

SB 759

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



DENISE ALBANO
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
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**TESTIMONY OF DENISE ALBANO
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**JANUARY 30, 2019
1:15 P.M.
CONFERENCE ROOM 224**

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

Chairperson Gabbard and Members of the Committee:

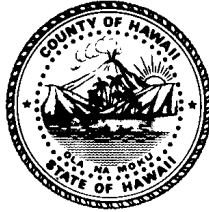
Thank you for the opportunity to testify on Senate Bill 759, which establishes a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the county of Hawaii. The Department strongly supports this bill provided that it does not impact the priorities listed in the Executive Budget.

The Department of Agriculture has entered into a 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.

Thank you for the opportunity to testify on this measure.



County of Hawai'i
Council District 9 -
North and South Kohala



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Chair: Committee on Agriculture,
Water, Energy, and Environmental
Management

Vice Chair: Committee on Finance

HERBERT M. "TIM" RICHARDS, III
HAWAI'I COUNTY COUNCIL - DISTRICT 9
25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

January 28, 2019

Senate Committee on Agriculture and Environment
Honorable Senator Mike Gabbard, Chair
Honorable Senator Russel E. Ruderman, Vice Chair
Submission via online testimony

RE: **Support of SB 759**
Hearing Date/Time: January 30, 2019 at 1:15 p.m.

Dear Senators:

As the Chair of the Committee on Agriculture, Water, Energy, and Environmental Management for the Hawai'i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of SB 759**. It is important for the County of Hawai'i to continue the prosecution of agricultural theft and agricultural vandalism.

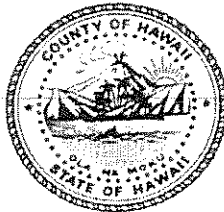
Please feel free to contact me should you need to discuss my position and knowledge of this matter further.

Sincerely,

HERBERT M. "TIM" RICHARDS, III
Hawai'i County Council, District 9

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

A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF
AGRICULTURE

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

Wednesday, January 30, 2019, 1:15 P.M.
State Capitol, Conference Room 224

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

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

SB-759

Submitted on: 1/28/2019 11:36:13 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Joseph Kohn MD | Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO | Oppose | No |

Comments:

No criminalization of people stealing food to survive.

No police state. No fascism.

www.WeAreOne.cc

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Senator Mike Gabbard, Chair
Senator Russel E. Ruderman, Vice Chair**

Senate Bill No. 759

**Testimony of Shannon Mears
Manager, Government Affairs
Young Brothers, LLC**

Chair Gabbard, Vice Chair Ruderman, and Members of the Committee:

POSITION:

Thank you for the opportunity to testify on Senate Bill No. 759. On behalf of Young Brothers, LLC (“Young Brothers”), **I submit this testimony in support.**

DESCRIPTION:

This measure would 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 County of Hawaii.

RATIONALE:

Young Brothers supports the entirety of Senate Bill No. 759.

As the foremost interisland freight handling and transportation company in the State, Young Brothers recognizes and is proud of the important role that it and its employees play in linking Hawaii’s farms and ranches to local kitchens and dining tables. For this reason, Young Brothers makes a special commitment to support local agriculture by offering shipping discounts on locally grown fruits, vegetables, flowers, and livestock, and discounting the cost of shipping fertilizer, feed, and other farming supplies. Our twelve (12) regularly scheduled roundtrip sailings between Honolulu and ports across the State guarantees that these agricultural products and supplies get to the farmers, ranchers, and people in the State in a timely manner.

Young Brothers sees Senate Bill No. 759 as playing an important role in the continued support of the agricultural industry in the State. Farming and ranching operations, both large and small, can fall victim to vandalism and theft that immediately hurts those individuals and ultimately hurts the people in the State who need their

products by causing increased costs or delays. This bill represents a sensible approach to assess how best to protect farmers and ranchers, and ultimately the people in the State, from such theft and vandalism.

Thank you for the opportunity to testify.

Shannon Mears
Manager, Government Affairs

SB-759

Submitted on: 1/29/2019 12:49:33 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Melodie Aduja | Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i | Support | No |

Comments:

SB-759

Submitted on: 1/29/2019 9:49:43 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Warren Watanabe | Testifying for Maui County Farm Bureau | Support | No |

Comments:

Ag Crime is a major challenge to agricultural viability across the State. Police resources are taxed, placing ag incidents at low priority for response despite its' major impact on farms. Farmers on Maui have experienced theft of not only agricultural products but equipment, coupled with vandalism. Most recently it has escalated to blackmailing of farmers. We respectfully request for this measure to include a pilot program on Maui, leveraging state, county and private resources to develop a comprehensive program to address this issue.

