# HB1051

**RELATING TO AGRICULTURE.** 

Authorizes the Department of Agriculture to adopt rules relating to the declaration of Hawaii origin for agricultural commodities. Effective 7/1/2112. (HD1) SHAN S. TSUTSUI Lt. Governor



SCOTT E. ENRIGHT Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER Deputy to the Chairperson

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

# TESTIMONY OF SCOTT E. ENRIGHT CHAIRPERSON, BOARD OF AGRICULTURE

# BEFORE THE SENATE COMMITTEE ON AGRICULTURE

MARCH 24, 2015 2:45 P.M.

HOUSE BILL NO. 1051 HD 1 RELATING TO AGRICULTURE

Chairperson Ruderman and Members of the Committee:

Thank for the opportunity to testify on House Bill No. 1051 HD 1, relating to agriculture. The bill proposes to authorize the Department of Agriculture to adopt rules relating to the declaration of Hawaii origin for agricultural commodities. The department supports this bill.

Hawaii produces a wide variety of agricultural products unique to individual geographic regions. The production of these high-quality products support farmers and their families and contribute to Hawaii's economy. Protecting the identity of Hawaii's high-quality and high-value agricultural products is critical in preventing unscrupulous individuals from fraudulently marketing agricultural products originating from outside a specified Hawaii geographic region.

Thank you for the opportunity to testify on this measure.



From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	elle.cochran@mauicounty.us
Subject:	*Submitted testimony for HB1051 on Mar 24, 2015 14:45PM*
Date:	Monday, March 23, 2015 1:15:00 PM

Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Elle Cochran	Maui County Council Member	Oppose	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.



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

March 24, 2015

## HEARING BEFORE THE SENATE COMMITTEE ON AGRICULTURE

# TESTIMONY ON HB 1051 HD1 RELATING TO AGRICULTURE

Room 414 2:45 PM

Aloha Chair Ruderman, Vice Chair Riviere, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFB). Organized since 1948, the HFBF is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

**HFB supports HB 1051 HD 1**, which authorizes the Department of Agriculture to adopt rules relating to the declaration of Hawaii origin for agricultural commodities.

HDOA is ideally suited for this authority, with expertise in market development, public, national and international relations, quality control, geographic origin designation, enforcement and grade certifications.

The Hawaii Board of Agriculture is a long-established entity that draws from a cross section of capable volunteers from a variety of disciplines.

Please pass HB 1051 HD1.

Mahalo!



March 22, 2015

The Honorable Russell Ruderman Chairman Senate Agriculture Committee senruderman@capitol.hawaii.gov

# Letter of Opposition to HB 1051 HD1

Vincent Mina President	
	Aloha Chairman Ruderman, Vice Chair Riviere and esteemed Senate Agriculture
Simon Russell	Committee members,
Vice-President	HFUU is <b>in Strongly opposed to HB 1051 HD1</b> .
Kai Hinson Secretary	Producer driven standards for geographical indications are adopted policy for the National Farmers Union. Farmers in Hawaii deserve and should accept nothing less.
Ray Maki Treasurer	Producers are not mentioned in the text of this bill. There already is an international framework for geographic indications (Think Champagne from France) that is being utilized to great advantage to farmers in Europe. We suggest HDOA and industry take a look at that model and work with us to integrate intentions in this bill with
Pamela Boyar Oahu	what is already happening globally. We submitted a bill (SB 604) this legislative session that would have taken care of this. SB 604 was opposed by some of the same people who are promoting this legislation. These two bills are worlds apart. HFUU's legislation was an identification regime of geographic indications favoring producer driven standards, and this geographic origin bill favors processor, packager and wholesaler driven standards.
Kyle Studer East Hawaii	Using the term Hawaii Geographic Origin does not harmonize with the international standards for geographic indications. With multiple free trade agreements on the horizon (TPP & TTIP), it would be good for our regional economy and for Brand Hawaii to conform to current international standards for geographic indications,
Greg Smith Ka'u	trademark and other intellectual property rights.
Dash Kuhr Kohala	While the intent of this bill may be to establish a Hawaii geographic origin regime, we do not think the method described in this bill will be beneficial to the producers, and in fact will give buyers and processors more leverage to drive prices down, making it more difficult to make a living farming in Hawaii.
Steve Sakala Kona	Poi sells for \$6.00/lb and farmers are getting around 60 cents per pound for their Kalo, Roasted coffee can sell for as much as \$40 plus a pound, and farmers are getting around one or 2 dollars a pound for their coffee cherries. If Hawaii origin product blending with foreign products is not clearly identified, Hawaii's farmers will lose market share and making a living farming will be that much harder. Let's keep Brand Hawaii's reputation pure.
	Respectfully submitted, Simon Russell HAWAII FARMERS UNION UNITED

#### Legislative Committee Chairman

The Hawaii Farmers Union and its Chapters is a nonprofit corporation formed under Hawaii law. It advocates for the sovereign right of farmers to create and sustain vibrant and prosperous agricultural communities for the benefit of all Hawaii through cooperation, education and legislation.



