

HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 7

QUALITY ASSURANCE DIVISION

CHAPTER 143

STANDARDS FOR COFFEE

- §4-143-1 Labeling requirements
- §4-143-2 Inspection and fees
- §4-143-3 Definitions
- §4-143-4 Standards for grades of cherry coffee
- ~~§4-143-5 Standards for grades of parchment coffee]~~
- §4-143-6 Standards for grade of green coffee
- ~~§4-143-7 Minimum export requirement]~~
- §4-143-8 Provisions for enforcement, penalties and prosecution
- §4-143-9 Abbreviations
- ~~§4-143-10 Coffee quality verification program]~~
- §4-143-11 Standards for grades of natural coffee
- §4-143-12 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; am 10/08/01; R]

§4-143-1 Labeling and documentation requirements. (a) No person shall sell or offer, expose for sale, or transport ~~[Hawaii—i]~~ Hawaii-grown cherry coffee, parchment coffee, natural coffee, or green coffee ~~[packed in wholesale quantities]~~ outside the geographic region of production as defined in section 4-143-3, unless each container is conspicuously ~~[marked, stamped, printed, or]~~ labeled or accompanied by documentation written in the english language with the exact ~~[grade or lower grade for the green coffee or the term Offgrade, as applicable]~~ geographic region of production as defined in section 4-143-3. This ~~[grade]~~ geographic region statement shall appear on the tag ~~[required]~~ 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, or 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 substitution 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 substitution 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]~~ geographic region terms shall be exactly as ~~[shown in sections 4-143-4, 4-143-5, and 4-143-6, except that grade terms may be abbreviated as shown in section 4-143-9, or may be expressed in all capital letters, or both]~~ defined in section 4-143-3, provided that 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]~~ Hawaii-grown coffee.

(f) Any cherry coffee, ~~[parchment coffee, or]~~ green coffee, or natural coffee labeled with a grade term defined in section 4-143-4, ~~[4-143-5, or]~~ 4-143-6, or 4-143-11 shall meet the standards of the labeled grade.

(g) The use of a grade term defined in section 4-143-4, [4-143-5, or] 4-143-6, or 4-143-11, or any abbreviation or variation of the grade term that is intended to represent or imply that the cherry coffee, [parchment coffee, or] green coffee, or natural coffee so labeled is grown in [Hawai-i or in] Hawaii, on coffee that is not grown in Hawaii is prohibited. The use of any geographic region defined in section 4-143-3, on cherry coffee, [parchment coffee, or] green coffee, or natural coffee that is not grown in [Hawai-i or in any] 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 4-143-4, ~~[4-143-5, or]~~ 4-143-6, or 4-143-11, to represent or imply that the cherry coffee, ~~[parchment coffee, or]~~ green coffee, or natural coffee has a grade adopted under this chapter is prohibited.

(i) ~~[Each container of green coffee subject to inspection for certification required by subsections (b) and (d) of section 4-143-2 shall have]~~ Tags marked with a geographic region statement pursuant to subsection (a) or as required for inspection for certification pursuant to subsection 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. [Eff 10/08/2001; am and comp] (Auth: HRS §§147-4, 147-22, and 147-23) (Imp: HRS §§147-4, 147-22, and 147-23)

§4-143-2 Inspection and fees. (a) Inspection for certification of cherry coffee, ~~[and parchment]~~ green coffee, and 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 or natural coffee for ~~[origin, grade, or both origin and]~~ grade and condition by the department shall be ~~[required]~~ conducted upon the initial processing of parchment coffee into green coffee or natural coffee, provided that the green coffee or natural coffee shall be graded, placed into sealed containers, and tagged as ~~[required]~~ described in subsection 4-143-1(i) before the green coffee or natural coffee is offered for inspection~~[, except for:]~~.

