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

**BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS**

April 2, 2015  
9:30 A.M.  
CONFERENCE ROOM 211

HOUSE BILL NO. 823, HD 1, SD 1  
RELATING TO AGRICULTURAL THEFT

Chairperson Tokuda and Members of the Committee:

Thank for the opportunity to testify on House Bill No. 823, HD 1, SD 1 relating to agricultural theft. The bill proposes to establish a two-year pilot project to investigate the effectiveness of an enforcement officer dedicated specifically on prosecuting agricultural theft and agricultural vandalism incidences in the county of Hawaii; identify best practices for prevention and provide recommendations for a statewide program to address agricultural theft and agricultural vandalism. The department supports this bill provided it does not adversely impact the priorities in the Administration's budget.

Agricultural theft and agricultural vandalism have been a constant problem for farmers on the island of Hawaii, increasing the cost of production and preventing farming operations to be successful. The vast farming land area on the Hawaii island and limited law enforcement officers make it difficult to capture perpetrators.

The department has been working with the Investigations Division of the Attorney General's office on on-going investigations of alleged illegal activities. Therefore, we request that the Attorney General's office be included in the discussion.

Thank you for the opportunity to testify on this measure.



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## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF HOUSE BILL 823, HD1, SD1

A BILL FOR AN ACT RELATING TO AGRICULTURE

COMMITTEE ON WAYS AND MEANS

Sen. Jill N. Tokuda, Chair  
Sen. Ronald D. Kouchi, Vice Chair

Thursday, April 2, 2015, 9:00 a.m.  
State Capitol, Conference Room 211

Honorable Chair Tokuda, Vice-Chair Kouchi, and Members of the Committee on Ways and Means, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 823, HD1, SD1.

This measure establishes a two-year agricultural theft pilot project to investigate the effectiveness of a dedicated enforcement officer focused specifically on prosecuting agricultural theft and agricultural vandalism in the county of Hawai'i.

Agricultural theft and vandalism in the county of Hawai'i is not only an impediment to running a successful and profitable farming operation, but can also prove harmful to consumers. In 2011, the Food and Drug Administration (FDA) halted the importation of all Mexican-sourced papayas into the United States. The FDA found salmonella in about 16% of imported papayas from Mexico and the finding of this human pathogen in papayas caused the FDA to stop the importation of a food-source from the entire country of Mexico. We cannot allow this to happen here. At the time, 65% of all U.S. imported papayas came from Mexico.

Hawai'i county is the breadbasket of the State. Having the ability to identify and track the sources of agricultural products from field to table is crucial in the event a contamination is found to exist. This pilot project will provide an enforcement officer within the county of Hawai'i with the ability to focus on investigating and prosecuting these agricultural issues, as our over-tasked police department does not have the ability to provide a permanent officer to investigate agricultural crimes.

We would have the ability to:

1. Protect our agricultural industry – the economic engine of Hawai‘i county;
2. Ensure our products do not go the way of the Mexican papaya; and
3. Allow our farmers and growers to continue to be world-wide competitors with Hawai‘i-grown products.

This pilot project has the capability to increase the safety and sustainability of our farming and agricultural industry by allowing farmers to focus less on the security of their crops and more on high-quality products and safe farming techniques. By having a committed investigator when crime, vandalism, or contamination of our agricultural products occur, we will be able to act swiftly and decisively to tackle the issues.

The Office of the Prosecuting Attorney, County of Hawai‘i supports the passage of House Bill No. 823, HD1, SD1. Thank you for the opportunity to testify on this matter.



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April 2, 2015

HEARING BEFORE THE  
SENATE COMMITTEE ON WAYS & MEANS

TESTIMONY ON HB 823 HD 1 SD 1  
RELATING TO AGRICULTURAL THEFT

Room 211  
9:30 AM

Aloha Chair Tokuda, Vice Chair Kouchi, 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 823 HD 1 SD 1 with comments.** This bill establishes a two-year agricultural theft pilot project to work with the county of Hawaii to hire an enforcement officer within the county of Hawaii to focus on investigating and prosecuting agricultural theft. **HFB prefers that the funding remain with DOA as the pilot project has the potential to become a statewide initiative pending the results. In turn, HFB humbly asks this committee to pass the previous version of this measure HB 823 HD 1.**

Agricultural theft and vandalism are persistent problems facing agriculture. Weather, drought, pests, weeds, disease, activists, unstable markets, transportation and labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, fiber, fuel and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft and vandalism, and it's a wonder farms and ranches remain viable.

In working with our members, HDOA, and law enforcement, we have collectively concluded that a dedicated enforcement officer housed in the county prosecutor's office would be a giant step forward in minimizing agricultural crimes and enhancing public safety. Too often a farmer or rancher has sweated, worried, and worked to the bone to produce a crop, only to wake up one morning to find that an opportunistic criminal has helped himself to the harvest. Farmers and ranchers are fed up with this activity and frankly, deserve better. We understand that law enforcement resources are often prioritized for public health and safety. Is the health, safety and livelihood of a farmer and his family any less important? We think not.

Thank you for passing HB 823.

**In Support of HB 823**  
**Relating to Agricultural Theft**  
**SENATE COMMITTEE ON WAYS AND MEANS**  
**April 2, 2015, 9:30 a.m. in Conference Room 224**

Aloha Chair Tokuda and members of the Ways and Means Committee,

My name is Bennette Misalucha, Executive Director of the Hawaii Crop Improvement Association. HCIA is a Hawaii-based non-profit organization that promotes ag biotech to help farmers and communities succeed. Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices and build a healthy state economy

HCIA is in support of the intent of HB 823.

We recognize that there are many challenges that confront today's farmers: weather, pests, soil conditions, among many. Unfortunately, for some, there is also the issue of agricultural theft and vandalism. It is a serious ongoing problem with reports of thefts of crops, machinery and tools, animals and the vandalism of property, fences and gates or equipment.

We have seen these instances particularly on the Big Island with papaya farms indiscriminately victimized. We assert that there needs to be additional focus on this crime since the perpetuation of these acts have increased the cost of production and stymied agriculture.

With the provision for a dedicated enforcement officer for agricultural theft within the prosecuting attorney's office in the County of Hawaii, this bill will definitely be a step in the right direction of seeing justice appropriately served.

We humbly ask for the Committees' support of HB 823.

Mahalo for your kind consideration.