

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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

**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

**MARCH 13, 2019
8:30 A.M.
CONFERENCE ROOM 312**

**SENATE BILL NO. 759 SD2
RELATING TO AGRICULTURE**

Chairperson Creagan and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 759 SD2, 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 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.



Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Alice L. Lee
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Maria E. Zielinski

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 12, 2019

TO: Honorable Richard P. Creagan, Chair
House Committee on Agriculture

FROM: Yuki Lei Sugimura
Councilmember

DATE: March 13, 2019

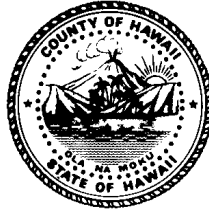
SUBJECT: **SUPPORT OF SB 759 S.D. 2, RELATING TO AGRICULTURE**

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

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

March 11, 2019

Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair
Committee on Agriculture

Dear Chair Creagan, Vice Chair DeCoite and Committee Members:

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

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

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, and consider increasing funding to accommodate the Senate's proposed expansion of the program to Maui.

Respectfully Submitted,

Harry Kim
MAYOR

AGRtestimony

From: Napua Young on behalf of Rep. Richard Creagan
Sent: Tuesday, March 12, 2019 2:58 PM
To: AGRtestimony
Subject: FW: Additional testimony from the Office of the Prosecuting Attorney County of Hawaii SB 759 and HB 1503

From: Muramaru, Shane Y. <Shane.Muramaru@hawaiiicounty.gov>
Sent: Tuesday, March 12, 2019 2:05 PM
To: Rep. Richard Creagan <repcreagan@capitol.hawaii.gov>; Sen. Mike Gabbard <sengabbard@capitol.hawaii.gov>
Cc: Rep. Mark Nakashima <repnakashima@capitol.hawaii.gov>
Subject: Additional testimony from the Office of the Prosecuting Attorney County of Hawaii SB 759 and HB 1503

Aloha Senator Gabbard, Representative Creagan Representative Nakashima,

Thank you for all that you do and for representing our community so well. Due to a slight hiccup in my scheduling and some IT problems, I submitted testimony very late today for both bills. There has been many challenges with the position so far. Mainly because our island is very large. Anyway, in the event my testimony didn't go thru, here it is.

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 or stolen 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 harvesting the fruit our family has been waiting for all year. Think of the farmer that is waiting to harvest. when they can't, 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 in the Agriculture crimes Investigator position, for the Island of Hawaii till July of this year. This was 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 to report crimes, the investigative process, and crime prevention. By conducting farm checks. Often changing a part of their farm will greatly reduce crime. We check social media as often, crimes are often reported there, and I will attempt to contact them and encourage them to call the police in their area so the investigation can get started. We 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. This is a great tool for investigations. I have been working investigations with Officers from our local 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 import 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. I believe that adding another investigator and extending this position will make a positive impact on Agriculture Crimes.

Mahalo,

Shane Muramaru

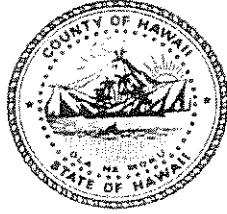
Investigator V
Office of the Prosecuting Attorney
County of Hawaii
655 Kilauea Avenue
Hilo, HI 96720

Receptionist: (808) 961-0466 Fax : (808) 934-3386



MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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 HALEKĪĪ ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 759, SD 2

A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF
AGRICULTURE

COMMITTEE ON AGRICULTURE

Rep. Richard P. Creagan, Chair

Rep. Lynn DeCoite, Vice Chair

Wednesday, March 13, 2019, 8:30 A.M.
State Capitol, Conference Room 312

Honorable Chair Creagan, Honorable Vice Chair DeCoite, and Members of the Committee on Agriculture, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in **STRONG SUPPORT** of Senate Bill No. 759, SD 2.

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



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

March 13, 2019

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON SB 759, SD2
RELATING TO AGRICULTURE

Room 312
8:30 AM

Aloha Creagan, Vice Chair DeCoite, 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, 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.



Email: communications@ulupono.com

HOUSE COMMITTEE ON AGRICULTURE
Tuesday, February 26, 2019 — 10:00 a.m. — Room 211

Ulupono Initiative Supports SB 759 SD 2, Relating to Agriculture

Dear Chair Creagan, Vice Chair DeCoite, 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, 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



PO Box 168, Kealahou, HI 96750
808-929-9550

HAWAII HOUSE OF REPRESENTATIVES
COMMITTEE ON AGRICULTURE

March 13, 2019
8:30 AM
Conference Room 312

RE: Testimony in Support of SB759 SD2

Aloha Chair Creagan, Vice Chair DeCoite and members of the Committee,

I am Chris Manfredi, President of Hawaii Coffee Association.

The Hawaii Coffee Association's (HCA) mission is to represent all sectors of the Hawaiian coffee industry, including growers, millers, wholesalers, roasters and retailers located throughout the State of Hawaii. The HCA's primary objective is to increase awareness and consumption of Hawaiian coffees. A major component of HCA's work is the continuing education of members and consumers.

The Hawaiian green coffee industry is valued at more than \$62MM by USDA - not accounting for retail sales.

The HCA strongly supports SB759 SD2 and offers an amendment.

Agricultural theft and vandalism are major factors adversely affecting growers and driving the cost of production ever higher. Imagine investing every dollar into a crop and having it disappear from your farm come harvest time. The HCA has long been an advocate for strong law enforcement, and we are pleased that lawmakers and enforcement personnel are responding.

Another major threat to Hawaii's coffee producers is counterfeiting. Hawaii's producers are placed at a competitive disadvantage when offering products legitimately grown in Hawaii versus those that are counterfeited with foreign-grown coffee and falsely labeled as being of Hawaiian origin. This fraud undermines our industry, our growers, and our origin names. This fraudulent practice create a windfall for the perpetrators while forcing legitimate businesses to lower their prices and thinning their hard-earned margins. New technologies are available that can trace the origin of green and roasted coffee.

We respectfully ask the legislature to add coffee counterfeiting to the scope of agricultural theft and vandalism contemplated by this measure.

Thank you for your support of SB759 SD2 and for the opportunity to testify on this important issue.

SB-759-SD-2

Submitted on: 3/12/2019 9:00:42 AM

Testimony for AGR on 3/13/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Support	No

Comments:

Please support Hawaii's farmers and ranchers by passing this bill.

There isn't a day that goes by that island farmers aren't impacted by thieves and vandals. Without better enforcement, these bad actors continue to get away with their crimes, forcing farmers to rethink their investment in producing food for the rest of us.