



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Judiciary and Hawaiian Affairs
Tuesday, March 16, 2021
2:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 969, S.D. 2, RELATING TO ANIMAL FUR PRODUCTS**

Chair Nakashima and Members of the Committee:

My name is Catherine Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (DCCA or Department). The Department appreciates the intent of this bill and offers comments.

The purposes of this bill are to: (1) prohibit the manufacture for sale or importation of certain animal fur products in the State, beginning July 1, 2021; (2) prohibit the offer for sale, display for sale, or sale of certain animal fur products in the State, beginning December 1, 2021; and (3) require the Department of Agriculture, DCCA, and Department of the Attorney General to collaborate, develop, and disseminate informational documents to educate and inform retail merchants and suppliers of the provisions of this bill.

The Department recognizes the negative impacts of manufacturing, selling, and distributing animal fur products, and it appreciates S.D. 2's phased-in approach to banning this activity in Hawaii. Should the Committee pass this measure, the Department would recommend an appropriation to enable the DCCA to meaningfully

work with other state departments to prepare and distribute informational documents to educate retail merchants and suppliers about this measure.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
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 & HAWAIIAN AFFAIRS

**TUESDAY, MARCH 16, 2021
2:00 P.M.
VIA VIDEO CONFERENCE**

**SENATE BILL NO. 969, SD2
RELATING TO ANIMAL FUR PRODUCTS**

Chairperson Nakashima and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 969, SD2. This measure seeks to: (1) Beginning July 1, 2021, prohibit the manufacture for sale and importation of certain animal fur products in the State; and (2) Beginning December 1, 2021, prohibit the sale, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration, certain fur products in the State.

The Department respectfully opposes this bill for the following reasons. Placing this measure under jurisdiction of the Hawaii Department of Agriculture is inappropriate. The Department's regulatory activities and expertise, deal with mitigating animal and plant diseases as well as plant, livestock, poultry and aquaculture health and production. The Hawaii Department of Agriculture does not regulate the importation of animal products such as pelts for manufacturing or clothing and related retail accessories.

The Department does not possess the positions and funds necessary to regulate this proposed measure. This non-agriculture burden will detract from the Department's focus on critical agricultural infrastructure worsened by the severe and significant fiscal restrictions including deleted positions resulting from the SARS CoV-2 pandemic.

Thank you for the opportunity to testify on this bill.



SB-969-SD-2

Submitted on: 3/13/2021 11:11:36 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Catherine Goeggel	Support	No

Comments:

There is absolutely no excuse for people to wear fur or use fur as accessories in the 21st century. The industry continues to ignore or deny the cruelty and environmental damage of CFOs. Traps and snares cause intense suffering and often catch and kill not target species. Please pass this bill. Mahalo

Cathy Goeggel

President, Animal Rights Hawai'i

SB-969-SD-2

Submitted on: 3/14/2021 1:03:10 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Parra	Keiko Conservation	Support	No

Comments:

We strongly **SUPPORT** this measure.



Animal Defenders International

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***In support of Hawaii SB969 SD2/ HB32 HD1
to ban the manufacture, import, sale, display, trade, or distribution of fur products***

[Animal Defenders International](#) (ADI)¹ offers the following in strong support of [SB969 SD2 / HB32 HD1](#), to prohibit the manufacture, import, sale, display for sale, trade or distribution of fur products in the state, with our thanks to the numerous introducing sponsors (Senators Keohokalole, Gabbard, Kidani, Lee, San Buenaventura, Fevella, Moriwaki, Shimabukuro, and Wakai; and Representatives Takayama, Gates, Hashimoto, Ichiyama, Kapela, Kitagawa, Lowen, Matayoshi, Nakamura, Perruso, Tokioka, Wildberger, Woodson, LoPresti, and Marten). If passed, Hawaii would join a growing list of nations,² the state of California, and numerous fashion leaders in saying no to fur industry cruelty and its public health risks.

[Michael Kors and Jimmy Choo debuted a luxurious cruelty-free alternative](#) in 2018, noting that with “*technological advances in fabrications, we now have the ability to create a luxe aesthetic using non-animal fur.*”³ Other design icons who have committed to innovative fur-free fashion include Armani, Banana Republic, BCBG, Burberry, Burlington Coat Factory, Calvin Klein, Coach, Diane von Furstenberg, DKNY, Gucci, H&M, Hugo Boss, Ralph Lauren, Stella McCartney, Tommy Hilfiger, Versace, and Zara. The fashion world can and is already moving on.

Covid-19 exposed this industry as a serious contagion risk, and the reactionary culling of millions is a tragedy that ignores the real problem. The terrible events this past year have underscored the need and stirred calls worldwide for transformational change in the way humans trade in, consume, impact, and too often abuse nature.

The farming, trade and consumption of wildlife and wildlife-derived products (for ... fur and other products) have led to biodiversity loss, and emerging diseases, including SARS and COVID-19. ... high pandemic risk consumption patterns (e.g. use of fur from farmed wildlife)⁴

There is no future for business as usual ... To successfully address [these challenges] will require tackling the ... drivers of nature loss - ... trade, production and consumption ... and the values and behaviours of society.⁵

Studies show the fur industry presents high climate and environmental costs, with significant emissions and land use requirements, as well as air and water pollutants emanating from animal waste (nitrogen, phosphorus), incineration (carbon monoxide, hydrochloric acid, sulphur dioxide, and nitrogen oxides), and tanning processes. Industrial animal farms are “extremely energy intensive ... requir[ing] disproportionately large inputs of fossil fuels.”⁶ In 2012, the Advertising Standards Authority banned a fur ad (run by the European Fur Breeders Association), concluding that the ad’s claim that fur is ‘eco-friendly’ was misleading.⁷

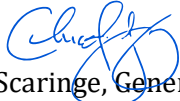
To produce 1 kg of fur requires more than 11 animals. ... Compared with textiles, fur has a higher impact on 17 of 18 environmental themes, including climate change, eutrophication and toxic emissions. In many cases fur scores markedly worse than textiles. ... The climate change impact of 1 kg of mink fur is five times higher than that of the highest-scoring textile ... This impact is not only high compared with other textiles. There are not many raw materials scoring this high per kg on climate change; the score of mink fur is similar to that of materials

involving high fuel consumption, or solvents for extraction (e.g. precious metals). With an emission factor of about 110 kg CO₂ eq. per kg fur, the impact on climate change equals a car drive of over 1,250 km. ... For land occupation, fur scores far higher than the other textiles. ... Two environmental impacts affect (local) air quality ... On both of these, fur scores far higher than the other textiles. ... Even in a conservative approach, the environmental impacts of 1 kg fur ... are a factor 2 to 28 times higher than those of common textiles. This is a very clear and consistent result, with indicator categories all pointing in the same direction.⁸

Fur is a cruel industry. ADI investigations reveal nightmarish fur industry standard practices, where animals' miserable lives in cramped, filthy cages meet brutal, abrupt ends, by electrocution (to their anus or genitals), suffocation, broken necks, or worse. We include here for your consideration, links to several ADI reports and videos ~ [A Lifetime: living and dying on a fur farm report](#)⁹ and its [related video](#);¹⁰ [Never Humane: Tragedy of the fox who almost got away](#);¹¹ and [Bloody Harvest: the real cost of fur](#).¹² It's time to end this horrific practice.

We hope this informs your review, and we urge you to support [SB969 SD2](#) / [HB32 HD1](#), to join other leaders toward cruelty-free fashion innovation. Many thanks for your time and consideration.

All my best regards,



Christina Scaringe, General Counsel
Animal Defenders International
www.ad-international.org

¹ www.ad-international.org

² Fur Farming bans: Austria, Belgium, Croatia, Czech Republic, Denmark, France, Japan, Luxembourg, the Netherlands (moved up from a 2024 effective date due to covid outbreaks on fur farms there), Slovenia, and the UK. Similar measures under consideration: Bosnia & Herzegovina, Bulgaria, Estonia, Ireland, Lithuania, Montenegro, Norway, Poland, Republic of Macedonia, Serbia, Slovakia, Ukraine. Ban on breeding for fur: Hungary. Ban on mink imports: New Zealand. Ban on mink, fox, chinchilla fur skins imports: India. Fur trade/sales ban: California (US), Sao Paolo (Brazil).

³ As reported by Georgia Murray in *Is this the Biggest Move in Banning Fur to Date?* yahoo!/sports (January 16, 2018), available at <https://sports.yahoo.com/biggest-move-banning-fur-date-180000485.html>.

⁴ IPBES Pandemics Report on Biodiversity and Pandemics, Executive Summary (2020), available at <https://ipbes.net/pandemics>

⁵ World Economic Forum's *New Nature Economy Report* series: *The Future of Nature and Business* (2020), available at http://www3.weforum.org/docs/WEF_The_Future_Of_Nature_And_Business_2020.pdf.

⁶ Pew Commission on Industrial Farm Animal Production, *Putting Meat on the Table: Industrial Farm Animal Production in America, Executive Summary* (2008), available at https://www.pewtrusts.org/~media/assets/2008/pcifap_exec-summary.pdf.

⁷ As reported by Mark Sweney in *'Eco-friendly' fur ad banned. Fur breeders' campaign ruled misleading by ASA*, The Guardian (March 2012), available at <https://www.theguardian.com/media/2012/mar/21/eco-friendly-fur-ad-banned>.