- (1) ~~Green coffee packed in less than wholesale quantities and labeled for retail sale as required by Title 21 of the Code of Federal Regulations, or green coffee packed in less than wholesale quantities and labeled for sample distribution such as "Sample— not to be sold".~~
- (2) ~~Green coffee that is not to be shipped out of the geographic region of production as defined in section 4-143-3, provided that all sales receipts, invoices, and mill reports shall indicate that the product is not to be shipped out of the geographic region of production as defined in section 4-143-3.~~
- ~~(3) Offgrade green coffee in containers that are properly marked as required in section 4-143-1, provided that Offgrade green coffee that is to be exported out of the geographic region of production shall also be properly marked as required in section 4-143-7.~~
- (4) ~~Green coffee processed in approved mills that are under a coffee quality verification program as described in section 4-143-10, and appropriately labeled.]~~

~~(e) Green coffee exempt from certification in paragraphs (b) (1), (2) and (3) that is not certified and which totals more than 400 pounds per month for any single applicant shall be reported to the department on an approved form within 30 days following the end of each month.]~~

~~(d) (c) [Cherry coffee or parchment coffee that is shipped out of the geographic region of production, upon the initial processing of the parchment coffee into green coffee, shall be inspected for certification, provided that the green] Cherry coffee, green coffee, or natural coffee ~~shall~~ requested to be [graded,] inspected, shall be placed into sealed containers, and tagged as [required] described in subsection 4-143-1(i) before the cherry coffee, green coffee, or natural coffee is offered for inspection~~[-, except as noted in paragraphs (b)(1), (3) and (4)].~~ 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 cherry coffee [or parchment], green coffee, or natural coffee, and the quantity in pounds.~~

~~(e) (d) It shall be the responsibility of the owner of the [green] coffee to apply to the department for certification [when required in subsection (b) or (d)].~~

~~(f) Certification of green coffee not required in subsection (b) or (d) may be made by the department upon the request of the applicant.]~~

~~(g) Requests for certification of origin with no certification of grade may be made only upon approval of the supervisor.]~~

~~(h) (e) The department shall provide cherry coffee, [parchment coffee, or] green coffee, or natural coffee inspection at centralized pulping, hulling, grading, milling, processing, shipping or storage plants.~~

~~(i) (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.~~

~~(j) (g) The applicant shall make every container of each lot of the product to be inspected readily accessible for sampling and inspection.~~

~~[(k)]~~ (h) Inspection and certification for quality or condition ~~[required by subsection (b) or (d)]~~ shall be based on section 4-143-4, 4-143-6, or 4-143-11. A request for certification ~~[not required under subsection (b) or (d)]~~ may include a request restricted to a portion of, or in addition to, the requirements in section 4-143-4, 4-143-6, or 4-143-11 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.

~~[(4)]~~ (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.

~~[(m)]~~ (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.

~~[(n)]~~ (k) The original certificate, when issued, shall immediately be mailed or made available to the applicant or a person designated by the applicant. ~~[(Two)]~~ One additional ~~[copies]~~ copy of the certificate shall be issued without charge if requested by the applicant before the certificate is issued. Additional copies or facsimile copies may be supplied to interested parties at a fee of ~~[\$1]~~ \$48.00 for each page.

~~[(o)]~~ (l) An inspection fee rate of ~~[\$31.00]~~ \$48.00 per hour for regular time and ~~[\$46.50]~~ \$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.

~~[(p)]~~ (m) When payment for inspection is not received within 30 days of the date of the bill, the department may withhold inspection for certification until payment is made. An interest charge of .5 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 30 days after the date of the bill.

~~[(q)]~~ (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) ~~[More than half of the]~~ The original lot has not been disturbed and is accessible;
- (3) The ~~[reason for the]~~ appeal request and the reason for the appeal is ~~[stated]~~ 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 14 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 ~~[(o)]~~ (l) or ~~[\$150.00]~~ \$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 10/08/01; am and comp] (Auth: HRS §§147-7 and 147-8) (Imp: HRS §§ 147-7 and 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 [~~coffea Arabica~~] 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:

- (1) For cherry coffee, when any blackening can be seen through the translucent seed capsule containing the bean; and
- (2) For green 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 [~~identity,~~] type, grade, quality, quantity, [~~origin~~] or condition of cherry coffee, [~~parchment coffee, or~~] green coffee, or natural coffee [~~including compliance of the product with applicable specifications, provided that approved individuals from an approved Coffee Quality Verification Program (CQVP) will may issue a CQVP certificate of quality, condition and origin for green coffee.~~].

