



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LT. GOVERNOR

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

335 MERCHANT STREET, ROOM 310  
P.O. BOX 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

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 Consumer Protection and Commerce  
Friday, February 12, 2021  
2:00 p.m.  
Via Videoconference**

**On the following measure:  
H.B. 549, RELATING TO MEASUREMENT STANDARDS**

Chair Johanson 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 opposes this bill, which transfers the oversight and regulation of Hawaii Revised Statutes chapter 486 (Measurement Standards) in the State from the Department of Agriculture to the DCCA.

A cursory review of chapter 486 and its administrative rules reveals both the breadth and complexity of the work that must be performed to implement the measurement standards laws. The Department of Agriculture currently implements chapter 486 through its Quality Assurance Division, Commodities Branch and Measurement Standards Branch. The Commodities Branch assists in the development of agricultural industries through, among other things, quality assurance of agricultural commodities. The Measurement Standards Branch includes the Standards and Technical Services Section and the Standards and Trade Standards Section. The Standards and Technical Services Section provides the technical assistance and

traceability of standards that make the enforcement of measurement standards laws possible. This branch is composed of a metrology laboratory and a petroleum analysis laboratory. The Standards and Trade Standards Section enforces the laws regarding commercial measuring devices, such as scales, taximeters, odometers, and gas pumps.

The DCCA opposes this bill because the Department of Agriculture has the knowledge, expertise, and resources needed to oversee chapter 486 as part of its larger oversight of agricultural industries and commodities through, for example, chapter 145 (Regulation of Farm Produce), chapter 147 (Grades and Standards), and chapter 148 (Advertising and Marketing).

These matters are outside the jurisdiction of the DCCA, which protects consumers through business registration and professional licensure, monitoring the financial solvency of local financial institutions and insurance companies, and investigating complaints of unfair business practices and license violations. Given the tailored mission of the DCCA, it would be challenging for the Department to also ensure the accuracy of measurements, packaging, labeling, and pricing of commercial goods.

This bill's Standing Committee Report No. 70 posits that because measurement standards programs "provide a uniform means to conduct commerce in a manner that protects consumers from fraud and misrepresentation and is fair to all parties involved," the Measurement Standards Branch "should lie with the [DCCA]." Respectfully, the Department notes that 37 states regulate measurement standards through their departments of agriculture. By contrast, only two states, Connecticut and Minnesota, and the District of Columbia, regulate these standards through a department of consumer protection or a department of commerce. The remaining 11 states regulate these standards through other departments. Based on this information<sup>1</sup>, it would be appropriate for the Department of Agriculture to continue overseeing and regulating measurement standards in Hawaii.

The Department also opposes this bill because transferring all chapter 486 regulation and oversight, appropriations, and personnel from the Department of

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<sup>1</sup> See National Institute of Standards and Technology's Directory of Weights and Measures Officials in the United States and Territories, available at: <https://www.nist.gov/system/files/documents/2020/07/13/WMD-Directory-July-2020.pdf>.

Agriculture to the DCCA will be disruptive and time-consuming for both departments, with no budgetary or organizational benefit.

Finally, as a special-funded department, the DCCA expects its regulatory divisions to generate sufficient revenue to cover its personnel and operational costs, a contingency reserve, and an equitable share of the Department's administrative expenses. If this is envisioned as a separate program, the Department is unsure how a general-funded division will be able to contribute to the DCCA's administrative costs.

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 ATTA**  
Deputy to the Chairperson

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

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

**BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND  
COMMERCE**

**FEBRUARY 12, 2021  
2:00 P.M.  
VIA VIDEOCONFERENCE**

**HOUSE BILL NO. 549  
RELATING TO MEASUREMENT STANDARDS**

Chairperson Johanson and Members of the Committee:

Thank you for the opportunity to testify on House Bill 549. This measure transfers the oversight and regulation of Measurement Standards Branch in the State from the Department of Agriculture (DOA) to the Department of Commerce and Consumer Affairs (DCCA). The DOA acknowledges the effort to improve state government efficiencies and offers the following comments and defers to DCCA regarding the impacts of this measure to its operations.

The work of the Measurement Standards Branch in the Quality Assurance Division of DOA provides quality assurance to consumers that taxi meters, scales and petroleum pumps are calibrated accurately to protect consumers from underweights and overpayments for the goods they purchase. The enforcement of labeling and packing requirements are also important services to protect against counterfeit goods, correct weights and volume, and inform consumers about the origin of the product.



The Measurement Standards Branch function is a Weights and Measures program that is highly technical and based on scientific data. Throughout the United States and many other countries, Weights and Measures programs provide a uniform means to conduct commerce in a manner which protects consumers from fraud and misrepresentation and is fair to all parties involved.

If this Committee is inclined to move this measure forward, the Department notes that moving the Measurement Standards Branch to a new location could be costly due to specialized requirements for building space and parking areas, a calibrated taxi course, National Institute of Standards and Technology (NIST) requirements in order to be certified as a laboratory suitable for calibrating and certifying Secondary Standards, and a laboratory exhaust hood for inspecting various chemical and food products.

Keeping the Measurement Standards Branch at the current location on Sand Island while placing it under DCCA's oversight will also impact DOA's operations and limited resources. Program funding for the branch includes both General and Special Funds. General funds support 6 Oahu staff: 3 inspectors, 1 meteorologist, 2 office assistants. Special funds support 4 staff: Branch manager (Oahu), 3 inspectors (Hilo, Maui, Oahu). Maui staff and equipment are in the DOA building. Hilo staff and equipment are in a DOA office in a state building.

In view of the above specialized requirements and considerations, the transfer of measurement standards from DOA to DCCA during this period of COVID-19 pandemic may impose additional burdens that may impact regulatory enforcement by the Measurement Standards Branch.

Thank you for the opportunity to testify on this measure.

**HB-549**

Submitted on: 2/12/2021 1:57:34 PM

Testimony for CPC on 2/12/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wendell Murakami	Individual	Comments	No

Comments:

I am available for comments.