⁸ Bijleveld, Korteland, Sevenster. *The Environmental impact of mink fur production*. Delft. (January 2011), available at https://www.cedelft.eu/publicatie/the_environmental_impact_of_mink_fur_production/1131.

⁹ *A Lifetime: living and dying on a fur farm*, Animal Defenders International Report (2017), available at https://www.ad-international.org/admin/downloads/adi_f4d655d1c535636ff5fab85010358c7d.pdf.

¹⁰ *Exposed: The tragic short lives of foxes on a fur farm*, Animal Defenders International (2017), available at <https://www.ad-international.org/fur/go.php?id=4440&ssi=19>.

¹¹ *Never Humane: tragedy of the fox who almost got away*, Animal Defenders International (2017), available at <https://www.ad-international.org/fur/go.php?id=4455&ssi=19>.

¹² *Bloody Harvest: the real cost of fur*, Animal Defenders International (2010), available at <https://www.ad-international.org/publications/go.php?id=1836>.



Panamalaan 110
1019 AZ Amsterdam
The Netherlands
E: info@furfreealliance.com
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Amsterdam, 15 March 2021

Dear Chairman Nakashima and Members of the Committee,

I write to you on behalf of the Fur Free Alliance, an international coalition of more than fifty animal protection organisations who work together to end the exploitation and killing of animals for their fur. We believe that fur factory farming is inherently cruel and encourage governments around the world to bring about legislation to end this practice.

We were delighted to hear that a proposal to prohibit the inhumane and unnecessary fur trade in Hawaii is presently under consideration. The Fur Free Alliance respectfully urges you to commit to adopting this forward-thinking and widely-supported legislation to make fur history in Hawaii.

The growing citizen concerns about animal welfare is increasingly leading to fashion brands, cities and states deciding to reject the use of animal fur. In the last few years, major international fashion brands, such as Gucci, Prada, Versace, Chanel and Michael Kors, have all announced that they would no longer be producing real fur apparel and instead transitioning to other materials, which are more humane and better for the environment.

Public opinion polls from a large number of countries around the world have consistently demonstrated that the majority of citizens consider the keeping and killing of animals for fur to be unacceptable. In addition, polling in the USA shows that a considerable majority (71%) of the population opposes killing animals for fur¹.

Around the globe, the tide is turning against the barbaric fur trade. In October 2019, California made history by becoming the first state in the United States of America to adopt a ban on the sales and manufacture of animal fur products. The legislation will go into effect in 2023 and follows similar sale or import bans in the cities of Los Angeles (2018), San Francisco (2018), Berkeley (2017) and West Hollywood (2011).

The import and sale of seal, dog and cat fur has already been prohibited in the European Union. Recently, it was reported in the press² that the Minister for the UK's Department for Environment, Food and Rural Affairs is spearheading plans to make Britain the world's first fur-free country once Brexit comes into force.

¹ Research Co., Sept 2020. <https://researchco.ca/2020/09/22/canada-us-animals/>

² Evening Standard, Sept 2020. <https://www.standard.co.uk/news/uk/fur-sales-banned-uk-post-brex-it-plans-a4555901.html>



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Furthermore, over the past two decades, twenty countries have either voted to ban the practice, have prohibited the farming of particular species, or have introduced stricter regulations that have effectively curtailed the practice, including Austria, Belgium, Bosnia and Herzegovina, Czech Republic, Croatia, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, Republic of Macedonia, Serbia, Slovakia, Slovenia, Switzerland and the United Kingdom. As concerns about animal welfare and the ethics of fur continue to grow, proposals to prohibit fur production are presently being considered in Bulgaria, Estonia, Lithuania, Montenegro, Poland and Ukraine.

On fur factory farms around the world, millions of foxes, mink and other wild animals spend their entire lives in cramped cages, deprived of the ability to engage in natural behaviours, only to be cruelly gassed or electrocuted to death. In the wild, animals are caught in crippling leghold traps where they can be left for days without food or water. These archaic traps are indiscriminate, often maiming and killing non-target animals, including threatened species and even pets.

In addition to the fur industry being inherently inhumane, the confinement of thousands of wild animals in unsanitary, crowded and stressful conditions is an ecological disaster and a breeding ground for infectious diseases. To date, coronavirus infections have been confirmed on more than 400 mink fur farms in eleven countries around the world and it is estimated that around 18 million animals have been killed due to the virus. In the United States, coronavirus outbreaks have been documented on 16 mink farms, in the states of Utah, Wisconsin, Oregon, and Michigan.

This is a cruel and outdated industry, which produces a luxury product for which there are today many warm and beautiful alternatives that do not involve animal suffering. We, the members of the Fur Free Alliance, strongly encourage you to be on the right side of history and prohibit the widely-condemned trade of animal fur products in Hawaii.

We thank you in advance for your consideration of our request. Please do not hesitate to contact us if you require additional information, or would like to arrange a video conference to discuss this important matter in greater detail.

Yours faithfully,

Joh Vinding
Chairman of the Fur Free Alliance



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The Fur Free Alliance is an international coalition of over 50 animal protection organisations representing millions of supporters worldwide.

Our international member organisations include:



The Fur Free Alliance is represented by:





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- ACTAsia
- Anima
- Anima Mundi
- Animal Friends Croatia
- Animal Rights Center Japan
- Animalia
- Associação ANIMAL
- Association for the Protection of Fur-Bearing Animals
- Beauty Without Cruelty
- Bont voor Dieren
- Born Free USA
- Campaigns and Activism for the Animals in Industry (CAAI)
- CARE
- Change for Animals Foundation
- Deutscher Tierschutzbund
- Djurens Rätt
- Dyrenes Alliance
- Dzīvnieku Brīvība
- Ecoetica
- Ecoveg
- Four Paws
- GAIA
- Galop
- HSI Canada
- HSI/Europe - Italy
- HSI/Europe - Poland
- HSI/Europe - Romania
- HSI UK
- Humane Society International
- Humányy Pokrok
- Hungarian Anti-Fur League
- JAVA
- LAV
- Last Chance for Animals
- Loomus
- NOAH
- Observatorio
- Oikeutta Eläimille
- One Voice
- Open Cages Belarus
- Open Cages Lithuania
- Open Cages Poland
- Open Cages Russia
- Open Cages Ukraine
- Respect for Animals
- RSPCA
- Sloboda za Životinje
- Svoboda zvířat
- Swiss Animal Protection
- The Humane Society of the United States
- Tu Abrigo Su Vida
- UAnimals
- Unique Planet
- VEGAIA
- Vegan Initiative
- Vier Pfoten
- Voices for Animals
- World Animal Net



IN DEFENSE OF ANIMALS

Date: Monday, March 15, 2021

To: Chairman Nakashima and Members of the House Committee on Judiciary & Hawaiian Affairs

Submitted by: Julie Massa, Fur Campaigner, In Defense of Animals, 828-320-0059

Re: Testimony in strong SUPPORT of the Fur Sales Ban SB969 SD2

Dear Chairman Nakashima and Members of the Committee,

We are writing to respectfully urge support for **SB969 SD2** to make it unlawful to sell, give, or manufacture a new fur product in the state. If passed, **SB969 SD2** would make Hawaii the second state in the nation to ban the cruel and unnecessary fur trade within its borders.

Simply put, the sale of fur products in Hawaii is inconsistent with its position as a world leader on animal welfare and environmental issues.

Regarding animal welfare, it is well-accepted that animal cruelty is inherent in the fur industry. Each year, more than 100 million animals are killed for their fur. Most are raised on fur factory farms where they spend their entire lives in cramped cages and are deprived of everything wild animals need to thrive. They are bludgeoned, gassed, and genitally or anally electrocuted before their fur is ripped from their bodies. They may even be skinned alive.

In the wild, animals are often caught in crippling leg-hold traps for days without food or water. These archaic traps are indiscriminate, often maiming and killing non-target animals, including threatened species and household pets.

The fur industry also poses serious environmental threats. On fur factory farms, waste runoff from animals pollutes the soil and waterways. The tanning and dying process uses toxic and carcinogenic chemicals, like chromium and formaldehyde, to prevent the skin from decaying. Fortunately, innovative technology has produced an array of alternatives with the same warmth, look and feel as fur but without cruelty or environmental concerns.

The fur industry also endangers public health. Mink are highly susceptible to COVID-19, and animals on mink farms worldwide have tested positive for the deadly virus. Mink raised and killed for their fur are forced to live with thousands upon thousands of other mink, making the spread of the novel coronavirus inevitable. The Danish government discovered COVID-19 mutations were being passed from mink to fur farm workers and back again. Millions of mink were killed, and the mutated strains of the novel coronavirus threaten the efficacy of COVID-19 vaccines.

Moreover, consumers' growing concern for animal welfare and environmental degradation caused by the fur industry is leading fashion brands, cities, and countries to move away from animal fur once and for all. With an abundance of high-quality faux furs available, animal fur is outdated and unnecessary. Bloomingdale's, Macy's, Nordstrom, and TJ Maxx have all committed to going fur-free. In 2019, California became the first state in the nation to ban fur sales.

By supporting **SB969 SD2**, you can increase community awareness of animal welfare, mitigate the environmental harm and public health issues caused by the fur industry, and bolster the demand for sustainable and innovative alternatives.

For the foregoing reasons, we kindly request your support of **SB969 SD2**.

