

DEPARTMENT OF AGRICULTURE

Amendment and Compilation of Chapter 4-143
Hawaii Administrative Rules

February 26, 2014

SUMMARY

1. §§4-143-1 to 4-143-3 are amended.
2. §§4-143-4 and 4-143-5 are repealed.
3. §§4-143-6 is amended.
4. §4-143-7 is repealed.
5. §§4-143-8 and 4-143-9 is amended.
6. §4-143-10 is repealed.
7. New §§4-143-11 to 4-143-13 are added.
8. Chapter 143 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 7

QUALITY ASSURANCE DIVISION

CHAPTER 143

STANDARDS FOR COFFEE

- §4-143-1 Labeling and documentation requirements
- §4-143-2 Inspection and fees
- §4-143-3 Definitions
- §4-143-4 Repealed
- §4-143-5 Repealed
- §4-143-6 Standards for grades of green coffee
- §4-143-7 Repealed
- §4-143-8 Provisions for enforcement, penalties and prosecution
- §4-143-9 Abbreviations
- §4-143-10 Repealed
- §4-143-11 Standards for grades of natural coffee
- §4-143-12 Standards for grades of mixed natural coffee
- §4-143-13 Record keeping

Historical Note: Chapter 4-143 is based substantially upon Chapter 4-43, Hawaii Administrative Rules, "Standards for Coffee," of the Marketing Division, Department of Agriculture. [Eff 5/29/81; R 10/08/01]

§4-143-1 Labeling and documentation requirements.

(a) No person shall sell or offer, expose for sale, or transport Hawai'i-grown green coffee, natural coffee, or mixed natural coffee outside the geographic region of production as defined in section 4-143-3, unless each container is

conspicuously labeled in the English language with the exact grade or lower grade for the green coffee, natural coffee, or mixed natural coffee or the term offgrade, as applicable. No person shall transport, or cause the transport of, Hawai'i-grown cherry coffee, parchment coffee, green coffee, natural coffee, or mixed natural coffee outside the geographic region of production as defined in section 4-143-3, unless each container is conspicuously labeled or accompanied by documentation written in the English language with the exact geographic region. This grade or geographic region statement shall appear on the tag described in subsection (i), or on the container on the same panel as the declaration of identity required by section 4-93-2, Hawaii Administrative Rules, provided that the geographic region statement may also be documented on a form provided by the department accompanying each container.

(b) Any tag or container label representing a geographic region or grade term which is determined to be incorrect shall be corrected by complete obliteration of the incorrect information and substituted with the correct statement of fact. Any accompanying documentation form determined to be incorrect shall be corrected by complete obliteration of the incorrect information and substituted with the correct statement of fact.

(c) The letters and figures used to meet the requirements of this section shall be of bold type and legible.

(d) The grade terms to be used shall be exactly as shown in sections 4-143-6, 4-143-11, and 4-143-12, except that grade terms may be abbreviated as shown in section 4-143-9, or may be expressed in all capital letters, or both. The geographic region terms to be used shall be exactly as shown in section 4-143-3. The use of a geographic region term on offgrade coffee is prohibited.

(e) The requirements of this section shall apply to both intra-state and export sales and distribution of Hawai'i-grown coffee.

(f) Any green coffee, natural coffee, or mixed natural coffee labeled with a grade term defined in sections 4-143-6, 4-143-11, or 4-143-12, shall meet the standards of the labeled grade.

(g) The use of a grade term defined in sections 4-143-6, 4-143-11, or 4-143-12, or any abbreviation or variation of the grade term that is intended to represent or imply that the green coffee, natural coffee, or mixed natural coffee so labeled is grown in Hawai'i, on coffee that is not grown in Hawai'i is prohibited. The use of any geographic region defined in section 4-143-3, on cherry coffee, parchment coffee, green coffee, natural coffee, or mixed natural coffee that is not grown in the geographic region defined in section 4-143-3, is prohibited.

(h) The use of any other grade term or fanciful term which is not defined in sections 4-143-6, 4-143-11, or 4-143-12 to represent or imply that the cherry coffee, parchment coffee, green coffee, natural coffee, or mixed natural coffee has a grade adopted under this chapter is prohibited.

(i) Tags marked with a grade or geographic region statement pursuant to subsection (a) or (j) or as required for inspection for certification pursuant to section 4-143-2(b) shall consist of a tamper-proof tag attached to each container of coffee beans in a manner that opening the container will alter the tag. The tags shall be light in color, made of a material that resists tearing and measuring a minimum of two inches by four inches, with a blank area at least two inches by two inches.

(j) Hawai'i-grown green coffee, natural coffee, or mixed natural coffee not meeting the quality standards of Hawaii No. 3 green coffee, Hawaii Natural Prime coffee, or Hawaii Mixed Natural Prime Coffee shall be labeled with the term "offgrade" or the term "coffee" without reference to any geographic region. The term "offgrade" shall appear on the tag described in subsection (i), or on the container on the same panel as the declaration of identity required by

section 4-93-2 Hawaii Administrative Rules. [Eff
10/8/01; am and comp MAY 24 2014] (Auth: HRS
§§147-4, 147-22) (Imp: HRS §§147-4, 147-22, 147-23)

§4-143-2 Inspection and fees. (a) Inspection for certification of green coffee, natural coffee, or mixed natural coffee by the department shall be voluntary on the part of the applicant and will be made only upon the request of the applicant.

