

HB 1503, HD 2

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 SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**MARCH 13, 2019
1:15 P.M.
CONFERENCE ROOM 224**

**HOUSE BILL NO. 1503 SD2
RELATING TO AGRICULTURE**

Chairperson Gabbard and Members of the Committees:

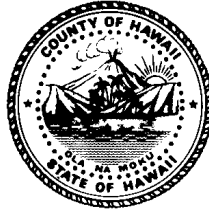
Thank you for the opportunity to testify on House Bill 1503 SD2, which establishes a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the counties of Hawaii and Maui. The Department supports this bill provided that it does not impact the 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. Due to the large land area to cover, we would like to note that funding for at least two (2) positions are needed for the County of Hawaii to move this effort forward.

Thank you for the opportunity to testify on this measure.



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

Senator Mike Gabbard
Senator Russell E. Ruderman
Committee on Agriculture and Environment

Dear Chair Gabbard, Vice Chair Ruderman, and Committee Members:

RE: HB 1503, HD2 Relating to Agriculture (Agricultural Theft and Vandalism Pilot Project)

Thank you for this opportunity to testify in support of HB 1503, HD2.

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 HB 1503, HD2, and include adequate funding in both the bill and in your budget request to WAM.

Respectfully Submitted,

Harry Kim
MAYOR

VALERIE T. POINDEXTER

*Council Member
Chair, Committee on Parks and Recreation
Council District 1*



Phone: (808) 961-8018
Fax: (808) 961-8912
Email: valerie.poindexter@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720*

March 12, 2019

Senate Committee on Agriculture and Environment

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

Email: sengabbard@capitol.hawaii.gov

Email: senruderman@capitol.hawaii.gov

Subject: Testimony Supporting HB1503 HD2, Relating to Agriculture

Hearing: March 13, 2019, 1:15 p.m., Conference Room 224

Dear Chair Gabbard and Vice Chair Ruderman:

On behalf of myself and the constituents of Council District 1, Hāmākua, County of Hawai'i, I would like to express our support of HB1503 HD2, and submit a brief testimony as follows:

This bill 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 cases in the County of Hawai'i and appropriates funds.

Agricultural theft and vandalism has risen in Hawai'i County over the last few decades. Due to the vast acreage of agricultural lands in Hawai'i County, farmers and ranchers often have a difficult time policing their investment of crops, livestock and daily operations. Most of them do not live on the land therefore, making it even more difficult to manage theft and vandalism. A pilot project is greatly needed on Hawai'i Island to examine these cases and to identify best practices for prosecuting perpetrators.

I strongly support and urge the enactment of HB1503 HD2. Thank you for your time and consideration.

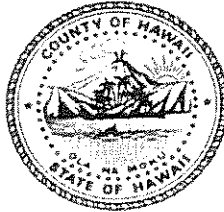
Sincerely,

A handwritten signature in cursive script that reads "Valerie T. Poindexter".

Valerie T. Poindexter

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 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 HOUSE BILL 1503, HD 2

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, March 13, 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 House Bill No. 1503, HD 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 House Bill No. 1503, HD 2. Thank you for the opportunity to testify on this matter.

HB-1503-HD-2

Submitted on: 3/12/2019 1:44:25 PM

Testimony for AEN on 3/13/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Muramaru	Testifying for Office of the Prosecuting Attorney, Hawaii County	Support	No

Comments:

This is additional testimony from our office.

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 thier 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 postion, for the Island of Hawaii to 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 with greatly reduce crime. We check social media as often, crimes are 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 most 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.



Email: communications@ulupono.com

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT
Wednesday, March 13, 2019 — 1:15 p.m. — Room 224

Ulupono Initiative Supports HB 1503 HD 2, Relating to Agriculture

Dear Chair Gabbard, Vice Chair Ruderman, 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 HB 1503 HD 2, which requires the Department of Agriculture to establish a two-year agricultural theft and vandalism pilot project in the County of Hawai'i, 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



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
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON HB 1503, HD2
RELATING 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 HB 1503, HD2, 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 the implementation of our current agricultural theft laws or enforcement efforts, it will provide the prosecutors with 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.

HB-1503-HD-2

Submitted on: 3/12/2019 11:19:09 AM

Testimony for AEN on 3/13/2019 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.



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

HAWAII STATE SENATE
COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 13, 2019
1:15 p.m.
Conference Room 224

RE: Testimony in Support of HB 1503 HD2

Aloha Chair Gabbard, Vice Chair Ruderman 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 HB 1503 HD2 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 HB 1503 HD2 and for the opportunity to testify on this important issue.

HB-1503-HD-2

Submitted on: 3/12/2019 9:24:35 AM

Testimony for AEN on 3/13/2019 1:15:00 PM

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

Comments:

Our local farmers work so hard and risk bad weather, high costs, and unreliable markets to supply our communities with food and other necessities. Unfortunately, they also have to deal with thieves who vandalize and steal products and ag equipment. These types of setbacks can be the last straw, forcing farms to shut down. Please support local farmers statewide with this pilot program, and if at all possible, one on Maui, to help stop these crimes. Thank you.