Sincerely,

Julie Massa

Wild Animals Project Manager & Volunteer Director

e: julie@idausa.org



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March 15, 2021

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Re: Testimony in support of *An Act Relating to Animal Fur Act (SB 969 SD 2)*

Chair Nakashima, Vice Chair Matayoshi, and honorable members of the House Committee on Judiciary & Hawaiian Affairs,

On behalf of the Animal Legal Defense Fund (ALDF) and our supporters in Hawaii, thank you for this opportunity to submit a letter of support for *An Act Relating to Animal Fur Products (SB 969 SD 2)*. We thank Senators Keohokalole, Gabbard, Kidani, Lee, and San Buenaventura for introducing this important legislation and Representative Gregg Takayama for introducing companion legislation in the House. We respectfully urge your support for SB 969 SD 2 to help making Hawaii the next state to go fur-free.

ALDF is the nation's preeminent legal advocacy organization for animals. The organization's mission is to protect the lives and advance the interests of animals through the legal system. We are working nationwide to combat the cruel fur industry across multiple legal channels.

SB 969 SD 2 would prohibit the sale and manufacture of new fur products, including clothing, fashion accessories, and home décor, in the state. Every year, millions of animals, including foxes, wolves, minks, and rabbits, are brutally killed so people can wear their fur. The vast majority of the animals exploited by the fur industry are raised on fur farms, often in factory-farm-like conditions, and some are trapped in the wild. If passed, Hawaii could be the second state in the country to take a strong stance against the cruel and unnecessary fur trade within its borders.

Fur production spreads COVID-19 and is a breeding ground for the next pandemic.

Intensive confinement systems on fur farms present conditions ripe for disease transmission. Recent reports from mink fur farms abroad have revealed dangerous links between the fur industry and the further spread of SARS-CoV-2 (the virus that causes COVID-19) to humans. In 2020, minks on hundreds of fur factory farms in Canada, Denmark, France, Greece, Italy, Lithuania, the Netherlands, Poland, Spain, Sweden, and the United States tested positive for SARS-CoV-2. In Denmark and the Netherlands, research shows that farmed minks spread a mutated form of the virus to humans—the only known animal-to-human transmission outside the original source—and such mutations might reduce the efficacy of COVID-19 vaccines.

All our clients are innocent

Printed on recycled paper

To protect public health, European governments have killed nearly 20 million minks and France, Hungary, and the Netherlands passed laws to ban fur farming. In the United States, COVID-19 has been found on fur farms in at least four states— Michigan, Oregon, Utah, and Wisconsin — and as many as 15,000 minks in Utah and Wisconsin have died from COVID-19. In December, a wild mink in Utah tested positive for the virus during a screening of wildlife surrounding infected fur farms, highlighting the risk of viral spill-over to wildlife populations.

Research has shown that other animals commonly farmed for their fur, such as raccoon dogs, palm civets, and foxes, may also serve as intermediate hosts of other coronaviruses, including SARS-CoV (the virus that causes SARS).

Fur requires significant animal cruelty.

Whether trapped in the wild or bred to die on fur farms, animals exploited by the fur industry endure tremendous suffering.

Animals on fur farms are typically confined to tiny wire cages for their entire lives. Oftentimes, these cages are outdoors— stacked in wooden sheds that provide no protection from the heat or cold. On other farms, animals are kept in cages in barns that are poorly ventilated and high concentrations of ammonia — a byproduct of animals' waste — burns the eyes and throats of animals and workers alike. Unable to engage in most of their natural behaviors, these animals routinely resort to self-mutilation, obsessive pacing, and infanticide. Fur farms kill animals through gassing, electrocution, neck-breaking, and poisoning. Undercover investigations on fur farms have documented egregious cruelty — including animals being skinned alive.

Wild animals trapped for their fur also suffer. Trapping is largely regulated at the state level, and most states provide minimal protections for fur-bearing animals. In some states, it's legal to set a trap and not check it for days. Desperate and terrified, animals will sometimes chew their own legs off in an attempt to escape. Trappers shoot, strangle, and bludgeon trapped animals.

Fur puts our environment at risk.

The fur industry also poses serious environmental threats. On fur factory farms, waste runoff from animals pollutes the soil and waterways. The tanning and dyeing process uses toxic and carcinogenic chemicals, like chromium and formaldehyde, to prevent the skin from decaying.

Studies have found that among synthetic and natural textiles, fur is the worst-offending in 17 of the 18 environmental categories considered. The studies also found that the climate change impact of mink fur is five times higher than the second worst-offending textile (wool) and six times higher than a faux-fur alternative. This is largely due to the feed, land use, toxicity, and manure of the fur industry. Fortunately, innovative technology has produced an array of alternatives with the same warmth, look and feel as fur – without the cruelty or environmental concerns.

Fur alternatives exist.

There is no justification to continue to breed or trap and kill animals for their fur considering the availability of faux fur and alternative products that are virtually indistinguishable from animal fur. So indistinguishable that, in 2017, we called for a Baltimore furrier to be investigated for false advertising when they used an image of a faux fur jacket from the HBO series Game of Thrones to advertise the animal furs in their store.

Fur-free policies are on the rise.

Consumers' concern for the animal cruelty and environmental threats from fur is leading fashion brands and legislators away from animal fur.

Hundreds of retailers, brands, and designers at all price points have announced fur-free policies, including: Macy's, Nordstrom, Bloomingdale's, Adidas, Michael Kors, Armani, Calvin Klein, Kenneth Cole, Ralph Lauren, Tommy Hilfiger, The North Face, and JCPenney.

In 2019, California became the first state in the nation to ban the sale of fur. This year, states like Connecticut, Massachusetts, New York, Oregon, and Rhode Island are considering similar bans. Abroad, at least eighteen European countries, including Germany, Austria, Croatia, and the United Kingdom are in the process of phasing out or have already banned fur farming. India has banned the importation of fur pelts, and São Paulo, Brazil, also banned the sale of fur products in 2015.

Hawaii, time to go fur-free.

The sale of new fur products in Hawaii is inconsistent with its position as a leader on animal protection and environmental issues. By passing SB 969 SD 2, Hawaii will lead the fur-free charge while reinforcing the shift to fur-free products that is occurring in the fashion industry.

Hawaii should seize this opportunity to more closely align the state's laws with its values. Please help make Hawaii the next state to go fur-free by advancing *An Act Relating to Animal Fur Products* (SB 969 SD 2).

Thank you for your time and consideration. Mahalo nui.

Sincerely,
Stephanie Harris

--

Stephanie J. Harris | Senior Legislative Affairs Manager
Animal Legal Defense Fund | aldf.org
sharris@aldf.org | 617-955-7500



March 15, 2021

Re. Hawaii Fur Ban (SB 969 SD2)

Chairman Nakashima and Members of the Committee:

My name is Chris DeRose, Founder and President of Last Chance for Animals (LCA), I am writing to you on behalf of LCA and its supporters. LCA supports SB 969 SD2, to ban the sale of fur in Hawaii. LCA is an international non-profit organization based in Los Angeles that advocates for animals through legislation, investigations, education, and media outreach. LCA has an active base of members in Hawaii who support our mandate to eliminate animal exploitation.

The inherent cruelty of the fur industry has been well-documented throughout the years by animal welfare organizations such as LCA. Animals on fur farms spend their entire lives in tiny cages, subjected to horrendous cruelty and neglect - only to be killed for a piece of fashion.

The environmental and public health risks the fur industry poses cannot be ignored either. Fur farming causes environmental damage in surrounding areas, including polluted lakes and watersheds. Fur farms also pose a public health risk; the spread of COVID-19 on mink farms has been well documented in countries throughout the world.

LCA believes the state of Hawaii is a compassionate state that cares about the welfare of all animals. By enacting a fur sale ban, Hawaii will set a historic precedent that animal abuse will not be tolerated. Please do not hesitate to reach out for further information to assist with this matter.

Thank you,

A handwritten signature in black ink, appearing to read "Chris DeRose", with a long horizontal flourish extending to the right.

Chris DeRose
Founder and President
Last Chance for Animals
derose@lcanimal.org
310-271-6096 x28

SB-969-SD-2

Submitted on: 3/15/2021 6:08:03 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stella McCartney	Stella McCartney	Support	No

Comments:

Statement of Support of SB 969

Dear Chairman Nakashima and Members of the Committee,

I'm writing to show our support for SB 969, which prohibits the manufacture and sale of animal fur products in Hawaii.

There is a growing concern for animal welfare and the environment and major fashion companies, like us, have responded by switching to innovative materials instead of fur. The passage of SB 969 will help drive the demand for innovation leading to a more sustainable and cruelty-free future.

We're excited to support the passage of SB 969.

Yours faithfully,

Stella McCartney

Creative Director

Stella McCartney Ltd

3 Olaf Street London, W11

InStyle

Statement of Support of SB 969

March 15, 2021

Chairman Nakashima and Members of the Committee,

I'm writing to show our support for SB 969, which prohibits the manufacture and sale of new fur products in Hawaii.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'LB', with a long horizontal line extending to the right.

Laura Brown
Editor-In-Chief
InStyle
Laura.Brown@instyle.com



PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

March 15, 2021

The Honorable Mark M. Nakashima, Chair
Members of the House Committee on Judiciary & Hawaiian Affairs
Hawaii State House of Representatives

Dear Rep. Nakashima and Committee Members:

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) and our more than 6.5 million members and supporters worldwide—including more than 20,000 in Hawaii—to urge committee members to vote “yes” on SB 969 SD2. This lifesaving legislation would ban the manufacture and sale of fur products, preventing countless animals from being violently killed.