Please support this issue including the suggested amendment.



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Testimony Presented Before the
Senate Committee on Agriculture & the Environment
Sen. Mike Gabbard, Chair, Sen. Russell E. Ruderman, Vice Chair
Wednesday January 30, 2019, 1:15p, Conference Room 224

SB375-Relating to Agriculture

Chair Gabbard, Vice-chair Ruderman, and members of the committee:

My name is Kevin Kelly and I am the President of North Shore EVP, a regional economic development organization located on the North Shore of Oahu. Our organization strongly supports the development of a strategic plan to double local food production and increase food exports by 2020.

North Shore EVP has initiated a USDA GroupGAP food safety certification training program that currently works with 19 farms on Oahu. USDA GAP (Good Agricultural Practices) is the most common food safety certification standard requested by commercial buyers however the marketplace is a mash-up of different buyer requirements and policies. This makes it very difficult for farmers, especially small farmers, to comply with all buyer requirements.

In working with our GroupGAP farmers and talking to farmers across the state, we have learned that farmers are generally confused about what certifications and endorsements to pursue. Even with the rapidly approaching deadline of January 2020 for compliance with the Food and Drug Administration's Food Safety & Modernization Act (FSMA), there is currently little motivation for farmers to invest in food safety certification when many buyers will often ignore their own policies to obtain high demand local produce.

I believe that the development of a strategic plan is an opportunity to bring farmers, food companies, and organizations up and down the food supply chain together to share ideas and practices that will benefit the agricultural community and its customers. By understanding the challenges facing each link of the supply chain, Hawaii will be well positioned to significantly increase local food production.

Thank you for the opportunity to testify on this bill.

Sincerely,

Kevin M. Kelly, President

SB-375

Submitted on: 1/28/2019 6:32:18 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-------------------------------------|---------------------------|---------------------------|
| Maria Walker | Testifying for Bee Kind Apiary, LLC | Support | No |

Comments:

Aloha,

My husband and I are beekeepers with a small business here on Kaua'i, selling bee products and organic produce. We strongly support SB 375. It is critical for our state to have a strategic plan to increase food production and reduce our dependence on food shipped from the mainland. Increasing our food output will make fresh food that has a small carbon footprint available to our residents and visitors, and will also support us in the event of disasters or interruptions in shipping. It is vital for strengthening our local economy and supporting our local farmers, and addresses global warming by keeping our import needs to a minimum or removing them entirely.

In the not-too-distant past, our islands grew all the food that people and livestock needed and each resource was sustainably managed; we believe it is possible to go back to this model again. SB 375 would be an important step in the right direction. Here on Kaua'i, we still have expansive ag lands that are lying fallow, and the state's excellent climate is conducive to year-round production. Rather than developing new methods to export our produce, let's work together to make more of what we grow stay right in the state and nourish our people with fresh healthy food grown by our own farmers.

Please support SB 375 and help it to come to a vote, for the sake of both Hawai'i's farmers and residents.

Mahalo for hearing my testimony,

Maria Walker

Bee Kind Apiary, LLC

PO Box 33, Kapa'a, HI 96746

SB-375

Submitted on: 1/28/2019 11:32:00 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Joseph Kohn MD | Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO | Support | No |

Comments:

Strongly support organic sustainable permaculture to feed ourselves.

There is no rational reason to pollute our own environment or destroy ecosystems.

And stop desecration of Hawaiian Burial Sites.

www.WeAreOne.cc

SB-375

Submitted on: 1/27/2019 7:18:00 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Cory Harden | Individual | Support | No |

Comments:

Aloha legislators,

With our over-dependence on shipped-in food, and only a few days' supply of food on supermarket shelves, we are only one hurricane away from food shortages and social unrest.

Mahalo,

Cory Harden

SB-375

Submitted on: 1/27/2019 8:28:22 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------------|---------------------|---------------------------|---------------------------|
| Catherine Kwan Yuk Chan | Individual | Support | No |

Comments:

This is necessary to start the long haul of increasing food security. Without the strategy plan, farmers are just doing what they have done before and emerging farmers have little information to contribute to the great vision. It is about time we do this. DOA work with the agricultural agents/economists in CTAHR to come up with a plan.