(b) Inspection for certification of green coffee, natural coffee, or mixed natural coffee for grade and condition by the department shall be conducted upon the processing of parchment coffee into green coffee or natural coffee, provided that the green coffee, natural coffee, or mixed natural coffee shall be graded, placed into sealed containers, and tagged as described in section 4-143-1(i) before the green coffee, natural coffee, or mixed natural coffee is offered for inspection.

(c) The application for certification shall include a signed statement attesting to the geographic region of production as defined in section 4-143-3, of the green coffee, natural coffee, or mixed natural coffee and the quantity in pounds.

(d) It shall be the responsibility of the owner of the coffee to apply to the department for certification.

(e) The department shall provide green coffee, natural coffee, or mixed natural coffee inspection at centralized pulping, hulling, grading, milling, processing, shipping or storage plants.

(f) Each application for inspection shall be completed by the applicant on an approved department form, signed and filed with the office of inspection or any inspector at or near the place where the inspection is desired. The application, due to noncompliance with this chapter, may be rejected by the supervisor. The supervisor shall notify the applicant in writing of the reason for the rejection as soon as possible.

(g) The applicant shall make every container of each lot of the product to be inspected readily accessible for sampling and inspection. Coffee bags or containers sampled for certification shall not be moved from the facility where it was sampled until approval is given by the department. Movement of coffees without approval shall be considered a violation under section 4-143-8(d).

(h) Inspection and certification for quality or condition shall be based on sections 4-143-6, 4-143-11, or 4-143-12. A request for certification may include a request restricted to a portion of, or in addition to the requirements in section 4-143-6, 4-143-11, or 4-143-12, upon approval of the supervisor, provided that a letter of certification may be issued in lieu of a certificate at the discretion of the supervisor.

(i) An application for certification may be withdrawn by the applicant at any time before the inspection is performed, provided that the applicant shall be billed for any expenses incurred after the application was made.

(j) Proof of the authority of any person applying for inspection on behalf of another person may be required at the discretion of the inspector.

(k) The original certificate, when issued, shall immediately be mailed or made available to the applicant or a person designated by the applicant. One additional copy of the certificate shall be issued without charge if requested by the applicant before the certificate is issued. Applicants may make a request in writing to the inspection office for additional copies or facsimile copies of a certificate at a fee of \$48.00 for each page.

(l) An inspection fee rate of \$48.00 per hour for regular time and \$72.00 per hour for overtime shall be charged by the department, and shall be paid by the applicant. Additional charges may be assessed for transportation, travel time, stand-by time, per diem, mileage, and other actual expenses incurred by the department.

(m) When payment for inspection is not received within thirty days of the date of the bill, the department may withhold inspection for certification until payment is made. An interest charge of one-half of one per cent of the unpaid balance shall be assessed for each month, or portion of a month, that payment is not received after the initial thirty days after the date of the bill.

(n) An application for an appeal inspection may be made by any financially interested person dissatisfied with the original determination, provided that:

- (1) The identity of the product has not been lost;
- (2) The original lot has not been disturbed and is accessible;
- (3) The appeal request and the reason for the appeal are submitted in writing, and the reason for the appeal request is not unsubstantial;
- (4) The product has not undergone material change in condition since the original inspection; and
- (5) Not more than fourteen days has transpired from the date of the original certificate.

The fee to be charged for an appeal inspection shall be based on the fees and other charges specified in subsection (1) or \$350.00, whichever is greater, provided that should the result of the appeal inspection disclose that a material error was made in the original inspection, no fees or charges shall be assessed for the appeal inspection.

[Eff 10/8/01; am and comp MAY 24 2014] (Auth: HRS §§147-7, 147-8) (Imp: HRS §§147-7, 147-8)

§4-143-3 Definitions. As used in this chapter: "Applicant" means a person that applies for or requests inspection for certification who has a financial interest in the product and who shall be responsible for payment of certification fees.

"Bean" means the seed of the fruit of the coffee plant, which has been dried and from which the pulp and the spermoderm have been removed and is also known as green coffee bean.

"Black bean" means green coffee or natural coffee, when the bean is darkly discolored.

"Broken bean" or "cut bean" means a bean or part of a bean that is damaged by a cracked, chipped, or nicked condition.

"Certificate" means any form of certification, either written, or printed, issued by an inspector under this chapter to certify the type, grade, quality, quantity, or condition of green coffee, natural coffee, or mixed natural coffee.

"Cherry coffee" means an agricultural commodity comprised of the unprocessed fruit of the coffee plant.

"Clean" means green coffee, natural coffee, or mixed natural coffee that is free from damage by dirt, dust, or other foreign matter.

"Damage" means any defect which materially detracts from the quality and condition of the green coffee or natural coffee bean.

"Department" means the department of agriculture.

"Dry mill" means a location where parchment coffee is processed into green or natural coffee.

"Dry miller" means a person who processes parchment coffee into green or natural coffee.

"Excessively dirty" means caked with dirt.

"Fermented" means the green coffee has a definite sour odor.

