

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

GLENN K. MURANAKA  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
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TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE  
BEFORE THE HOUSE COMMITTEE ON JUDICIARY

MARCH 18, 2019  
2:05 P.M.  
CONFERENCE ROOM 325

SENATE BILL NO. 759 SD2 HD1  
RELATING TO AGRICULTURE

Chairperson Lee and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 759 SD2 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 counties of Hawaii and Maui. The Department supports this bill provided that it does not impact the Department's priorities listed in the Executive Budget and offers comments.

The Department of Agriculture has entered into two-year contract with the Hawaii county prosecutor's office for one investigator to conduct agricultural theft and agricultural vandalism investigations. This has been very 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 agricultural related crimes. We would like to note that the \$200,000 and two (2) positions were relative to the County of Hawaii and moving that effort forward. If the Legislature would like to provide funds for the County of Maui, we would ask for additional resources to meet those needs per the County of Maui's discretion.

Thank you for the opportunity to testify on this measure.



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Kelly T. King

Vice-Chair  
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Director of Council Services  
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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

March 15, 2019

TO: Honorable Chris Lee, Chair  
House Committee on Judiciary

FROM: Yuki Lei Sugimura  
Councilmember

DATE: March 18, 2019

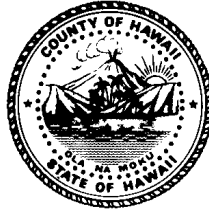
SUBJECT: **SUPPORT OF SB 759 S.D. 2, H.D. 1 RELATING TO AGRICULTURE**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to require the Department of Agriculture to establish a 2-year Agricultural Theft and Vandalism Pilot Project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the counties of Hawaii and Maui.

Agricultural theft and vandalism can be tough to prove and prosecute. This measure will provide prosecutors with additional resources to deter people from targeting our vulnerable farmworkers, or to apprehend and convict individuals that are committing agricultural theft and vandalism.

Farmers on Maui have recently experienced agricultural theft and vandalism. This year, Maui County has already had a break in at the Kula Agricultural Park and I have received reports of farmers being blackmailed when trying to recover their stolen equipment. I strongly support this measure because it includes a pilot program on Maui that seeks to address agricultural theft and vandalism.

**Harry Kim**  
Mayor



**Wil Okabe**  
Managing Director

**Barbara J. Kossow**  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

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March 18, 2019

Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
Committee on Judiciary

**LATE**

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members:

**RE: SB 759, SD2, HD1 Relating to Agriculture (Agriculture Theft)**

Thank you for this opportunity to testify in support of SB 759, SD2, HD1.

For about a year, our Prosecuting Attorney's office has had an investigator working on agricultural crimes, and we have received positive comments from the agriculture community about his work. The preamble of this bill does a good job of explaining the vulnerabilities agriculture has to theft and vandalism, and our news media has documented farmers who have gone out of business because of their losses.

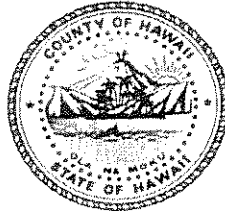
In order to continue the program, state funding is both desirable and appropriate. I hope you will act favorably on SB 759, SD2, HD1, and consider increasing funding to accommodate the proposed expansion of the program to Maui.

Respectfully Submitted,

Harry Kim  
MAYOR

MITCHELL D. ROTH  
PROSECUTING ATTORNEY

DALE A. ROSS  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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## OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 759, SD 2, HD 1

A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF  
AGRICULTURE

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Monday, March 18, 2019, 2:05 p.m.  
State Capitol, Conference Room 325

Honorable Chair Lee, Honorable 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 Senate Bill No. 759, SD 2, HD 1.

This measure establishes a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and 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 prove harmful to consumers. If stolen produce makes its way to the consumer market, there is no way to ensure product safety.

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.

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 in Hawai'i. At the time, 65% of all U.S. imported papayas come from Mexico.

Current agriculture vandalism/theft in Hawai'i County includes on-going theft of seasonal fruit, including coffee, avocados, lychee, rambutan, noni, etc. These actions resulted in tremendous economic hardships for the farmers and their families, and have created an ever-growing sense of uncertainty for Hawai'i County farmers that they may fall victim to vandals.

This pilot project will provide enforcement officers within 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 capacity to provide a permanent officer to exclusively investigate agricultural crimes.

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

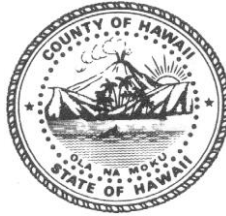
1. Protect our agricultural industry- the economic engine of Hawai'i County;
2. Ensure the food safety of Hawaii Island agricultural products;
3. Support our famers and growers as they continue to be world-wide competitors with Hawai'ian grown products.

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 committed investigators available when crime, vandalism or contamination of our agricultural products occur, we will be able to act swiftly and decisively to tackle the issue.

The Office of the Prosecuting Attorney, County of Hawai'i, strongly supports the passage of Senate Bill No. 759, SD 2, HD 1. Thank you for the opportunity to testify on this matter.