For decades, PETA and our international affiliates have exposed horrific cruelty to animals on fur farms around the world. Investigators have documented that animals are electrocuted, bludgeoned, gassed, and even skinned alive—all just to make a coat, a collar, or a trinket. Minks and other animals exploited for fur are typically confined to filthy, cramped wire cages without enough room to turn around or even fully stretch out. As a result of severe stress, animals on fur farms often resort to self-mutilation or cannibalization of their cagemates. It's no surprise that these horrid fur factory farm conditions have led to a growing number of countries with mink-related outbreaks of COVID-19.

Passing SB969 SD2 would send a strong message to the rest of the world that killing animals for their fur has no place in a compassionate society. The movement against fur is gaining momentum. Macy's and Bloomingdale's recently joined hundreds of other major retailers and fashion brands—including Chanel, Prada, Gucci, Versace, Burberry, and Michael Kors—in banning fur, and the state of California has banned the manufacture and sale of fur items. In addition, more than a dozen countries have banned fur farms.

Hawaii is forward-thinking, as you've proved by banning wild-animal acts in circuses. You now have another opportunity to set a compassionate example by voting in favor of SB969 SD2.

Sincerely,

Tracy Reiman
Executive Vice President

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- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)



**HUMANE SOCIETY
VETERINARY MEDICAL
ASSOCIATION.**

March 15, 2021

Hawaii State Capitol
House Committee on Judiciary and Hawaiian Affairs
Honolulu, HI

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RE: VETERINARY SUPPORT for Banning Fur Sales in Hawaii (SB 969 SD2)

Dear Chairman Nakashima and Members of the Committee :

On behalf of the Humane Society Veterinary Medical Association (HSVMA), we are writing to express our strong support for SB 969 to ban fur sales and manufacturing in the state of Hawaii. HSVMA is an association of more than 9,000 veterinary medical professionals worldwide focused on the health and welfare of all animals, including those species raised for their fur.

As experts in the field of animal health and welfare, we recognize that there are severe animal welfare deficiencies inherent in the fur trade, including the ways in which the animals are cruelly trapped, housed, and killed. We also have serious concerns about disease transmission through susceptible fur-farmed animal populations, such as mink, fox and raccoon dogs, as well as the possibility of contagious disease spread between these animal species and humans. For these reasons, we support ending this archaic and inhumane industry and strongly endorse passage of a statewide fur sales ban in Hawaii.

Inhumane Housing and improper Husbandry at Fur Farms

More than 100 million animals worldwide, including foxes, chinchillas, minks, raccoon dogs and rabbits, are killed for their fur every year. The majority of these animals (around 85%) are raised in very small cage systems that fail to satisfy many of their most basic needs, particularly their need to display normal behaviors essential to their mental and physical well-being.

Investigations on fur farms worldwide--including those considered "certified" to maintain higher animal welfare standards--reveal distressing evidence of persistently poor welfare conditions. Species such as fox and mink retain their basic wild needs regardless of being bred and kept in captivity, and it is highly inaccurate for the fur industry to refer to an arctic fox bred on a fur farm as a 'domesticated' animal that has environmental and behavioral needs different from its wild relatives.

Wild animals on fur farms spend their lives in wire-floored cages thousands of times smaller than their natural territories. They are denied the opportunity to express natural behaviors such as hunting, digging and swimming. They are often kept in unnatural social groups; for example, mink are forced to live in extremely close proximity to one another which would be highly unlikely in the wild. The contrived and inhumane living conditions on fur farms inevitably lead animals to suffer severe psychological distress. Instances of unproductive repetitive behaviors, a sign of compromised psychological well-being, have been well-documented on fur farms, as have cannibalism, untreated wounds, foot deformities and eye infections.



**HUMANE SOCIETY
VETERINARY MEDICAL
ASSOCIATION.**

Cruel Trapping of Fur-Bearers in the Wild and Inhumane Slaughter on Fur Farms

Other welfare deficiencies inherent in the fur industry include the trapping methods used to capture animals in the wild. Some species are targeted with crippling leg-hold traps which are not sanctioned by the American Veterinary Medical Association (AVMA) or the HSVMA. Once trapped, animals are often left to languish for long periods of time without food or water before they are killed. Meanwhile, fur factory farms crudely gas or even anally electrocute animals.

One Health Concerns for Disease Transmission through Fur Farming

During the current global pandemic, SARS-CoV-2, the virus which causes COVID-19 in humans, has spread through hundreds of fur farms in 11 countries – including the U.S. – and has resulted in government-ordered killing of nearly 20 million mink to date in order to try to stem the outbreak. Genetic analysis from some of these fur farms has shown that sick workers introduced SARS CoV-2 to mink and, at least in the Netherlands and Denmark, that mink had passed it back to fur farm workers. In addition, USDA-confirmed outbreaks on farms in Oregon, Utah, Wisconsin, and Michigan have similarly resulted in the deaths of thousands of mink.

Given the structural design of fur farms SARS-CoV-2 can not only circulate on the farms but the farms could also spread the virus to wild mink and other species in the local environment, creating the potential for a reservoir for the disease. This creates a long-term risk of the virus recirculating--not only in mink, but in people as well. Based on all these factors, mink farms present a serious public health hazard in the United States.

Fashion Industry Turns to Fur Alternatives to Satisfy Consumer Demand

Consumer concern for animal welfare has already led many fashion brands to stop using animal fur once and for all. These companies recognize that contemporary alternatives to fur provide luxury, warmth and style without animal cruelty. In 2018 alone, well-known brands such as Chanel, Coach, Burberry, Versace and Donna Karan joined Gucci, Michael Kors and Armani in announcing fur-free policies. Legislative bans help hasten and solidify this positive transition while driving the development of more humane alternatives to fur.

Hawaii has a progressive history regarding animal welfare measures, and we hope it will soon include banning fur sales in the Aloha State.

Sincerely,

Ranaella K. Steinberg, DVM

Ranaella K. Steinberg, DVM
HSVMA Hawaii State Representative

Eric Jayne, DVM

Eric Jayne, DVM
HSVMA Hawaii State Representative



THE HUMANE SOCIETY
OF THE UNITED STATES

To: Representative Mark Nakashima, Chair
Members of the Committee on Judiciary and Hawaiian Affairs

Date: March 16, 2021

Re: Support SB 969, Relating to Animal Fur Products

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

My name is Lindsay Vierheilig and I am the Hawaii State Director for the Humane Society of the United States. I'd like to reinforce our strong support for Senate Bill 969.

As the Hawaii State Director, it is my honor to work with Hawai'i's legislators and the community to find ways to fight against animal cruelty here and elsewhere. Unfortunately, there is simply no way to humanely produce fur. Every year, over 100 million animals, including chinchillas, foxes, mink, coyotes and racoon dogs are killed for their fur. Eighty-five percent of all fur comes from fur factory farms, where undomesticated animals spend their entire lives in cramped cages, deprived of the ability to engage in natural behaviors. Living in these conditions causes enormous stress, which can lead to self-mutilation and other issues. These animals are then killed by neck-breaking, crude gassing or anal-electrocution. Fur producers have even been documented skinning animals alive. In the wild, animals are caught in cruel leghold traps, where they often languish for days without food or water.

The fur industry also causes major environmental pollution. Not only does the tanning and dying process use toxic chemicals like formaldehyde and chromium to prevent skin decay, but the runoff from animals on factory farms pollutes waterways and soil.

The concern for animal welfare continues to grow in Hawaii and across the States, and consumers increasingly want products that do not involve animal cruelty. Companies are responding by aligning their policies with their customers' values and announcing fur-free policies.

Hawaii now has a chance to take an affirmative stand against the cruel practices and environmental harm inherent in the fur industry, as well as the COVID-19 related public health risk that my colleague has/will discussed. For all of these reasons, we respectfully ask that the members of the committee support the passage of SB 969.

Sincerely,

Lindsay Vierheilig
Hawaii State Director
lvierheilig@humanesociety.org

March 16, 2021

Hello Chair Nakashima, Vice Chair Matayoshi and members of the Judiciary & Hawaiian Affairs committee – Thank you for your time.

My name is Dr. Gail Hansen and I am speaking on behalf of the Humane Society Veterinary Medical Association and our 9,000 members nationwide. I have over 25 years experience in infectious disease epidemiology, 12 years in private veterinary practices, five years as the Veterinary Senior Officer at the Pew Charitable Trusts and a former state epidemiologist and state public health veterinarian for the Kansas Department of Health and Environment.

Today I'm speaking in support of Senate Bill 969, Hawaii's fur sales ban.

Since this pandemic began, I've been closely following the link between animals – specifically animals raised for fur – and the spread of SARS-CoV-2, the virus that causes COVID-19 in humans. We already knew that mink, foxes and raccoon dogs, all species farmed for their fur, were susceptible to infection with SARS-CoV-1 viruses, but now we know that SARS-CoV-2 has a particularly devastating impact on fur farmed mink.

Genetic analysis from the fur farms in the Netherlands and Denmark has shown that sick workers had introduced SARS CoV-2 to mink, the virus mutated in the mink and then that new variant was passed back to people. Given the high density of the animals and the stressful conditions they are enduring on the

farms, it appears that the virus is mutating rapidly among the mink.