"Geographic region" means the geographic areas designated as follows:

Hamakua is the district of Hamakua on the island of Hawai'i, as designated by the State of Hawaii Tax Map; Hawaii is the State of Hawaii; Hawaii Island is the island of Hawai'i; Kau is the district of Ka'u on the island of Hawai'i, as designated by the State of Hawaii Tax Map; Kauai is the island of Kaua'i; Kona is the North Kona and South Kona districts on the island of

Hawai'i, as designated by the State of Hawaii Tax Map; Maui is the island of Maui; Molokai is the island of Moloka'i; and Oahu is the island of Oahu.

"Good aroma and flavor when brewed" means the coffee beverage, prepared according to accepted procedures, possesses a desirable flavor and aroma and is free from all foreign, undesirable, or offensive flavors or aromas.

"Good roasting quality" means the green coffee, when properly roasted, possesses uniform color and brightness.

"Green coffee" means coffee beans which have been processed from cherry coffee by removing the pulp, the adhering mucilage, and the hull.

"Hamakua coffee" means green coffee processed from cherry coffee which is grown in the geographic region of Hamakua and which at least meets the minimum requirements of Hawaii Island Prime green coffee.

"Hamakua mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the geographic region of Hamakua and which at least meets the minimum requirements of Hawaii Island Mixed Natural Prime coffee.

"Hamakua natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of Hamakua and which at least meets the minimum requirements of Hawaii Island Natural Prime coffee.

"Hawaii coffee" means green coffee processed from cherry coffee which is grown in the State of Hawaii and which at least meets the minimum requirements of Hawaii No. 3 green coffee.

"Hawaii Island coffee" means green coffee processed from cherry coffee which is grown in the geographic region of the Hawai'i island, other than coffee grown in the geographic region of Kona, and which at least meets the minimum requirements of Hawaii Island Prime coffee.

"Hawaii Island mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the

geographic region of the Hawai'i Island, other than coffee grown in the geographic region of Kona, and which at least meets the minimum requirements of Hawaii Island Mixed Natural Prime coffee.

"Hawaii Island natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of the Hawai'i island, other than coffee grown in the geographic region of Kona, and which at least meets the minimum requirements of Hawaii Island Natural Prime coffee.

"Hawaii mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the State of Hawaii and which at least the minimum requirements of Hawaii Mixed Natural Prime coffee.

"Hawaii natural coffee" means natural coffee processed from cherry coffee which is grown in the State of Hawaii and which at least meets the minimum requirements of Hawaii Natural Prime coffee.

"Hull" means the dried spermoderm which is the light tan or buff-colored membrane encasing the bean.

"Husk" means the outer part of the dried cherry consisting of dried pulp.

"Inspector" means an employee of the department or a person designated by the supervisor, who is authorized to investigate, sample, inspect, and certify for any applicant the quality and condition of green coffee, natural coffee, and mixed natural coffee and to enforce the requirements of this chapter.

"Interested party" means any person who has a financial interest in the product for which inspection is requested.

"Kau coffee" means green coffee processed from cherry coffee which is grown in the geographic region of Ka'u and which at least meets the minimum requirements of Hawaii Island Prime green coffee.

"Kau mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the geographic region of Ka'u and which at least meets the minimum requirements of Hawaii Island Mixed Natural Prime coffee.

"Kau natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of Ka'u and which at least meets the minimum requirements of Hawaii Island Natural Prime coffee.

"Kauai coffee" means green coffee processed from cherry coffee which is grown in the geographic region of Kaua'i and which at least meets the minimum requirements of Kauai Prime green coffee.

"Kauai mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the geographic region of Kaua'i and which at least meets the minimum requirements of Kauai Mixed Natural Prime coffee.

"Kauai natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of Kaua'i and which at least meets the minimum requirements of Kauai Natural Prime coffee.

"Kona coffee" means green coffee processed from cherry coffee which is grown in the geographic region of Kona and which at least meets the minimum requirements of Kona Prime green coffee.

"Kona mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the geographic region of Kona and which at least meets the minimum requirements of Kona Mixed Natural Prime coffee.

"Kona natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of Kona and which at least meets the minimum requirements of Kona Natural Prime coffee.

"Maui coffee" means green coffee processed from cherry coffee which is grown in the geographic region of Maui and which at least meets the minimum requirements of Maui Prime green coffee.

"Maui mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the geographic region of Maui and which at least meets the minimum requirements of Maui Mixed Natural Prime coffee.

"Maui natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of Maui and which at least meets the minimum requirements of Maui Natural Prime coffee.

"Mill" means a location where cherry coffee is processed into parchment coffee or parchment coffee is processed into green coffee, or both.

"Miller" means a person that processes cherry coffee into parchment coffee or processes parchment coffee into green coffee, or both.

"Moldy bean" means a bean with mold or evidence of mold growth.

"Molokai coffee" means green coffee processed from cherry coffee which is grown in the geographic region of Moloka'i and which at least meets the minimum requirements of Molokai Prime green coffee.

"Molokai mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the geographic region of Moloka'i and which at least meets the minimum requirements of Molokai Mixed Natural Prime coffee.

"Molokai natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of Moloka'i and which at least meets the minimum requirements of Molokai Natural Prime coffee.

"Mother bean" means a bean that is not solid and has a loosely wrapped cotyledon.

"Natural coffee" means coffee which has been processed from cherry coffee that has been dried with the husk on, or coffee which has been processed from parchment coffee with adhering mucilage.