**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

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



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## **OFFICE OF THE PROSECUTING ATTORNEY**

ADDITIONAL TESTIMONY IN SUPPORT OF SENATE BILL  
759, SD 2, HD 1

A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF  
AGRICULTURE

COMMITTEE ON JUDICIARY  
Rep. Chris Lee, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

Monday, March 18, 2019, 2:05 p.m.  
State Capitol, Conference Room 325

Honorable Chair Lee, Honorable 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 Senate Bill No. 759, SD 2, HD 1.

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

The Office of the Prosecuting Attorney, County of Hawai'i, strongly supports the passage of Senate Bill No. 759, SD 2, HD 1. Thank you for the opportunity to testify on this matter.

Farming and ranching is tough. Our agriculture community has to deal with so many things, pests, weather.... Many things that the consumers will never see. They wait patiently for crops to ripen and livestock to grow, nurturing their plants and animals till harvest. To have it damaged, stolen or killed by criminals that take advantage of them. We all know of someone or maybe you may have been affected by agriculture theft. We wait all year for our lychee tree to produce fruit and to have a criminal damage our tree while stealing the fruit our family has been waiting for all year. Think of the farmer that is waiting to harvest. when they can't harvest, they don't get paid.

We have laws and regulations that protect our agriculture community, but more outreach is needed for our producers, law enforcement, vendors and consumers. Currently I am temporarily in the Agriculture crimes Investigator position, for the Island of Hawaii till July of this year. This position is funded by the HDOA. I have found that many do not report crimes and take it as a loss like dealing with the weather and other challenges they face. We are teaching them how report crimes, the investigative and the legal process, and crime prevention. By conducting farm checks.

Often changing a part of their farm environment will greatly reduce crime. We check social media daily, as crimes are often reported there and not to the Police, and I attempt to contact them and encourage them to call the police in their area so the investigation can get started. We also advocate farmers watching out for each other, "Neighborhood Watch" "Farm Watch" or at least communicating with each other. We are educating wholesalers, retail vendors, and the producers about the Ownership/Movement Certificate that is required for the transportation of agriculture product. (Chapter 145, Part II Hawaii Revised Statutes) This is a great tool for investigations. I have been working cases from our Police Department and with active investigations with Officers from our Police department also with the DLNR Police with some of their investigations. Also working with other law enforcement agencies, being that many criminals involved in agriculture crimes are involved in other crimes.

It is important that our community knows where their food comes from. Stolen produce is difficult to track. Along with destroying a farmer's livelihood it puts our community at risk. (Food safety)

One of the biggest challenges I have faced is that our island is so large and we have a huge variety of agriculture products that are raised and grown on Hawaii, and many of us here practice subsistence farming. An additional position and extending this position would make a huge impact on our Island.

The Office of the Prosecuting Attorney, County of Hawai'i, strongly supports the passage of Senate Bill No. 759, SD 2, HD 1. Thank you for the opportunity to testify on this matter.



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

HOUSE COMMITTEE ON JUDICIARY  
Monday, March 18, 2019 — 2:05 p.m. — Room 325

**Ulupono Initiative Supports SB 759 SD 2 HD 1, Relating to Agriculture**

Dear Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

My name is Murray Clay and I am Managing 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 manage waste and fresh water resources. 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 supports SB 759 SD 2 HD 1**, which requires the Department of Agriculture to establish a two-year agricultural theft and vandalism pilot project in the County of Hawai'i and Maui County, because it aligns with our goal to increase local food production.

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 increasingly 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 through collaboration, 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.

Respectfully,

Murray Clay  
Managing Partner

*Investing in a Sustainable Hawai'i*





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March 18, 2019

HEARING BEFORE THE  
HOUSE COMMITTEE ON JUDICIARY

**TESTIMONY ON SB 759, SD2, HD1**  
RELATING TO AGRICULTURE

Room 325  
2:05 PM

Aloha Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

I am Brian Miyamoto, Executive Director 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 SB 759, SD2, HD1**, which requires the Department of Agriculture to establish a 2-year Agricultural Theft and Vandalism Pilot Project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the counties of Hawaii and Maui.

Agricultural theft and vandalism are persistent problems facing agriculture. Weather, drought, pests, weeds, disease, activists, unstable markets, transportation, 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. HFB continues to work with both the police and prosecutor's office to find ways we can work together to help deter, apprehend, and convict individuals that are committing agricultural theft and vandalism.

Thank you for this opportunity to testify in support of this measure.

**SB-759-HD-1**

Submitted on: 3/18/2019 7:10:15 AM

Testimony for JUD on 3/18/2019 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

**SB-759-HD-1**

Submitted on: 3/16/2019 10:27:03 PM

Testimony for JUD on 3/18/2019 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marcella Alohalani Boido	Individual	Support	No

Comments:

**SB-759-HD-1**

Submitted on: 3/17/2019 2:29:01 PM

Testimony for JUD on 3/18/2019 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
J Ashman	Individual	Support	No

Comments: