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State of Hawaii
DEPARTMENT OF AGRICULTURE
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Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

February 4, 2016
8:30 A.M.
CONFERENCE ROOM 312

HOUSE BILL NO. 1996
RELATING TO AGRICULTURE

Chairperson Tsuji and Members of the Committee:

Thank for the opportunity to testify on House Bill No. 1996. The bill proposes to establish a two-year pilot project to investigate and prosecute agricultural theft and vandalism. The bill will dedicate an enforcement officer specifically to 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 that it does not impact the priorities submitted in the department's executive budget and requests that the Attorney General's office be included in the discussion.

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 island of Hawaii and limited law enforcement officers make it difficult to capture perpetrators.

The Investigations Division of the Attorney General's office is assisting the department with on-going investigations of alleged illegal activities. Therefore, we request that the Investigation Division of 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 1996

A BILL FOR AN ACT RELATING TO AGRICULTURE

COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair

Rep. Richard H.K. Onishi, Vice Chair

Thursday, February 4, 2016, 8:30 a.m.
State Capitol, Conference Room 312

Honorable Chair Tsuji, Vice-Chair Onishi, and Members of the Committee on Agriculture, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1996.

This measure establishes a two-year Agricultural Theft Pilot Project in the Department of Agriculture to focus on investigating and prosecuting agricultural theft and agricultural vandalism in the County of Hawai'i. Appropriates funds.

Agricultural theft and vandalism in the county of Hawai'i is not only an impediment to running a successful and profitable farming operation, but can 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.

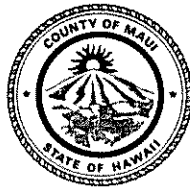
Hawai'i county is the breadbasket of the State. Having the ability to identify and track the sources of agricultural products from field to table is crucial in the event a contamination is found to exist.

Agricultural theft is a serious, ongoing problem statewide, with farmers reporting the theft of crops, animals, equipment/tools, and vandalized fences and gates. Much of the theft and trespass goes unreported, as a result, the actual losses can only be estimated, but are believed by many industry experts to run from hundreds of thousands of dollars to millions annually. 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.

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. 1996. Thank you for the opportunity to testify on this matter.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

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TESTIMONY
ON
HB 1996 - RELATING TO AGRICULTURE

February 4, 2016

The Honorable Clift Tsuji
Chair
The Honorable Richard H.K. Onishi
Vice Chair
and Members
House Committee on Agriculture

Chair Tsuji, Vice Chair Onishi, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, **STONGLY SUPPORTS** HB 1996 - Relating to Agriculture. The bill establishes a two-year Agricultural Theft Pilot Project to focus on investigating and prosecuting agricultural theft and vandalism in the County of Hawaii. In the past, the farmers and ranchers within the County of Maui have also expressed deep concern with the types of issues the proposed pilot project seeks to address. However, local farmers and ranchers throughout the entire State of Hawaii also face these types of challenges.

Indeed, a pilot project such as this is desperately needed to come up with practical solutions and procedures to best deal with these types of issues. For these reasons, the Department of the Prosecuting Attorney, County of Maui, **STRONGLY SUPPORTS** the passage of this bill.

Thank you very much for the opportunity to provide testimony on this bill.



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February 4, 2016

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 1996
RELATING TO AGRICULTURE

Room 312
8:30 AM

Aloha Chair Tsuji, Vice Chair Onishi, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFB strongly supports HB 1996, which would establish 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.

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 the opportunity to comment on this measure.



Hawaii Floriculture and Nursery Association

Testimony for the Twenty Eighth Legislature, 2016
State of Hawaii

COMMITTEE ON AGRICULTURE
Rep. Clift Tsuji, Chair
Rep. Richard Onishi, Vice Chair

THURSDAY FEBRUARY 04, 2016
8:30 A.M.
Conference Room 312
State Capitol
415 South Beretania Street

A bill for an act
HB1996 RELATING TO AGRICULTURE.

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **SUPPORTS** House **Bill 1996**.

Our industry has noticed an increase in theft targeting Agriculture and agree that steps do need to be taken to help ease the burden off farmers.

We find it unfortunate that farms are being viewed as an easy source of theft due to their size and open nature. My own farm of Green Point Nurseries has been a victim of theft, with vehicles and farm equipment and supplies being stolen. We feel the need to patrol our farms at night and worry that we will be unable to work the next day with tools and supplies gone missing, or that all of our hard work will go towards replacing the items that were stolen.