"Oahu coffee" means green coffee processed from cherry coffee which is grown in the geographic region of Oahu and which at least meets the minimum requirements of Oahu Prime green coffee.

"Oahu mixed natural coffee" means a combination of green coffee and natural coffee processed from cherry coffee which is grown in the geographic region

of Oahu and which at least meets the minimum requirements of Oahu Mixed Natural Prime coffee.

"Oahu natural coffee" means natural coffee processed from cherry coffee which is grown in the geographic region of Oahu and which at least meets the minimum requirements of Oahu Natural Prime coffee.

"Offgrade" is a descriptive term applicable to coffee which has a market value, and designates a quality lower than Hawaii No. 3 grade for green coffee, the grade terms defined in section 4-143-11 for natural coffee, or the grade terms defined in section 4-143-12 for mixed natural coffee.

"Office of inspection" means the office of an authorized inspector of coffee.

"Parchment" means the portion of the fruit of the coffee plant consisting of the hull, from which the pulp has been removed, and the enclosed seed.

"Parchment coffee" means an agricultural commodity comprised of parchment.

"Partly black bean" means a bean that is darkly discolored only partially.

"Partly moldy bean" means a bean that is moldy only partially or shows evidence of mold growth only partially.

"Partly sour bean" means a bean that has a faint fermented flavor or odor and is partially buff or yellowish-brown in color.

"Partly stinker bean" means a bean that, on being freshly cut, gives off an unpleasant odor. A partly stinker bean may be partly light-brown or brownish or occasionally have a waxy appearance.

"Person" means any individual, partnership, corporation, or separate legal entity.

"Pod" means an intact dried cherry.

"Quaker" means a bean that is poorly developed, exceptionally light in weight and is light in color when roasted.

"Quality" means the inherent properties or attributes of a product which determines its relative degree of excellence.

"Shell" means part of a bean that is thin, light in weight, and shell-like in appearance.

"Silver-skin" means the dried seed coat of the bean, which is tightly adhering, thin, tissue-like membrane covering the bean.

"Sour bean" means a bean that has a fermented odor or flavor. A sour bean is usually buff or yellowish-brown in color.

"Stick" means a slender piece of wood from a tree or shrub.

"Stinker bean" means a bean, upon being freshly cut, that gives off a very unpleasant odor. A stinker bean may be light-brown or brownish or occasionally have a waxy appearance.

"Stone" means a rock, a piece of a rock, or concreted earthy or mineral matter.

"Supervisor" means the coffee program specialist in the commodities branch of the department or a person designated by the manager of the commodities branch.

"Type I bean" means a bean which is produced two to a cherry and which is perceptively flat on one side and convex on the other.

"Type II bean" means a bean which is produced one to a cherry and is generally oval in shape and round in diameter. Also referred to as peaberry.

"Uniformly good green color" means all of the beans are of nearly the same green color, characteristic for the variety of properly grown and processed beans which have not undergone any material deterioration.

"Wet mill" means a location where cherry coffee is processed into parchment coffee.

"Wet miller" means a person that processes cherry coffee into parchment coffee.

[Eff 10/8/01; am and comp **MAY 24 2014**] (Auth:
HRS §§147-4, 147-22) (Imp: §§147-4, 147-22)

§4-143-4 REPEALED. [R **MAY 24 2014**]

§4-143-5 REPEALED. [R **MAY 24 2014**]

§4-143-6 Standards for grades of green coffee.

(a) Hawaii Extra Fancy green coffee consists of Hawaii beans of one type, which are clean and possess a uniformly good green color, good roasting quality, and good aroma and flavor when brewed; which do not exceed twelve per cent or which do not contain less than nine per cent moisture by weight; which do not exceed eight full imperfections per three hundred grams as described in subsection (i); which do not exceed three per cent by weight other type beans; and which in the case of type I beans meet the minimum size requirement of size 19 and in the case of type II beans meet the minimum size requirement of size 13 as stated in subsection (j); provided that:

- (1) Kona coffee which meets the requirements of this subsection may be classified as Kona Extra Fancy green coffee. This classification shall apply to Kona coffee only.
- (2) Kauai coffee which meets the requirements of this subsection may be classified as Kauai Extra Fancy green coffee. This classification shall apply to Kauai coffee only.
- (3) Maui coffee which meets the requirements of this subsection may be classified as Maui Extra Fancy green coffee. This classification shall apply to Maui coffee only.
- (4) Molokai coffee which meets the requirements of this subsection may be classified as Molokai Extra Fancy green coffee. This classification shall apply to Molokai coffee only.
- (5) Oahu coffee which meets the requirements of this subsection may be classified as Oahu Extra Fancy green coffee. This classification shall apply to Oahu coffee only.
- (6) Hawaii Island coffee which meets the requirements of this subsection may be classified as Hawaii Island Extra Fancy

green coffee. This classification shall apply to Hawaii Island coffee only.