There is also the possibility that the SARS-CoV-2 virus not only circulates on the farms but that the farms could also spread the virus to other species in the local environment. In fact, the virus was detected in wild mink near infected farms in Utah and Oregon. This creates the potential for a reservoir for the disease, creating a long-term risk of the virus recirculating and mutating not only in mink, but in people as well.

SARS-CoV-2 outbreaks on fur farms around the world represents a serious public health risk, and it is my expert opinion that this demonstrates the need to end the fur trade to protect the public.

Hawaii can be among the leaders on this by ending fur sales. I hope you support SB 969.

Thank you.

PROJECT COYOTE

F O S T E R I N G C O E X I S T E N C E



March 15, 2021

Hawaii State Legislature
House Committee on Judiciary & Hawaiian Affairs
Att'n: Rep. Mark Nakashima, Chairman

Via online submission

Re: SB 969 – Ban on Fur Sales

Dear Chairman Nakashima and Members of the Committee,

Thank you for your previous support for the past version of this bill, HB32, and for scheduling a hearing for SB 969 in the House Committee on Judiciary & Hawaiian Affairs. On behalf of Project Coyote's more than 200 Hawaii supporters, we respectfully urge you to support this important bill to ban fur sales.

SB 969 would help shut down the fur farm industry and trapping for pelts, thereby saving the lives of countless farmed animals and free-ranging wildlife. Because the fur farm industry is linked to the spread of covid-19 and trapping endangers humans and companion animals, this bill also supports human health and safety.

The vast majority of the public supports a ban on fur sales as evidenced by bipartisan support for bans in other states, such as California, and the increasing unpopularity among both consumers and designers globally. We ask that you support this commonsense bill because it aligns with the values of our cherished and diverse state.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read "Camilla H. Fox".

Camilla H. Fox
Founder & Executive Director



Testimony of Mike Brown
Organization: Natural Fibers Alliance
Bill: SB969

Dear Committee Members:

Thank you for the opportunity to comment on HB 1375. The Natural Fibers Alliance represents the interests of wool, leather, fur, and other natural materials.

We oppose this bill for several reasons.

First, this bill is unnecessary. Workers at fur farms are considered essential workers and have already begun receiving vaccines. Additionally, vaccines for mink are being rolled out and distributed in the immediate future.

According to public health experts, vaccinations greatly reduce the risk of transmission of the virus. In Israel, for example, 90% of people over the age of 60 have been vaccinated, and cases of the virus [have plunged](#).

Just as vaccines have allowed state officials to loosen COVID restrictions on other businesses, vaccines make this bill moot.

Cases of coronavirus on fur farms in the United States are also far less than what Europe experienced. [Only 19 incidents](#) have occurred on American farms, compared to 317 in Europe. Farms have also increased their biosecurity measures during the pandemic, adding a further layer of protection that will continue into the future.

This bill is based on flawed logic. There have been more outbreaks of coronavirus among cats and dogs - [72](#) - than there have been among mink. Under the logic of this bill, all animal derived products should be banned.

Most people would see that as overkill. The same is true for the government telling people what to wear.

I want to emphasize that this bill is not about public health and brought up in the description. This legislation is being pushed by animal activists who simply want to shut down the fur industry. They don't think people should be allowed to produce or buy fur - or leather, wool, cashmere, silk, and other animal-derived fibers.

In fact, these activists should take a closer look in the mirror. Their harmful tactics and outright disbelief in the fur industry has dangerous consequences for our environment. It is well documented that synthetic materials used by the "fast fashion" industry is playing a key role in the pollution of our waterways and the overflow of our landfills.

There have also been numerous instances of criminal activists committing economic sabotage against fur farms and retail stores throughout the US. Now, like-minded groups are using the legislative process under the guise of public health. These same activists want to shut down every dairy farm, cattle ranch, and wool operation throughout our country. We should not go down this road.

The public policy goal with coronavirus is to allow places to reopen as soon as it is safe to do so. This bill does the opposite. It punishes the very same small businesses the state is trying to protect.

This is unfair and it is bad policy. I urge the committee to reject this unnecessary legislation.



TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 24, 2021

Re: SB 969 SD2 Relating to Animal Fur Products

Good afternoon Chair Nakashima and members of the House Committee on Committee on Judiciary and Hawaiian Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

While we understand the intent of SB 969 SD2 Relating to Animal Fur Products, we are opposed to this measure. This measure beginning July 1, 2021, prohibits the manufacture for sale or importation of certain animal fur products in the State. Beginning December 1, 2021, prohibits the offer for sale, display for sale, or sale of certain animal fur products in the State. Effective 7/1/2050.

We recognize that many top designer brands are already ceasing to use fur in its designs. We are also aware that many of the animals are humanely raised on farms, just like cows, chickens and pigs that end up in our grocery stores. We want to also point out that many of the alternatives to fur – faux/vegan fur – are more hazardous to the environment as they are made from petroleum-based materials like liquid plastic.

Fur products would include not only coats, and fur trim on clothing, but shoes, hair accessories, purses, adornment on keepsakes, and more. Some faux fur almost resembles real fur. We also have a concern for resellers who may not be well versed in determining real fur from faux fur.

Retailers are no longer the driving engine for trends. Customers determine the trends, and the type of inventory items retailers have in their stores.

Retailers like many businesses are struggling to survive and keep their employees employed. This type of ban would hurt our retailers during a time when they are struggling to remain open. Businesses cannot afford any more hardship as we are seeing more and more retailers closing their doors forever. And as a result, many of our friends, family and neighbors no longer have jobs and are not contributing to Hawaii's high rate of unemployment. We hope that you will hold this bill.

Mahalo again for this opportunity to testify.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

SB969 SD2

RELATING TO ANIMAL FUR PRODUCTS.

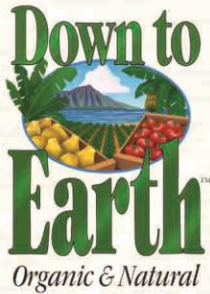
Tuesday, March 16, 2021, 2:00 PM
Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

The Hawaii Cattlemen's Council **offers comments on SB969 SD2** and respectfully asks that the "Director" refer to the director of commerce and consumer affairs as stated in the original version of this bill, or another agency with the expertise to manage this issue.

The Department of Agriculture is not the appropriate agency to enforce fur importation or manufacturing in the state, as they do not regulate manufacturing products, and the small amount of resources that the Department of Agriculture holds should be put towards assisting farmers and ranchers, food safety, and food production, as stated in their mission. Fur is a value added product, not a livestock production or animal health issue.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



SB 969 SD2 RELATING TO ANIMAL FUR PRODUCTS
House Committee on Judiciary and Hawaiian Affairs
March 16, 2021, 2:00pm State Capitol

Aloha Rep. Mark M. Nakashima, Chair, Scot Z. Matayoshi, Vice Chair, and Committee Members,

Down to Earth Organic and Natural testifies in support of SB 969 SD2.

Down to Earth Organic and Natural has six locations on Oahu and Maui. Since we opened in 1977, we have supported healthy lifestyles and preservation of the environment by selling local, fresh, organic and natural products, and by promoting a healthy, plant-based and vegetarian lifestyle.

We are in support of SB 969 SD2 which will prohibit the manufacture for sale, offer for sale, display for sale, sale, trade, or distribution of certain animal fur products in the State. Down to Earth has been an all-vegetarian store since our first store opened over 40 years ago. We have become a hub for many Hawaii residents that are compassionate to all animals. We appreciate this opportunity to testify on behalf of these community members in support of this bill.

Each year, more than 100 million animals are raised and killed for their fur. Wild animals spend their entire lives in cramped cages, deprived of the ability to engage in natural behaviors. Animals on fur factory farms are killed in extremely inhumane ways – such as crude gassing, anal/genital electrocution, and neck-breaking – to preserve the quality of their pelts. In our warm climate, fur for fashion is not a necessity and it does not reflect the aloha of our people.

Thank you for the opportunity to comment on this bill.

Alison Riggs
Public Policy & Government Relations Manager
Down to Earth

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www.downtoearth.org

SB-969-SD-2

Submitted on: 3/15/2021 3:43:27 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Martin	House Rabbit Society	Support	No

Comments:

Dear Chairman Nakashima and Members of the Committee,

House Rabbit Society is in strong support of SB969 SD2, the proposed legislation that would ban the manufacture and sale of fur in Hawaii.

In the US, millions of families share their homes with rabbits as companion animals. These domestic rabbits who are part of the family are the same breeds and have the same social personalities as the rabbits that are raised for meat and fur. House Rabbit Society was founded in California and has chapters and Educators across the country. House Rabbit Society has been rescuing rabbits that would otherwise be euthanized in animal shelters and finding them loving homes for over 30 years.

We strongly support a prohibition on rabbit fur manufacture and sale. This would save the lives of many rabbits who die for this unnecessary fashion accessory.

With House Rabbit Society members and Educators in Hawaii, we know this issue is near and dear to their hearts.

Rabbit fur is not just a byproduct of rabbit meat. Rabbits who are raised for meat are killed at a younger age than rabbits who are raised and slaughtered for fur. The fur from rabbits slaughtered for meat is used for toys and trim; the fashion industry relies on rabbits raised and killed solely for their fur. The meat from these fur rabbits is too "old" for human consumption.

House Rabbit Society urges you to pass SB969 SD2.

Sincerely,

Anne Martin, PhD
Executive Director, House Rabbit Society

SB-969-SD-2

Submitted on: 3/13/2021 10:58:09 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Hendrickson	Individual	Support	No

Comments:

I strongly support this measure.