Mahalo for this Bill.

SB-375

Submitted on: 1/27/2019 10:13:55 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Heidi Schemp | Individual | Support | No |

Comments:

Local food production is so incredibly important to our state! Let's put cash in farmers hands, fresh foods in the bellies of our keiki! What a no brainer. Please do all you can to make our islands as self reliant and as healthy as possible.

SB-375

Submitted on: 1/28/2019 12:18:15 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelly Winningham | Individual | Support | No |

Comments:

I support SB375. Mahalo!

SB-375

Submitted on: 1/28/2019 7:27:18 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| John Gelert | Individual | Support | No |

Comments:

SB-375

Submitted on: 1/28/2019 9:23:10 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara L Franklin | Individual | Support | No |

Comments:

I support development of a strategic plan to double food production and increase food exports. My concern is that we do so safely, without GMO, and as organically as possible. Let's not create unintended consequences at the expense of reaching a target.

SB-375

Submitted on: 1/28/2019 10:04:44 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Diane Koerner | Individual | Support | No |

Comments:

Unless this bill is passed, I don't see how the Department of Agriculture will be able to assist the office of the Governor to develop a strategic plan to double Hawaii's food production by 2020. There doesn't seem to be a step-by-step plan in place, and it is sorely needed for food security on our islands and for our economy. Thank you, Diane Koerner, 420 Molo St., Kapaa, HI 96746



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e-mail info@hfbf.org; www.hfbf.org

January 30, 2019

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 759
RELATING TO AGRICULTURE

Room 224
1:15 pm

Aloha Chair Gabbard, Vice Chair Ruderman, 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, which appropriates funds to 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 County of Hawaii.

Agricultural theft can be tough to prove and even tougher to prosecute. While we agree that this measure may not resolve implementation of our current agricultural theft laws or enforcement efforts, it will provide the prosecutors another tool to help prosecute individuals suspected of agricultural theft. 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.

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

SB-759

Submitted on: 1/28/2019 4:31:52 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jason Ontiveros | Individual | Support | No |

Comments:

SB-759

Submitted on: 1/28/2019 5:41:02 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lisa Wood | Individual | Support | No |

Comments:

SB-759

Submitted on: 1/29/2019 12:25:20 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Andrea Kawabata | Individual | Support | No |

Comments:

Dear Legislators,

I am submitting testimony in support of SB759 as an individual and do not represent an organization or government agency.

As a UH CTAHR Associate Extension Agent working directly with coffee and tropical fruit and nut tree farmers in the State, I understand the hardships that farmers face on a daily basis. Agricultural theft and vandalism are just two of those worries that can decimate a farmer's ability to remain sustainable and in business.

It is important that farmers and ranchers understand their rights and protections, but it's also important for enforcement, the attorney's office, and the government to understand what is happening at the farm level, how to best utilize their resources, and how to create an effective program that protects farmers, ranchers and their livelihoods. In addition it is extremely important to hire (two) competent law enforcement officers who have the ability to properly investigate and prosecute offenders to the full extent of the law.

The sustainability and survivability of farms and ranches cannot happen in Hawaii without proper training, understanding of the depth and breadth of ag theft and vandalism, and funding for these activities as well as for law enforcement officers and prosecuting attorneys that support and protect farmers and ranchers.

I support this bill and thank you for your time to read my testimony.

Sincerely,

Andrea Kawabata

SB-759

Submitted on: 1/29/2019 12:25:27 PM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| BreeAnn Larios | Individual | Support | No |

Comments:

This bill addresses a significant need on Hawai'i Island and should be supported. Thank you!

SB-759

Submitted on: 1/30/2019 9:34:59 AM

Testimony for AEN on 1/30/2019 1:15:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|-----------------------------------|---------------------------|---------------------------|
| marcella st ambrogio | Testifying for neighborhood watch | Support | No |

Comments:

Bill SB759 is an essential path towards the control of Agriculture theft on Hawaii Island. This is a growing problem not only for farmers but for persons residing on Ag lands which comprise a large section of our County. Please consider passing this Bill to assist in the important control process that we face.