(b) Hawaii Fancy green coffee consists of Hawaii beans of one type, which are clean and possess a uniformly good green color, good roasting quality, and good aroma and flavor when brewed; which do not exceed twelve per cent or which do not contain less than nine per cent moisture by weight; which do not exceed twelve full imperfections per three hundred grams as described in subsection (i); which do not exceed three per cent by weight other type beans; and which in the case of type I beans meet the minimum size requirement of size 18, provided a larger size may be specified, and in the case of type II beans meet the minimum size requirement of size 12 as stated in subsection (j); provided that:

- (1) Kona coffee which meets the requirements of this subsection may be classified as Kona Fancy green coffee. This classification shall apply to Kona coffee only.
- (2) Kauai coffee which meets the requirements of this subsection may be classified as Kauai Fancy green coffee. This classification shall apply to Kauai coffee only.
- (3) Maui coffee which meets the requirements of this subsection may be classified as Maui Fancy green coffee. This classification shall apply to Maui coffee only.
- (4) Molokai coffee which meets the requirements of this subsection may be classified as Molokai Fancy green coffee. This classification shall apply to Molokai coffee only.
- (5) Oahu coffee which meets the requirements of this subsection may be classified as Oahu Fancy green coffee. This classification shall apply to Oahu coffee only.
- (6) Hawaii Island coffee which meets the requirements of this subsection may be classified as Hawaii Island Fancy green coffee. This classification shall apply to Hawaii Island coffee only.

(c) Hawaii No. 1 green coffee consists of Hawaii beans of one type, which are clean and possess a uniformly good green color, good roasting quality, and good aroma and flavor when brewed; which do not exceed twelve per cent or which do not contain less than nine per cent moisture by weight; which do not exceed eighteen full imperfections per three hundred grams as described in subsection (i); which do not exceed three per cent by weight other type beans; and which meet the minimum size requirement of size 16 for type I beans, provided a larger size may be specified, and size 10 for type II beans as stated in subsection (j); provided that:

- (1) Kona coffee which meets the requirements of this subsection may be classified as Kona No. 1 green coffee. This classification shall apply to Kona coffee only.
- (2) Kauai coffee which meets the requirements of this subsection may be classified as Kauai No. 1 green coffee. This classification shall apply to Kauai coffee only.
- (3) Maui coffee which meets the requirements of this subsection may be classified as Maui No. 1 green coffee. This classification shall apply to Maui coffee only.
- (4) Molokai coffee which meets the requirements of this subsection may be classified as Molokai No. 1 green coffee. This classification shall apply to Molokai coffee only.
- (5) Oahu coffee which meets the requirements of this subsection may be classified as Oahu No. 1 green coffee. This classification shall apply to Oahu coffee only.
- (6) Hawaii Island coffee which meets the requirements of this subsection may be classified as Hawaii Island No. 1 green coffee. This classification shall apply to Hawaii Island coffee only.

(d) Hawaii Select green coffee consists of Hawaii beans, which are clean and which do not impart

sour, fermented, moldy, medicinal, or other undesirable aromas and flavors when brewed; which do not exceed twelve per cent or which do not contain less than nine per cent moisture by weight; and which do not exceed five per cent defective beans, by weight, included therein not more than two per cent, by weight, sour, stinker, black, or moldy beans that equal full imperfections only, as described in subsections (i)(1) and (i)(2); which may be assigned a size classification as stated in subsection (j); provided that:

- (1) Kona coffee which meets the requirements of this subsection may be classified as Kona Select green coffee. This classification shall apply to Kona coffee only.
- (2) Kauai coffee which meets the requirements of this subsection may be classified as Kauai Select green coffee. This classification shall apply to Kauai coffee only.
- (3) Maui coffee which meets the requirements of this subsection may be classified as Maui Select green coffee. This classification shall apply to Maui coffee only.
- (4) Molokai coffee which meets the requirements of this subsection may be classified as Molokai Select green coffee. This classification shall apply to Molokai coffee only.
- (5) Oahu coffee which meets the requirements of this subsection may be classified as Oahu Select green coffee. This classification shall apply to Oahu coffee only.
- (6) Hawaii Island coffee which meets the requirements of this subsection may be classified as Hawaii Island Select green coffee. This classification shall apply to Hawaii Island coffee only.
- (e) Hawaii Prime green coffee consists of Hawaii beans which are clean; which do not impart sour, fermented, moldy, medicinal, or other undesirable aromas and flavors when brewed; which do not exceed twelve per cent or which does not contain less than

nine per cent moisture by weight; and which do not exceed twenty per cent defective beans, by weight, included therein not more than five per cent, by weight, sour, stinker, black or moldy beans that equal full imperfections only, as described in subsections (i)(1) and (i)(2); which may be assigned a size classification as stated in subsection (j); provided that:

- (1) Kona coffee which meets the requirements of this subsection may be classified as Kona Prime green coffee. This classification shall apply to Kona coffee only.
 - (2) Kauai coffee which meets the requirements of this subsection may be classified as Kauai Prime green coffee. This classification shall apply to Kauai coffee only.
 - (3) Maui coffee which meets the requirements of this subsection may be classified as Maui Prime green coffee. This classification shall apply to Maui coffee only.
 - (4) Molokai coffee which meets the requirements of this subsection may be classified as Molokai Prime green coffee. This classification shall apply to Molokai coffee only.
 - (5) Oahu coffee which meets the requirements of this subsection may be classified as Oahu Prime green coffee. This classification shall apply to Oahu coffee only.
 - (6) Hawaii Island coffee which meets the requirements of this subsection may be classified as Hawaii Island Prime green coffee. This classification shall apply to Hawaii Island coffee only.
 - (7) The defect tolerance of twenty per cent defective beans by weight shall be in effect until June 30, 2017. Beginning July 1, 2017, the defect tolerance shall be fifteen per cent defective beans by weight.
- (f) Hawaii No. 3 green coffee consists of Hawaii beans which are clean; which do not impart sour, fermented, moldy, medicinal, or other undesirable