SB-969-SD-2

Submitted on: 3/13/2021 2:13:18 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

I support sb969 sd2

SB-969-SD-2

Submitted on: 3/15/2021 8:08:43 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amber Brennan	Individual	Support	No

Comments:

We cannot say we care about the land and it's inhabitants if we allow fur in our stores and encourage people to buy it. It's inhumane, cruel and unnecessary. Companies need to know that we find it unacceptable to support these products so that we may take steps to restore not just our own land, but all the lands where these products are made. There are many companies who are developing eco-friendly furs made from recycled materials. We need to be promoting those companies over the animal-based fur in order to send a clear message that Hawai'i will not stand for violence and environmental destruction.

SB-969-SD-2

Submitted on: 3/15/2021 10:00:17 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
PJ Smith	Individual	Support	No

Comments:

Thank you, Chair Nakashima and members of the Judiciary and Hawaiian Affairs committee – My name is PJ Smith, and I’m the Director of Fashion Policy for the Humane Society of the United States. On behalf of HSUS, and our supporters across Hawaii, we urge you to vote YES on SB 969.

We’d like to offer the following technical amendments to SB 969 SD2 that will provide clarity while ultimately preserving the measure:

- In Section 1, remove the comma between “raccoon” and “dogs.” Raccoon dogs are a species killed for fur.
- In Section 1, remove “Imposition of such requirements for other types of animal fur products would allow Hawaii consumers to choose whether to purchase real or faux fur garments.” This requirement is beyond the scope of this measure.
- In Section 2 §-1, remove “including mink and other non-native species” from the definition of “fur.” This is unnecessary and not consistent with similar measures in other states.
- In Section 2 §-4 (b), add “and imported for sale” to the following: “Each individual fur product manufactured for sale, imported for sale, sold, offered for sale, displayed for sale, traded, or otherwise distributed in violation of section -1 or -2 shall constitute a separate violation of this chapter.” To remain consistent with Section 1 (1).

For over a decade, I’ve worked with dozens of the top apparel companies – including Nordstrom, Bloomingdale’s, Gucci and Prada – to create policies that are good for animals and the environment. Consumers understand there *is no way to humanely source fur* and companies are responding by aligning their policies with their customers’ values and ending fur sales. We’ve long known that the fur trade was cruel for animals and a nightmare on the environment, but last year has shined a new light on how deadly the fur trade is, not to just animals, but humans too.

Fur farmed mink are the only species known to transmit the coronavirus to humans, and foxes and raccoon dogs also tested positive during the SARS outbreak. When thousands of undomesticated animals are confined to small, barren cages for their entire lives unable to engage in natural behaviors like running, digging or swimming, the fear and psychological torment leads to self-mutilation and injuries. Add human workers

to the mix, fur farms are a breeding ground for infectious diseases and potentially the next pandemic.

Last year, outbreaks occurred on over 400 fur farms in 11 countries – including the U.S. in Oregon, Utah, Wisconsin and Michigan – after mink and humans tested positive. To prevent the spread, 20 million mink were killed, Sweden, Denmark and Italy have suspended production, France and the Netherlands announced the end of mink farming and Hungary preemptively announced a ban on fur production to prevent fur farms from moving there.

Luckily, this awareness is leading to innovative alternatives - like Stella McCartney's new corn-based faux fur or faux fur made from recycled ocean plastic - which are just as warm and stylish and also better for the environment. California banned fur sales in 2019, and this year, Oregon, Rhode Island, Massachusetts, New York and Connecticut joined Hawaii by introducing fur sales bans of their own.

Consumers care about animal welfare, the environment and innovation more than ever. With the passage of SB 969, Hawaii will solidify its position as one of the nation's most humane states and signal to the rest of the world that it will not contribute to this cruelty or risk to public health.

Thank you.

SB-969-SD-2

Submitted on: 3/15/2021 10:31:12 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandie Ichiki	Individual	Support	No

Comments:

Selling or producing animal fur of any kind is very harmful to our environment. It not only take away our land scarce resources to produce but also produces tons of chemical waste that polluted our island. Ethically to the animals, it is a form or torture that I would never want on any living creature.

SB-969-SD-2

Submitted on: 3/15/2021 10:44:20 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Rang	Individual	Support	No

Comments:

This would devastate the Hawaiian island ecology to allow factory fur farms

SB-969-SD-2

Submitted on: 3/15/2021 12:20:37 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Yukutake	Individual	Comments	No

Comments:

I am providing COMMENTS ONLY for SB969.

There can be unforeseen problems with this bill that can lead to lost income for residents and a waste of good animal products. For example, people grow rabbits to harvest for food and the skins could be sold as clothing products and ornaments. This bill would outlaw the sale of the rabbit furs which would then be thrown away, wasting a resource.

Please take this into consideration.

Mahalo.

Todd Yukutake
Resident SD 16
toddykutake@gmail.com

SB-969-SD-2

Submitted on: 3/15/2021 1:26:26 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Baker	Individual	Support	No

Comments:

Dear officials,

We can't always be perfect but anytime we can do something that makes the lives of others better it is our moral obligation. This is what I teach my 8 year old son and what I hope our legislators will do today. I have visited fur farms both in and out of the US. They are miserable places!

Let Hawaii be a state that leads the way in compassion, leads the way in ending suffering and simply does the right thing whenever possible.

Jason Baker (and family)
3131 Pualei Cir.
96815

SB-969-SD-2

Submitted on: 3/15/2021 1:26:26 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Junko Munakata	Individual	Support	No

Comments:

please support

SB-969-SD-2

Submitted on: 3/15/2021 1:32:17 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
AMANDA HENSON	Individual	Support	No

Comments:

Thank you so much for allowing me the opportunity in support of Senate Bill 969.

In the midst of the global COVID-19 crisis, an unforeseen issue has arisen: farming animals—including minks—for their fur. Not only is this practice toxic to our environment, but it has also been discovered that minks can act as a reservoir for SARS-CoV-2, including a mutated version of the virus: the cluster 5 variant, which has the potential to cause a new pandemic wave due to its decreased sensitivity to antibodies. At least nine countries have experienced outbreaks amongst the animals and employees on fur farms: Denmark, the Netherlands, Canada, Italy, Spain, Greece, Germany, Lithuania, and Sweden. Several US states have as well, including Michigan, Wisconsin, Oregon, and Utah, with Utah now reporting infected wild animals around the immediate vicinity of farms.

Additionally, the animals' manure and the incineration of their bodies (a common method of disposal) release air pollutants, which include carbon monoxide (CO), nitrogen oxides (NOx), sulfur dioxide (SO2), hydrochloric acid (HCl), volatile organic compounds (VOCs), dioxins, particulates, and heavy metals. Nitrogen and phosphorus in factory farms' manure runoff lead to toxic algae growth in waterways, causing biodiversity loss and rendering lakes unswimmable. When algae blooms occur, it limits the amount of oxygen for other aquatic species and causes dead zones, killing indigenous species.

Fur farming is not only a wildlife concern but also an ethical concern. "Numerous scientific reports have indicated that severe health problems are inherent to fur production and that animals on all fur farms have been found to display physical and behavioral abnormalities, such as infected wounds, missing limbs from biting incidents, eye infections, bent feet, mouth deformities, self-mutilation, cannibalism of dead siblings or offspring, and other stress-related stereotypical behavior, such as infections, pacing along the cage wall, repetitive circling or nodding of the head." Fur harvesting methods

including gassing, neck breaking, and anal or genital electrocution—none of which are reliable at killing the animals before they are skinned or live-plucked for their fur while still conscious, a process which causes extreme pain.

With over 230 mainstream brands and retailers, including Nordstrom, Gap Inc, Zara, Macy's, H&M, Gucci, and more banning fur from their products—plus a vast amount of countries once known for fur farming, including Denmark, the Netherlands, Germany, France, Ireland, the United Kingdom, Hungary, and others—already banning fur farms or expediting their closures to 2021, I am calling on the Hawaii State legislature to join them immediately!

Thanks Again,

Amanda Henson



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March 15, 2021

Via Email

Honorable Members of the Senate Committee on Judiciary
Conference Room 325, State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Comments in Opposition to Senate Bill No. 969

Dear Honorable Members of the Senate Committee on Judiciary:

These comments in opposition to Senate Bill No. 969 (the “Proposed Fur Ban”) are submitted on behalf of the International Fur Federation (“IFF”), Fur Commission USA (“FCUSA”) and the Fur Information Council of America (“FICA”). If adopted, the Proposed Fur Ban would make it unlawful to import, manufacture, sell, offer for sale, trade, give, donate, or otherwise distribute a fur product in Hawai’i. The Honorable Members of this body should vote against the Proposed Fur Ban.

The undersigned firmly believe that the Proposed Fur Ban is bad public policy and bad economic policy. Notwithstanding the policy and economic implications of the bill, however, the proposed legislation should not pass through your body due to its significant legal—including constitutional—violations. A number of the most pertinent legal problems with the legislation, as currently drafted, are highlighted below.

I. Introduction

A. The Commenters & Their Membership

Collectively, the IFF, FICA and FCUSA represent the global fur industry, including the tens of thousands of small businesses and workers in the U.S., including in [State], whose livelihoods directly or indirectly depend on the fur industry.