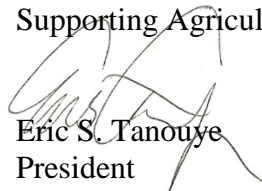
HFNA supports this bill that will help everyone understand this problem that is facing agriculture and hope that it will help farmers to continue to be farmers.

We thank you for your consideration of HB1996. If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email eric@greenpointnursery.com.



Hawaii Floriculture and Nursery Association

Supporting Agriculture and Hawaii,



Eric S. Tanouye
President

Hawaii Floriculture and Nursery Association



February 2, 2016

Representative Clift Tsuji, Chair
Representative Richard H.K. Onishi, Vice Chair
House Committee on Agriculture

Comments in Support of HB 1996 Relating to Agriculture. (Establishes a two-year Agricultural Theft Pilot Project in the Department of Agriculture (DOA) to focus on investigating and prosecuting agricultural theft and agricultural vandalism in the County of Hawaii. Appropriates funds.)

Thursday, February 4, 2016, 8:30 a.m., in Conference Room 312

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to provide comments **in support of HB 1996**.

HB 1996. This bill proposes to establish in the DOA, a two-year agricultural theft pilot project to focus on investigating and prosecuting agricultural theft and vandalism in the county of Hawaii. The effort involves partnering between DOA and the County of Hawaii to hire an enforcement officer within the prosecuting attorney's office to assess the implementation of the pilot project, including the project's effectiveness after two years.

LURF's Position. LURF fully supports the intent of HB 1524, HD 1, which is to protect farmers who have been the victims of agricultural theft for years and have reportedly suffered losses totaling millions of dollars. Currently, it is difficult for law enforcement agencies to enforce the agricultural theft laws in effect. LURF understands that farmers have, in the past, initiated contact with the police in an attempt to work toward more effective enforcement efforts, but that such undertakings have proved unsuccessful.

The proposed pilot project should assist in, amongst other things, identifying best practices for prosecuting perpetrators of, and preventing agricultural theft and

vandalism; and making recommendations for a statewide program to address this critical issue.

The bill confirms the need for collaboration amongst diverse sectors of the community - business, government, and agricultural stakeholders - and the importance for them to work together cooperatively to improve the economic viability of the State's agricultural industry.

LURF therefore **supports HB 1996** as an effort to promote the importance of the issue raised by the bill, as well as the issues relating to the enforcement of agricultural theft laws. LURF further respectfully requests that the proposed project allow input by all stakeholders, including, but not limited to farmers and ranchers, government and law enforcement agencies, and legal experts in order that all interested parties may arrive at a consensus regarding the pilot project and any future statewide program that may be developed as a result.

Thank you for the opportunity to present testimony regarding this matter.

February 3, 2016

Members of 28th Hawaii State Legislature

RE: HB1996 Relating to agricultural theft

Dear Legislators:

This legislation seeks to fund positions to combat agricultural theft starting on the Island of Hawaii. WE NEED HELP DESPERATELY. The typical theft - of both product and equipment - takes place on moonlit nights generally in the late night hours. Such thefts start with **trespass on agricultural lands as the thief breaks in to the farm.** Trespass on agricultural lands has a low priority for police when compared with many/most other calls to police for help. If you are the dispatcher do you send patrol to check on agricultural trespass when any and all of the following may be going on: armed robbery, family abuse, drunken brawl in town, serious injury accident, threatened (or actual) murder/terroristic threatening, etc?

As our agricultural lands are in more rural areas with few police on patrol and spread population - there are not many police available. For instance, Puna - with a population exceeding 40,000 individuals living in an area the size of Oahu - has typically 8 police on patrol at any given time. Few resources, low priority for agricultural trespass and high crime in selected parts of the district are the reality.

Getting back to the incident, the trespassers intent on theft, break through heavily locked gates wearing masks driving stolen vehicles (or ATV's) with stolen license plates, and with hidden weapons. By the time trespass has turned to theft - the crime is well along and often complete with the perpetrators escaping the property at high speeds. As a landowner committed to working with our farmers we have worked years to get a handle on this problem. We have, among other, tried to hire Special Duty police to help patrol - the Police Chief on island refuses to let us hire SD Police for this purpose. (Why SD Police - because they alone can hold and arrest suspects). We need help. This legislation is a good start.

Sincerely,

W. R. Walter

Bill Walter
President