aromas and flavors when brewed; which do not exceed twelve per cent or do not contain less than nine per cent moisture, by weight; and which do not exceed thirty-five per cent defective beans, by weight, included therein not more than five per cent, by weight, black, moldy, sour, or stinker beans that equal full imperfections only, as described in subsections (i)(1) and (i)(2). Use of the terms "Kona", "Kauai", "Maui", "Molokai", "Oahu" or "Hawaii Island" in conjunction with the term "No. 3" is prohibited.

(g) Offgrade is not a grade within the meaning of these standards but is a descriptive term applicable to green coffee which has a market value and designates a quality lower than Hawaii No. 3 green coffee. Use of the terms "Hamakua", "Hawaii", "Kau", "Kona", "Kauai", "Maui", "Molokai", "Oahu" or "Hawaii Island" in conjunction with the term offgrade is prohibited.

(h) Allowances and limitations stated in this section shall be applied to the entire lot, and a composite sample from the lot shall be used to determine the grade.

(i) Specific defects and the extent to which these defects affect grade in terms of imperfection equivalents shall be as follows:

- (1) One bean that has more than fifty per cent of an equivalent full bean surface that is black or moldy shall equal one full imperfection;
- (2) One bean that is more than faintly affected by a sour or stinker odor shall equal one full imperfection;
- (3) One pod or piece of a pod that is more than fifty per cent equivalent of a full pod shall equal one full imperfection;
- (4) One full husk or piece of a husk that is more than fifty per cent equivalent of a full husk shall equal one full imperfection;
- (5) One full hull or piece of a hull that is more than fifty per cent equivalent of a full hull shall equal one full imperfection;

- (6) One stone more than four millimeters in any dimension shall equal one full imperfection;
- (7) One stick more than four millimeters and up to ten millimeters in length shall equal one full imperfection;
- (8) One stick more than ten millimeters in length shall equal two full imperfections.

Where only a piece of a black bean, moldy bean, sour bean, stinker bean, pod, husk or hull are present, and they do not equal one full imperfection as described in paragraphs (1), (2), (3), (4), and (5), each shall be scored as one-fifth of a full imperfection. For example, one bean with less than fifty per cent of its surface black shall be scored as one-fifth of a full imperfection.

A partly black, partly moldy, or partly sour bean, or a stick or a stone that does not equal one full imperfection as described in paragraphs (1), (2), (6), and (7) shall be scored as one-fifth of a full imperfection.

A quaker, shell, mother bean, or bean or a piece of a bean affected by damage by an insect or damage by a broken or cut bean shall be scored as one-fifth of a full imperfection.

A bean that is affected by not more than two pinholes caused by insect damage regardless of discoloration associated with the insect damage shall be scored as one-tenth of a full imperfection. The defect tolerance of one-tenth of a full imperfection of not more than two pinholes caused by insect damage regardless of discoloration associated with the insect damage shall be in effect until June 30, 2017. Beginning July 1, 2017, the defect tolerance shall be one-fifth of a full imperfection.

A bean that is affected by greater than two pinholes caused by insect damage regardless of discoloration associated with the insect damage shall be scored as one-fifth of a full imperfection.

Any other defect not listed in this subsection shall be scored as one-fifth of a full imperfection to

the extent that these defects affect the quality or condition of the beans in the lot.

(j) Size classifications for green coffee shall be as follows:

(1) For type I green coffee:

- (A) Size 11 shall consist of beans which will not pass through an 11/64 inch round hole;
- (B) Size 14 shall consist of beans which will not pass through a 14/64 inch round hole;
- (C) Size 16 shall consist of beans which will not pass through a 16/64 inch round hole;
- (D) Size 17 shall consist of beans which will not pass through a 17/64 inch round hole;
- (E) Size 18 shall consist of beans which will not pass through a 18/64 inch round hole;
- (F) Size 19 shall consist of beans which will not pass through a 19/64 inch round hole; and

(2) For type II green coffee:

- (A) Size 10 shall consist of beans which will not pass through a 10/64 inch slotted hole;
- (B) Size 12 shall consist of beans which will not pass through a 12/64 inch slotted hole; and
- (C) Size 13 shall consist of beans which will not pass through a 13/64 inch slotted hole.

In order to allow for variations incident to proper sizing for type I and type II green coffee, not more than a total of ten per cent, by weight, of the beans in any lot may be smaller than the size specified.

(k) When size or type is specified for Hawaii Select green coffee or Hawaii Prime green coffee, not more than a total of three per cent by weight other type beans shall be permitted in any lot. [Eff

§4-143-6

10/8/01; am and comp **MAY 24 2014**] (Auth: HRS
§§147-4, 147-22) (Imp: HRS §§147-4,
147-22)

§4-143-7 REPEALED. [R **MAY 24 2014**]

§4-143-8 Provisions for enforcement, penalties and prosecution. (a) Any authorized inspector of the department may enter any public or private premises, including any vehicle of transport, during business hours to:

- (1) Inspect for the quality, condition, and origin of coffee; and
- (2) Enforce the labeling, record keeping, and certification requirements of this chapter.