The IFF was established in 1949 and is the only organization to represent the international fur industry and regulate its practices and trade. The IFF promotes the business of fur, facilitating certification and traceability programs on welfare and the environment. The IFF represents fifty-six

member associations in over forty countries around the world. These members encompass all parts of the fur trade, including farmers, trappers, dressers, manufacturers, brokers, auction houses, retailers and designers.

FCUSA is a U.S. national, non-profit trade association representing more than 200 U.S. mink farms. FCUSA provides leadership in government relations, research, best farm practices, marketing and the promotion of the mink-farming sector with the goal of ensuring the permanent prosperity of the U.S. mink farming industry.

FICA represents fur retailers and manufacturers across the country. FICA's members account for over 80 percent of U.S. fur sales. FICA provides the public with information on the fur industry, fashion trends, and responsible animal care to which the fur retail sector is committed. FICA also promotes the sale of fur products to the public, as well as to the fashion, design and retail sector as a whole.

B. Opposition to the Proposed Fur Ban Already Voiced By the Fur Industry

Aside from the legal fallacies of the Proposed Fur Ban discussed in Section II below, there are some significant and major economic, environmental, and practical considerations triggered by the proposed ban. Among those:

First, the Proposed Fur Ban, if adopted, could have a devastating economic impact on small retailers and manufacturers and the people they employ within Hawai'i. Many jobs have the potential to be lost directly as a result of the proposed ban. Businesses that sell fur products, many of which have existed through multiple generations, will be closed. Many will face substantial liability resulting from default on long-term lease obligations. Moreover, the ban will simply drive sales, jobs and tax revenues to other states. Closing of the Hawai'i fur market could also cause many small family fur farms throughout the United States to shutter their doors. The closure of those small family fur farms, in turn, will waste the hundreds of thousands of dollars in investments that many such farmers have to meet some of the most challenging animal welfare standards that exist anywhere in the world, as fur farming is heavily regulated at the international, federal, state and local level.

Second, it is a policy objective of Hawai'i to promote environmentally sound and sustainable agriculture and industry – and fur farming is among the most sustainable form of animal agriculture there is. In the U.S., animals raised on fur farms are typically fed leftover proteins from food processing plants that humans do not eat, thereby diverting 390 million pounds of waste that would otherwise go to landfills. The manure generated by animals raised on fur farms is used as a rich fertilizer on agricultural crops. The by-products from the animal are used in many ways, *e.g.*, the meat of the animal is used as bait for the crab fishing industry and as a biofuel and the oil from the animal is used in the cosmetics industry or as a leather conditioner. As with the other animals produced for food and/or fiber – such as cattle – virtually no part of a fur-farmed animal goes to waste.

If adopted, the Proposed Fur Ban would contravene these environmental and sustainability principles and objectives as it will encourage the increased use of fake fur. In contrast to real fur—which is a natural and sustainable product—fake fur is made from petrochemicals and plastics, and thus is not biodegradable and can promote pollution of our oceans and waterways. Curiously, the Assembly has done nothing to evaluate the environmental impact of the increased use of “alternative products.”

Third, the Proposed Fur Ban is the product of anti-animal use advocates who have presented what have been proven through affidavit to be staged videos, made disparaging and defamatory fur industry-wide allegations of cruelty, and have grossly misrepresented the fur industry. They have done this by, among other things, ignoring the fact that the industry works with scientists and veterinarians on an ongoing basis to identify and implement codes of practice to insure the welfare of animals raised on fur farms. A slapdash ban on all fur products will do nothing to enhance that welfare.

Fourth, even putting aside the fact that purported alternatives to fur—most of which are petrochemical based—fly in the face of sustainability principles, the reality is that animal use, be it in fashion, food, research or elsewhere, is a personal choice, and one that is treasured by some traditionally discriminated communities, such as African Americans and Jews. Legislatures and administrative agencies can improve animal welfare and address cruelty, but they should not be in the business of legislating morality, especially where such legislation’s affects (if not intent) are discriminatory.

Fifth, some proponents of proposed fur bans have provided false testimony, stating that there is no manner in which to track foreign furs which are not produced in accordance with the same strict standards as American and European furs. This is simply not true. In fact, the Fur Products Labeling Act (“FPLA”) **requires** that every garment display the country of origin of the fur included in the garment. A retailer can be civilly or criminally prosecuted on the federal level for failing to comply with the FPLA. Moreover, each and every importer of a fur product must declare the country of origin of the species to the Fish & Wildlife Service.

The Proposed Fur Ban would be harmful to many persons and counter-productive to the promotion of animal welfare and environmental and sustainability objectives. Moreover, if adopted, the bill would establish a precedent that, in the name of the anti-animal use agenda, will empower the bill’s advocates to dictate some of the more every day personal choices: the clothes an individual wishes to wear and the food an individual wishes to eat. That is not the nanny state in which the commenters believe most citizens of Hawai’i wish to live.

C. The Purpose of the Instant Comments

While the fur industry is in favor of sensible efforts to promote legitimate animal welfare and other sustainability objectives, the Proposed Fur Ban’s blanket prohibition on the manufacture and sale

of fur products within Hawai'i will do nothing to achieve those objectives. As explained below, the bill suffers from several legal deficiencies. The purpose of the instant comments is to reinforce the opposition the fur industry has already voiced to this and/or similar proposals by summarizing some of the Proposed Fur Ban's legal deficiencies, many of which could be subject to judicial review. The end goal of these efforts is to demonstrate to this body that the Proposed Fur Ban should not be made law. It is legally deficient, and subject to constitutional challenge.

II. Pertinent Legal Issues Raised By The Proposed Fur Ban

A. The United States Constitution's Dormant Commerce Clause

The Commerce Clause of the United States Constitution confers on Congress the power "to regulate commerce with foreign Nations and among the several States, and with the Indian tribes." U.S. CONST. Art. I, § 8, cl. 3. As is clear from its text, the Commerce Clause grants Congress the power to regulate trade between and among the 50 states and foreign countries. Although not explicit in the text, the Commerce Clause prohibits states from unreasonably regulating interstate and foreign commerce. This is the Dormant Commerce Clause, which restricts the states from unreasonably regulating such commerce, and is particularly applicable when such restrictions are applied discriminatorily to create an inordinate burden on out-of-state commerce.

Recently, the United States Supreme Court – in striking down legislation that prohibited out of state individuals from owning Tennessee liquor stores – affirmed the long-held position of the Federal judiciary that the Constitution's Commerce Clause "prohibits state laws that unduly restrict interstate commerce." *Tennessee Wine and Spirits Retailers Ass'n v. Thomas*, slip op. at *6 (June 26, 2019). The Supreme Court went on to explain the history of the Dormant Commerce Clause, explaining that "removing state trade barriers was a principal reason for the adoption of the Constitution . . . when the Constitution was sent to the state conventions, fostering free trade among the States was prominently cited as a reason for ratification." *Id.*, slip op. at *7-*8.

The Supreme Court's recent affirmance of the Constitution's opposition to "state trade barriers" and the Dormant Commerce Clause's aim to "foster[] free trade among the States," calls the very essence of the Proposed Fur Ban into question. The stated aim of the bill would be to completely wall off the State of Hawai'i from the free trade of fur, including fur produced and manufactured in the other 49 states. Such an aim is facially in conflict with the Dormant Commerce Clause, as recently interpreted by the Supreme Court in *Tennessee Wines*.

Notably, *Tennessee Wines* emphasized that the Dormant Commerce Clause is meant "to avoid the tendencies toward economic Balkanization that had plagued relations among the Colonies and later among the States under the Articles of Confederation." Slip op. at *10 (quoting *Granholm v. Heald*, 544 U. S. 460, 472 (2005)). Under this, binding interpretation of the Dormant Commerce Clause, it matters

not at all whether the legislation at issue *also* targets in-state manufacturers and sellers of fur. The fact that all fur legally produced in another State will be barred from importation into the State of Hawai'i for the purpose of sale is enough to make the legislation subject to a successful Dormant Commerce Clause challenge, and to subject the legislation to a permanent injunction. *Compare Apr. in Paris v. Becerra*, No. 219CV02471KJMCKD, 2020 WL 6043948 (E.D. Cal. Oct. 13, 2020).

B. The United States Constitution's Establishment Clause

The First Amendment of the Constitution provides, *inter alia*, that "Congress shall make no law respecting the establishment of religion." U.S. CONST. amend. I. In the seminal case of *Lemon v. Kurtzman*, 403 U.S. 602 (1971), the Supreme Court explained that, in order to avoid violating the Establishment Clause, a law must have (1) a "secular legislative purpose," (2) a primary effect that "neither advances nor inhibits religion," and (3) "must not foster 'an excessive government entanglement with religion.'" *Id.* at 612-13.

As currently written, the Proposed Fur Ban clearly violates prongs 2 and 3 of the "*Lemon* test." The law, as currently written, prohibits the sale of all new fur *except* for fur products (1) required for use in the practice of a religion or (2) used for tribal, cultural, or spiritual purposes by a member of a federally recognized Native American tribe. The bill thereby clearly and unambiguously advances religion. Religious users of fur may wear fur apparel for religious purposes. Secular citizens of the State may not.

In 1994, in overturning New York legislation providing special privileges to a religious group, the Supreme Court explained: "A proper respect for both the Free Exercise and the Establishment Clauses compels the State to pursue a course of neutrality toward religion, **favoring neither one religion over others nor religious adherents collectively over nonadherents.**" *Bd. of Educ. of Kiryas Joel Vill. Sch. Dist. v. Grumet*, 512 U.S. 687, 696 (1994) (emphasis added). By favoring furs used for religious purposes, the Proposed Fur Ban directly conflicts with the Supreme Court's clear and explicit establishment clause precedent. This alone makes the law unconstitutional.