Email: <a href="mailto:communications@ulupono.com">communications@ulupono.com</a>

## SENATE COMMITTEE ON AGRICULTURE Tuesday, March 24, 2015 — 2:45 p.m. — Room 414

# Ulupono Initiative Supports HB 1051 HD 1, Relating to Agriculture

Dear Chair Ruderman, Vice Chair Riviere, and Members of the Committee:

My name is Kyle Datta and I am General Partner of the Ulupono Initiative, a Hawai'i-based impact investment company that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally grown food, increase clean, renewable energy, and waste reduction. We believe that self-sufficiency is essential to our future prosperity, and will help shape a future where economic progress and mission-focused impact can work hand in hand.

**Ulupono** <u>supports</u> **HB 1051 HD 1**, which allows the Department of Agriculture to adopt rules regarding defining and marketing food products originated in Hawai'i, because it aligns with our goal of providing more locally produced food.

After conducting a local food market demand study, one of the biggest takeaways was how difficult it was for shoppers to identify what food products were local. Furthermore, there were a lot of products whose marketing made it appear to be a Hawai'i grown product when it was not. Therefore, for Hawai'i farmers and ranchers, they bore the higher expenditures that come from operating in Hawai'i but had other outside products be able to capture some of the pricing premium associated with a Hawai'i grown item. This bill helps to address this problem by better defining and marketing Hawai'i originated food products.

As Hawai'i's local food issues become more complex and challenging, organizations need additional resources and support to address and overcome them. We appreciate this committee's efforts to look at policies that support local food production.

We believe that by collaborating we can help produce more local food, support an economically strong homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to testify.

Respectfully,

#### Investing in a Sustainable Hawai'i



Kyle Datta General Partner

From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	bruce.corker@gmail.com
Subject:	Submitted testimony for HB1051 on Mar 24, 2015 14:45PM
Date:	Sunday, March 22, 2015 5:45:41 PM
Attachments:	KCFA Letterhead-1.doc

Submitted on: 3/22/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
bruce corker	Kona Coffee Farmers Association	Oppose	Yes

Comments: See attached testimony.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	kopepua@gmail.com
Subject:	Submitted testimony for HB1051 on Mar 24, 2015 14:45PM
Date:	Monday, March 23, 2015 11:59:08 AM

Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Cecelia Smith	smithfarms pure kona, konacoffee farmers association Member	Oppose	No

Comments: STRONGLY OPPOSED!!! Hawaii badly needs a rational system for protecting the use of the names of the State's origin agricultural products. The Legislature should be protecting our Hawaii-Grown origin products with a carefully crafted system like that of the "Idaho Potato Commission"; or a system like Vermont uses to protect Vermont Maple Sugar producers; or a system like France uses to protect the integrity of Champagne. Rather than doing so, a slipshod measure like HB1051 would be a step backward for Hawaii origin products like tea, coffee, macadamia nuts, honey and more. HB1051 is a bad bill; it is poorly crafted; it should not be passed out of this Committee. aloha, Cecelia Smith

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From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	joachim@athenaofhawaii.com
Subject:	Submitted testimony for HB1051 on Mar 24, 2015 14:45PM
Date:	Sunday, March 22, 2015 7:32:09 PM

Submitted on: 3/22/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Joachim Oster	ATHENA of HAWAI'I LLC	Oppose	No