(b) The inspector may take representative samples of the coffee for inspection.

(c) Any authorized inspector, upon determining that this chapter or chapter 147, Hawaii Revised Statutes, is being violated, may place a stop sale notice upon or near the coffee that is in violation. When a stop sale notice is issued:

- (1) The coffee shall not be sold, offered for sale, transferred, moved off the premises, or otherwise disposed of until the stop sale notice has been removed by an authorized inspector or written permission is received from the department.
- (2) No person shall remove, deface, or otherwise tamper with any stop sale notice except upon approval of an authorized inspector.
- (3) The stop sale notice shall be accompanied by a non-compliance notice issued by the department indicating the violation and corrective action required.

(d) Any person who violates any provision of this chapter may be subject to the actions, procedures, and penalties provided in sections 147-2 and 147-25, Hawaii Revised Statutes. [Eff 10/8/01; am

and comp **MAY 24 2014**] (Auth: HRS §§147-2,
147-22, 147-25) (Imp: HRS §§147-4, 147-24)

§4-143-9 Abbreviations. Grade designations on labels for coffee shall be as stated in this chapter except that Hawaii may be abbreviated as "HI." or "Haw." and Extra may be abbreviated as "Ex.", provided that a period need not be used. [Eff 10/8/01; am and comp **MAY 24 2014**] (Auth: HRS §§147-4, 147-22) (Imp: HRS §§147-4, 147-22)

§4-143-10 REPEALED [R **MAY 24 2014**]

§4-143-11 Standards for grades of natural coffee. (a) Hawaii Natural Prime coffee consists of Hawaii coffee beans which have been processed from cherry coffee that has been dried with the husk on, or which has been processed from parchment coffee with adhering mucilage, which are clean and do not exceed thirteen per cent or which do not contain less than eight per cent moisture by weight, which do not exceed twenty per cent defective beans, by weight, as defined in section 4-143-6, included therein not more than five per cent by weight, black or moldy beans that equal full imperfections only, as described in section 4-143-6(i)(1). Sour or stinker beans, or partly sour or partly stinker beans are not considered defective beans.

- (1) Kona natural coffee which meets the requirements of this subsection may be classified as Kona Natural Prime coffee. This classification shall apply to Kona natural coffee only.
- (2) Kauai natural coffee which meets the requirements of this subsection may be classified as Kauai Natural Prime coffee. This classification shall apply to Kauai natural coffee only.

- (3) Maui natural coffee which meets the requirements of this subsection may be classified as Maui Natural Prime coffee. This classification shall apply to Maui natural coffee only.
 - (4) Molokai natural coffee which meets the requirements of this subsection may be classified as Molokai Natural Prime coffee. This classification shall apply to Molokai natural coffee only.
 - (5) Oahu natural coffee which meets the requirements of this subsection may be classified as Oahu Natural Prime coffee. This classification shall apply to Oahu natural coffee only.
 - (6) Hawaii Island natural coffee which meets the requirements of this subsection may be classified as Hawaii Island Natural Prime coffee. This classification shall apply to Hawaii Island natural coffee only.
 - (7) The defect tolerance of twenty per cent defective beans by weight shall be in effect until June 30, 2017. Beginning July 1, 2017, the defect tolerance shall be fifteen per cent defective beans by weight.
- (b) Size classifications for natural coffee shall be as follows:
- (1) For type I natural coffee:
 - (A) Size 11 shall consist of beans which will not pass through a 11/64 inch round hole;
 - (B) Size 14 shall consist of beans which will not pass through a 14/64 inch round hole;
 - (C) Size 16 shall consist of beans which will not pass through a 16/64 inch round hole;
 - (D) Size 17 shall consist of beans which will not pass through a 17/64 inch round hole;

- (E) Size 18 shall consist of beans which will not pass through a 18/64 inch round hole;
- (F) Size 19 shall consist of beans which will not pass through a 19/64 inch round hole; and
- (2) For type II natural coffee:
 - (A) Size 10 shall consist of beans which will not pass through a 10/64 inch slotted hole;
 - (B) Size 12 shall consist of beans which will not pass through a 12/64 inch slotted hole; and
 - (C) Size 13 shall consist of beans which will not pass through a 13/64 inch slotted hole.

In order to allow for variations incident to proper sizing for type I and type II natural coffee, not more than a total of ten per cent, by weight, of the beans in any lot may be smaller than the size specified.

(c) When size is specified, not more than a total of three per cent by weight other type beans shall be permitted in any lot.

(d) Offgrade is not a grade within the meaning of these standards but is a descriptive term applicable to natural coffee which has a market value and designates a quality lower than Hawaii Natural Prime coffee. Use of the terms "Hamakua", "Hawaii", "Kau", "Kona", "Kauai", "Maui", "Molokai", "Oahu" or "Hawaii Island" in conjunction with the term offgrade is prohibited. [Eff and comp MAY 24 2014]
 (Auth: HRS §§147-4, 147-22) (Imp: HRS §§147-4, 147-22)

§4-143-12 Standards for grades of mixed natural coffee. (a) Hawaii Mixed Natural Prime coffee consists of a combination of Hawaii green coffee beans and Hawaii natural coffee beans which have been processed from cherry coffee that has been dried with the husk on, or which has been processed from

parchment coffee with adhering mucilage, which are clean and do not exceed thirteen per cent or which do not contain less than eight per cent moisture, by weight, which do not exceed twenty per cent defective beans, by weight, as defined in section 4-143-6, included therein not more than five per cent by weight, black or moldy beans that equal full imperfections only, as described in section 4-143-6(i)(1). Sour or stinker beans, or partly sour or partly stinker beans are not considered defective beans.