Furthermore, by excluding "fur product[s] used for religious purposes" from the otherwise comprehensive ban, the proposed bill will necessarily foster "an excessive government entanglement with religion," which is exactly what the Supreme Court in *Lemon v. Kurtzman* proscribed against. 403 U.S. at 613.

The bill's language imposes a religious test, one which must be administered, in this instance, by a secular government within the State. By placing the onus on the secular government to continually survey and monitor fur apparel sales, and determine whether a particular piece of fur apparel is used for religious people, the Proposed Fur Ban poses a significant risk of inconsistent treatment on the part of the government. Moreover, empowering public officials to pass judgment on the relative merits of claims to the customary religious importance of particular garments—and authorizing the secular

government to penalize *only* secular, but *not* religious, wearers of fur—presents precisely the sort of government embroilment with religion that the Establishment Clause proscribes.

Finally, it is noteworthy that while *some* religious and cultural uses of fur are protected by the proposed fur ban, *others* are not. Particularly, African Americans—a community of individuals who have historically been discriminated against in the United States—are left out of the Proposed Fur Ban’s exemptions. As Jasmine Sanders, an African American writer and critic recently explained, “[m]any black women felt that the cultural disavowal of fur suspiciously coincided with their ability to get it.”¹ By ignoring the African American relationship to fur while providing express exemptions for other minority groups, the Proposed Fur Ban, if adopted, will likely face a constitutional Equal Protection challenge as well.

C. International Trade Considerations

In effectuating a State ban on the retail sale of fur products, the Proposed Fur Ban would prohibit the sale of imported fur products in the State. A large share of the fur products that are sold in Hawai‘i are manufactured overseas. Therefore the legislation, if enacted, would constitute an implicit import ban with a direct economic impact on manufacturers of fur garments throughout the European Union and Canada, as well as fur farmers in Europe, particularly Denmark and Finland, as well as fur farmers in Canada. Such an action triggers issues relating to U.S. obligations under the World Trade Organization, including the General Agreement on Tariffs and Trade (GATT), as well as various bilateral and regional trade agreement such as the North American Free Trade Agreement (NAFTA), which embody the same principles.

The pending fur prohibition in the Proposed Fur Ban would specifically violate GATT Art. XI, which prohibits quantitative restrictions on the importation or exportation of any product.² Article XI of the GATT provides, “No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party. The Proposed Fur Ban, which explicitly prohibits the sale or offer for sale of fur apparel, directly violates Article XI’s provisions on “no prohibitions or restrictions” on the “importation of any product of

¹ WBUR, “The Significance of Black Women Owning Fur” (March 4, 2019), available at <https://www.wbur.org/hereandnow/2019/03/04/sanders-black-women-owning-fur>.

² Article XI extends to “prohibitions or restrictions other than duties, taxes or other charges” on imports and exports of goods that can be “made effective through quotas, import or export licenses or other measures.” See *United States – Restrictions on Imports of Tuna*, DS29/R (June 16, 1994) (WTO panel finding that import restrictions at issue were governed by Art. XI, not Art. III).

the territory.” As previously noted, much of the fur that is sold in the United States is imported. As such, the ban constitutes a direct violation of Article XI.

Importantly, the Article XI prohibition on quantitative restrictions extends to provisions enacted at a sub-federal level when sub-federal agencies control imports, and, thus, would also apply to a ban imposed at the state level in the United States, such as the Proposed Fur Ban.³ The WTO Appellate Body has confirmed that a federal government can and should apply the GATT to regional and local governments. Article XXIV:12 of the GATT states, “Each contracting party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities with its territories.”⁴ The Appellate Body also concurred that “Article XXIV:12 should be interpreted in a way that meets the constitutional difficulties which federal States may have in ensuring the observance of the provisions of the General Agreement by local governments, while minimizing the danger that such difficulties lead to imbalances in the rights and obligations of contracting parties.”⁵

Although certain exceptions to the quantitative restriction prohibition exist under GATT Art. XX(a), (b), or (g), such exceptions are unlikely to apply in the case of the Proposed Fur Ban at issue here. These exceptions are addressed below.

First, the proposed ban is not “necessary” to protect public morals or animal life. While there is precedent for reliance on these exceptions in prior WTO disputes involving animal products,⁶ the Proposed Fur Ban is limited in geographical scope and impact—farmed mink and fox, for example, are not raised in-state—while the potential economic ramifications for foreign fur manufacturers and

³ See *Canada – Import, Distribution and Sale of Alcoholic Drinks by Canadian Provincial Marketing Agencies*, L/6304-35S/37 (March 22, 1988) (WTO panel concluding that the enactment of different standards for listing and point of sale practices for foreign and provincial alcohol by provincial marketing agencies – which completely controlled the import of alcohol into those provinces – violated GATT Art. XI). The Panel also noted that the systematic discriminatory practices effected by the provincial agencies should be considered as restrictions made effective through “other measures,” contrary to Article XI:1’s prohibition on quantitative restrictions.

⁴ See GATT Analytical Index:: http://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art24_e.pdf. The WTO Appellate Panel explained, “[I]f Article XXIV:12 is to fulfill its function of allowing federal States to accede to the General Agreement without having to change the federal distribution of competence, then it must be possible for them to invoke this provision not only when the regional or local governments’ competence can be clearly established but also in those cases in which the exact distribution of competence still remains to be determined by the competent judicial or political bodies.”

⁵ *Id.*

⁶ The WTO has indicated that the protection of animal (dolphin) life or health is a policy that could fall under GATT Art. XX(b). *United States – Restrictions on Imports of Tuna*, DS21/R-39S/155 (not adopted, circulated Sept. 3, 1991). The WTO has also found, in extreme cases, that a regime enacted to protect animals (seals) could be considered “necessary to protect public morals” under GATT Art. XX(g). *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products*, WT/DS400/AB/R (May 22, 2014) (“EU-Seals”).

farmers are substantial.⁷ Furthermore, the state-wide ban does nothing to “contribute to the realization of the end pursued” to a great extent, because fur sales are still permitted both state and country-wide. The Appellate Body has specifically said that a measure does not need to be “indispensable” to be “necessary”, but cannot be simply “making a contribution to” an end result to qualify under these provisions.⁸ This is relevant in the case of farmed mink or fox, which are not even raised in-state. The welfare of these animals are, accordingly, unaffected by the retail ban. Moreover, the proposed legislation does not consider the extensive efforts and commitments fur farmers, particularly those in Canada, Denmark and Finland (and the United States), have made toward animal welfare and environmental sustainability, including through the adoption of WelFur™ or Furmark protocols.

The WTO has also found that conservation of resources pursuant to Article XX(g), extends to “living” resources, *i.e.*, animals. This exception cannot apply to the State, however, because it would have to show, (1) that the species being protected by the ban were “exhaustible”, (2) that the ban “relate[s] to” the conservation of exhaustible natural resources, and (3) that the measure is “made effective in conjunction with restrictions on domestic production or consumption.” The farmed animals being used to produce fur are not endangered, thus the Article XX exception does not apply.⁹ No endangered species are used in the production of fur garments.

Finally, it is likely that the nature and scope of the Proposed Fur Ban will trigger a direct challenge to the U.S. from its trading partners. If incapable of resolution, such a challenge could result in the imposition of retaliatory actions against the United States. Those retaliatory actions could, in fact, be directed at products exported from the State.

⁷ See *Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, WT/DS161/AB/R (Dec. 11, 2000) at para. 161 (the Appellate Body finding that a measure cannot be simply “making a contribution to” an end result to qualify under these provisions).

⁸ *Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, WT/DS161/AB/R (Dec. 11, 2000) at para. 161.

⁹ See *United States – Import Prohibition of Certain Shrimp and Shrimp Products*, WT/D58/AB/R (Nov. 6, 1998).

Honorable Members of the Senate Judiciary Committee
March 15, 2021

III. CONCLUSION

The Proposed Fur Ban is bad policy. It will shutter small, family-owned businesses, and has the potential to cripple aspects of Hawai'i's economy. The proposed legislation is also bad law. Assuming Hawai'i chooses to adopt it, the Proposed Fur Ban will likely be found unconstitutional, and violative of the United States' treaty obligations. This body should stop the bill in its tracks. Please contact the undersigned or Mr. Michael Brown (contact information below) with additional questions.

Respectfully submitted,

KELLEY DRYE & WARREN LLP

By: /s/ Larry Lasoff
/s/ Bezalel Stern
*Attorneys for the International Fur Federation,
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SB-969-SD-2

Submitted on: 3/16/2021 3:33:44 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Abigail Kammerzell	Individual	Support	No

Comments:

Statement of Support of SB 969

Dear Chair Baker, Chair Rhoads and CPN/JDC committee members:

I'm writing to show our support for SB 969, which prohibits the manufacture and sale of new fur products in Hawaii.

Thank you.

Sincerely,

Abigail Kammerzell

SB-969-SD-2

Submitted on: 3/16/2021 1:16:23 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alyson Easton	Individual	Oppose	No

Comments:

Please do not allow any animal-based Commerce in our Islands this is archaic and barbaric Behavior please prioritize animal safety and care and not profit.