, Chair  
Sen. Gilbert S.C. Keith-Agaran, Vice Chair

Thursday, March 29, 2018, 10:30 a.m.  
State Capitol, Conference Room 211

Honorable Chairs Taniguchi and Dela Cruz, and Vice-Chairs Rhoads and Keith-Agaran, and Members of the Committee on Judiciary and Committee on Ways and Means, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in **STRONG SUPPORT** of House Bill 1883 HD2 SD1.

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 HD2 SD1. Thank you for the opportunity to testify on this matter.



March 23, 2018

Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair  
Senate Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

**Comments in Support of HB 1883, H.D. 2, S.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.)**

**Thursday, March 29, 2018, 10:30 a.m., in Conference Room 211**

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. 2, S.D. 1.**

**HB 1883, H.D. 2, S.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.

**LURF's Position.** LURF fully supports the intent of HB 1883, H.D. 2, S.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. 2, S.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.



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SENATE COMMITTEES ON JUDICIARY AND WAYS & MEANS  
Thursday, March 29, 2018 — 10:30 a.m. — Room 211

**Ulupono Initiative Strongly Supports HB 1883 HD 2 SD 1, Relating to Agriculture**

Dear Chair Taniguchi, Vice Chair Rhoads, Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committees:

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 2 SD 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 these committees' 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

**DAVID Y. IGE**  
Governor

**DOUGLAS S. CHIN**  
Lt. Governor



**SCOTT E. ENRIGHT**  
Chairperson, Board of Agriculture

**PHYLLIS SHIMABUKURO-GEISER**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON WAYS & MEANS**

**MARCH 29, 2018  
10:30 A.M.  
CONFERENCE ROOM 211**

**HOUSE BILL NO. 1883 HD2 SD1  
RELATING TO AGRICULTURE**

Chairperson Dela Cruz and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1883 HD2 SD1, 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 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.





**HB-1883-SD-1**

Submitted on: 3/28/2018 9:15:44 AM

Testimony for JDC on 3/29/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Brian T. Taniguchi, Chair; the Honorable Karl Rhoads, Vice-Chair, and Members of the Committee on Judiciary:

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for this opportunity to provide written testimony on **HB1883 HD2 SD1** relating to Agricultural Theft and Vandalism Pilot Project; and an Appropriation.

The OCC Legislative Priorities Committee is in favor of **HB1883 HD2 SD1** and supports its passage.

**HB1883 HD2 SD1** is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it 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 appropriates funds.

The DPH Platform states that "[a]griculture in our state must be preserved and its future strengthened. Sufficient prime agricultural lands must be maintained for the health, economic well-being and sustenance of the people. We believe in an integrated approach to agricultural innovation and sustainability." (Platform of the DPH, P. 2, Lines 76-78 (2016)).

As an island state, securing affordable food for all is a priority. We support healthy, sustainable, and 98 diversified local food production, and "Buy Local" strategies to assure greater food security and food safety. (Platform of the DPH, P. 2, Lines 97-99 (2016)).

Given that **HB1883 HD2 SD1** 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 appropriates funds, it is the position of the OCC on Legislative Priorities to support this measure in order to perpetuate our important agricultural industry..

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

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