- (1) Kona mixed natural coffee which meets the requirements of this subsection may be classified as Kona Mixed Natural Prime coffee. This classification shall apply to Kona mixed natural coffee only.
- (2) Kauai mixed natural coffee which meets the requirements of this subsection may be classified as Kauai Mixed Natural Prime coffee. This classification shall apply to Kauai mixed natural coffee only.
- (3) Maui mixed natural coffee which meets the requirements of this subsection may be classified as Maui Mixed Natural Prime coffee. This classification shall apply to Maui mixed natural coffee only.
- (4) Molokai mixed natural coffee which meets the requirement of this subsection may be classified as Molokai Mixed Natural Prime coffee. This classification shall apply to Molokai mixed natural coffee only.
- (5) Oahu mixed natural coffee which meets the requirements of this subsection may be classified as Oahu Mixed Natural Prime coffee. This classification shall apply to Oahu mixed natural coffee only.
- (6) Hawaii Island mixed natural coffee which meets the requirements of this subsection may be classified as Hawaii Island Mixed Natural Prime coffee. This classification shall apply to Hawaii Island mixed natural coffee only.

- (7) The defect tolerance of twenty per cent defective beans by weight shall be in effect until June 30, 2017. Beginning July 1, 2017, the defect tolerance shall be fifteen per cent defective beans by weight.
- (b) Size classification for mixed natural coffee shall be as follows:
- (1) For type I mixed natural coffee:
- (A) Size 11 shall consist of beans which will not pass through a 11/64 inch round hole;
 - (B) Size 14 shall consist of beans which will not pass through a 14/64 inch round hole;
 - (C) Size 16 shall consist of beans which will not pass through a 16/64 inch round hole;
 - (D) Size 17 shall consist of beans which will not pass through a 17/64 inch round hole;
 - (E) Size 18 shall consist of beans which will not pass through a 18/64 inch round hole;
 - (F) Size 19 shall consist of beans which will not pass through a 19/64 inch round hole; and
- (2) For type II mixed natural coffee:
- (A) Size 10 shall consist of beans which will not pass through a 10/64 inch slotted hole;
 - (B) Size 12 shall consist of beans which will not pass through a 12/64 inch slotted hole;
 - (C) Size 13 shall consist of beans which will not pass through a 13/64 inch slotted hole.

In order to allow for variations incident to proper sizing for type I and type II green or natural coffee, not more than a total of ten per cent, by weight, of the beans in any lot may be smaller than the size specified.

(c) When size is specified, not more than a total of three per cent by weight other type beans shall be permitted in any lot.

(d) Offgrade is not a grade within the meaning of these standards but is a descriptive term applicable to natural coffee which has a market value and designates a quality lower than Hawaii Mixed Natural Prime coffee. Use of the terms "Hamakua", "Hawaii", "Kau", "Kona", "Kauai", "Maui", "Molokai", "Oahu" or "Hawaii island" in conjunction with the term offgrade is prohibited. [Eff and comp MAY 24 2014]
(Auth: HRS §§147-4, 147-22) (Imp: HRS §§147-4, 147-22)

§4-143-13 Record keeping. (a) Every person who produces, processes, transports, or distributes Hawai'i-grown cherry, parchment, green, or natural coffee shall maintain records of each purchase, transport, or sale.

(b) Records shall include:

- (1) The name, address, and telephone number of the seller;
- (2) The name, address, and telephone number of the buyer;
- (3) The name, address, and telephone number of the transporter;
- (4) The quantity of Hawai'i-grown coffee purchased, transported, or sold;
- (5) The grade of Hawai'i-grown coffee purchased, transported, or sold, if applicable;
- (6) The date of the sale or purchase; and
- (7) A lot number, tax map key or other identifying mark for each transaction.

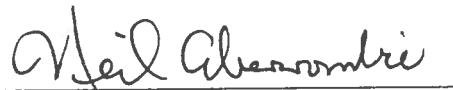
(c) Records of each sale, purchase, or transport of Hawai'i-grown coffee shall be retained for a minimum of six years." [Eff and comp MAY 24 2014]
(Auth: §147-4) (Imp: §147-4)

Amendments to and compilation of chapter 143, title 4, Hawaii Administrative Rules, on the Summary Page dated February 26, 2014 were adopted on February 26, 2014 following public hearings held on October 7, 8, 9, and 10, 2013 and after public notice was given in the Star Advertiser, the Maui News, the Garden Island News and The Hawaii Tribune-Herald on August 30, 2013.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.



SCOTT E. ENRIGHT
Chairperson
Board of Agriculture



NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII

Dated: 5.12.14

Filed

APPROVED AS TO FORM:


Deputy Attorney General

14 MAY 14 AM 10

LIEUTENANT GOVERNOR'S
OFFICE