Comments: We oppose this bill as it restricts the possibilities of Hawaiian farmers and Hawaiian regions to protect their agricultural products. The HDOA has an extremely poor track record of supporting Hawaiian farmers over importers of offshore and foreign agricultural goods. In addition, the HDOA is chronically underfunded and understaffed to collect, analyze and interpret agricultural data. A succession of chair persons and administrators testified at various occasions that they are unable to enforce its own existing rules and regulations. If this bill turns into law the HDOA and its staff can become the potential target of lawsuits under the Lanham Act if not all FDA and FTC labeling rules are followed. The Lanham Act permits civil lawsuits when USA origin and/or geographic regions in general are falsely advertised. If the HDOA is put in charge, yet not capable or unwilling to pursue, or simply unaware of a fraud happening on their watch, a Hawaiian farmer or producer would be able to sue the department or even an individual government employee for neglect, oversight or favoritism towards a competitor. Example: In the wake of the Kona Kai scandal in 1999 a small group of Kona coffee farmer sued under the Lanham Act large coffee companies (Peets, Starbucks, Nestlé etc) for having bought foreign coffee, falsely labeled as 'Kona' coffee. The coffee companies settled for several millions in compensation as they were unable to prove that they didn't know of the fraud. With this bill the Hawaii Dept of Agriculture, its employees, and ultimately the Hawaiian taxpayer will be put in a precarious position.

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Submitted on: 3/22/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
judy schuman	kona pacific view	Comments Only	No

Comments: I am Judy Schuman, a woman of a certain age, who is a coffee farmer, deriving important income from my farm, and am a member of the Kona Coffee Farmers Association. As a tax-payer and voter, I resent that profits from blended Hawaiian products go to a mainland company and great profits are taxed there, less in Hawaii. The fraud perpetrated on the consumer here makes third-world countries look responsible. I write in opposition to HB1051, a poorly written bill that does nothing to support the farms of Hawaiian, tax-paying, voting farmers. In fact, it it hurts us

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From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	randy@randyphillips.com
Subject:	Submitted testimony for HB1051 on Mar 24, 2015 14:45PM
Date:	Sunday, March 22, 2015 6:56:22 PM

Submitted on: 3/22/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Randall Phillips	Kona Coffee Farmers Association	Oppose	No

Comments: To: Senate Agriculture Committee From: Kona View Coffee Re: HB1051, Scheduled for Hearing March 24, 2015 at 2:45 PM Enactment of this bill would weaken the Legislature's authority and obligation to "legislate". HB1051 fails to give even minimal legislative standards or guidance for establishing a system for designating and labeling "Hawaii geographic origin agricultural commodities". This bill provides no financing for the under-funded Hawaii Department of Agriculture to develop a genuine program to protect Hawaii's geographically identified agricultural products. It appears that this bill was put forward by the Hawaii Coffee Company whose main interest seems to be to protect the enormous profits generated by marketing the 10% coffee blends which is at odds with majority of Kona coffee farmers. Hawaii badly needs a system for protecting the use of the names of the State's origin agricultural products. The Legislature should be protecting our Hawaii-Grown origin products with a carefully thought out system like that of the states that vigorously protect their agricultural products like Idaho, Vermont and California. Rather than doing so, the poorly crafted HB1051 would be a step backward for Hawaii origin products like tea, coffee, macadamia nuts, honey and more. I strongly urge you not to pass this measure. Respectfully submitted, Randy Phillips Kona View Coffee Kona Coffee Farmers Association

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From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	tjbhawaii@hotmail.com
Subject:	Submitted testimony for HB1051 on Mar 24, 2015 14:45PM
Date:	Monday, March 23, 2015 1:12:52 PM

Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Butler	KCFA	Comments Only	No

Comments: Dear Committee Members, As a coffee farmer, Kona Coffee Farmer Association President and finally as a citizen it annoys me that a suggestion that starts with this paragraph," In making the rules the department shall take into account, among other things, the factors of maturity, condition, soundness, color, shape, size, and freedom from defects of the agricultural commodity in question and shall also take into consideration the official standards, grades or classifications adopted by the secretary of the Department of Agriculture of the United States, commonly known as U.S. Grades." would be a factor from an AG Dept. that considers a product containing only 10% of Hawaiian origin sufficient to analyze as a Hawaiian product. Do you think the US Dept.of AG. would consider 10% a reasonable amount to be considered an Origin product? Who else but the State of Hawaii would allow this? Please don't embarrass us by passing this bill.

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Amie M. Stokes	Individual	Oppose	No

Comments:

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Submitted on: 3/22/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: Dear Elected Officials, I strongly oppose this measure which would dilute our Hawaii brand of coffee and other Hawaiian products. I am in in favor of producer driven standards for Geographic Indications of product origin, which is language currently used in international trademark law. HB 1051 does not address this concern. Mahalo for your attention to this important HB 1051 HD. Barbara Barry

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Organization	Testifier Position	Present at Hearing
Individual	Oppose	No
	<b>~</b>	Organization Position

Comments: Aloha Chair Ruderman and Members Senate Agriculture Committee: As a Kona coffee and diversified fruit and vegetable farmer, I hereby submit my testimony. For the sake of background, I serve on the Board of Directors (BOD) of Kona Coffee Farmers Association and also the American Origin Products Association. I am also the North American Vice President of OriGIn based in Geneva, Switzerland. With all due respect I urge you to not support this very basic and poorly drafted piece of legislation. At bare minimum, since there is NOT Hawaii coffee industry consensus on the piece of legislation, coffee must be fully removed from being impacted! That said, Hawaii legislature and more-so the HDOA must look out for the needs and well being of Hawaii farmers. At minimum a Commission which will guide formation of these rules is vital, in one form or another even if the rules are required to be reviewed and approved by all farmer organizations affected by any specific designation. Failing that, HDOA is not working to protect Hawaii crops, but instead is defaulting, as the Bill states, to an existing/successful market which does not relate to Hawaii farmers benefitting. Remember that HDOA is there for Hawaii and Hawaii farmers and not for financial profits of out of state companies who do not need to pass on their profits to Hawaii farmers (and in the case of coffee processors who do not do so!) Please seriously recognize the need to remove coffee completely and then acknowledge the need for honesty and integrity and allow the HDOA to recognize that it must work with farmer groups and commissions to ensure appropriate protection of Hawaii products! Sincerely, Colehour Bondera

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Bishop	Individual	Oppose	No

Comments: Strong opposition

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Key	Individual	Oppose	No

Comments: Strongly oppose

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Aloi	Individual	Oppose	No

Comments:

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
heidi howard	Individual	Oppose	No

Comments:

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
James Yunker	Individual	Oppose	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	jenniferbonadio1@gmail.com
Subject:	Submitted testimony for HB1051 on Mar 24, 2015 14:45PM
Date:	Monday, March 23, 2015 9:04:49 AM

Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Bonadio	Individual	Oppose	No

Comments: Strongly oppose. Thank you, Aloha

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	Individual	Oppose	No

Comments: Strongly Oppose. www.WeAreOne.cc

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Schweickhard Kurt	Individual	Oppose	No

Comments: Aloha and thank you for listening. As a Kona Coffee farmer I am opposed to HB1051. This bill is favoring Paradise Beverages, a subsidiary of Topa Equities, a California conglomerate and adversely affecting Kona Coffee Farmers specifically and all Hawaii Coffee Farmers generally. Mahalo

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Oppose	No

Comments: This measure minimizes coffee farmers participation in origin labeling and increases processors and packers purchasing power for coffee and other Hawaii origin products. HB 1051 also fails to address producer-driven standards for geographic product origin used in international trademark law.

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Cenzano	Individual	Oppose	No

Comments: I am in STRONG OPPOSITION to this bill.

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From:	mailinglist@capitol.hawaii.gov
To:	AGL Testimony
Cc:	alohalways@gmail.com
Subject:	Submitted testimony for HB1051 on Mar 24, 2015 14:45PM
Date:	Monday, March 23, 2015 10:34:58 AM

Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Tanja Miller	Individual	Oppose	No

Comments: Aloha Senators, I am in strong opposition to HB 1051 HD1 which is going to minimize coffee farmers influence on origin labeling, and increase the purchasing power of processors and packers for coffee and all of the other Hawaii origin commodity and specialty products currently being sold. I am in favor of producer driven standards for Geographic Indications of product origin, which is language currently used in international trademark law. HB 1051 does not address this concern. Respectfully Yours, Tanja Miller

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Terry Huth	Individual	Oppose	No

Comments: I would like to voice strong opposition to HB 1051 HD1 which is going to minimize coffee farmers influence on origin labeling, and increase the purchasing power of processors and packers for coffee and all of the other Hawaii origin commodity and specialty products currently being sold. I am in favor of producer driven standards for Geographic Indications of product origin, which is language currently used in international trademark law. HB 1051 does not address this concern.

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Submitted on: 3/23/2015 Testimony for AGL on Mar 24, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy E Mills	Individual	Oppose	No

Comments: I strongly oppose HB1051 which minimizes coffee farmers influence on origin labeling--WE SHOULD BE PROUD TO SHOW WHERE THE COFFEE's GROWN--Let's keep Hawaii's name and the name of our islands sacrosanct--clearly known as brand recognition. Let's not disappear into the miasma of bad factory products. "NOT from China--from Hawaii!"

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