“Cherry coffee” means an agricultural commodity comprised of the unprocessed fruit of the [~~coffea Arabica~~] coffee plant.

~~[“Cherry coffee” means an agricultural commodity comprised of cherries.]~~

“Clean” means cherry coffee, [~~parchment coffee, or~~] green coffee, or 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 [~~seed in the~~] cherry coffee, [~~or materially detracts from the appearance of the parchment, or materially detracts from the appearance of the bean,~~] green coffee, or natural coffee bean.

“Decay” means the cherry has decomposed to the extent that the epidermis is disintegrating.

“Department” means the department of agriculture.

“Dieback cherry” means a cherry which has received inadequate nutrition, is likely to be small in size, is identified by a characteristic dieback yellow color or smooth dark scars, and frequently has a capsule so difficult to eject as to cause it to be classed as immature.

“Dry mill” means a location where parchment coffee is processed into green coffee.

“Dry miller” means a person who processes parchment coffee into green coffee.

“Excessively dirty” means caked with dirt.

“Fermentation” means the cherry has a definite sour odor.

“Firm” means not wilted, flabby, or shriveled.

“Floater” means a cherry which has specific gravity of less than one.

“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; 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 Molokai; 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 an agricultural commodity comprised of green coffee beans.

“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 Prime green 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 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 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.

“Injury” means any defect which appreciably detracts from the quality of the seed in the cherry. A cherry that is broken so as to expose the parchment or to cause one seed capsule to be separated from the other is not considered injured.

“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~~[, and origin]~~ of cherry coffee, ~~[parchment coffee, and]~~ green coffee, and 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 Kauai and which at least meets the minimum requirements of Hawaii Prime green coffee.

“Kau natural coffee” means natural coffee processed from cherry coffee which is grown in the geographic region of Kauai and which at least meets the minimum requirements of Hawaii Natural Prime coffee.

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

“Kauai natural coffee” means natural coffee processed from cherry coffee which is grown in the geographic region of Kauai 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 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.

“Mature” means the cherry has reached the stage of development when the seed capsules can be ejected readily from the cherry when firm pressure is applied to the cherry.

“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 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 Molokai and which at least meets the minimum requirements of Molokai Prime green coffee.

“Molokai natural coffee” means natural coffee processed from cherry coffee which is grown in the geographic region of Molokai 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 green coffee which has been processed from cherry coffee that has been dried with the husk on, or green 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 [Hawaii] Oahu Prime green 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 [~~the lowest applicable~~] Hawaii No. 3 grade or the grade terms defined in section 4-143-11.

“Office of inspection” means the office of an authorized inspector of coffee.

“Parchment” means the portion of the fruit of coffee plant, [~~coffea Arabica,~~] consisting of the hull, from which the pulp has been removed, and the enclosed seed.

“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.

“Pulp” means the fleshy pericarp, including the skin of the 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.

“Raisined cherry” means a cherry that is dried and wrinkled.

“Serious damage” means any defect which seriously detracts from the quality of the cherry, including but not limited to dieback cherry, when there is less than twenty per cent pink or red color on the surface of the cherry; or any penetration of the seed capsule by mold or other organism.

“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 a 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 ~~[processed foods]~~ coffee program specialist in the commodities branch of the department or a person designated by the ~~[processed foods program specialist]~~ 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.

“Well colored” means”

- (1) For cherries that are not brown or turning brown, the cherry shows at least fifteen per cent red color or is olive green over all of the surface that is not red; and
- (2) For cherries that are turning brown, the cherry shows no more than seventy-five per cent brown color and that portion of the cherry that is not brown colored shows at least fifteen per cent red color or is olive green over all of the surface that is not red or brown.

“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.

~~["Wholesale quantity" means a container of more than ten pounds net weight intended for sale, processing, re-packing, or transport.]~~

[Eff 10/8/01; am and comp

] (Auth: HRS §§147-4 and

147-22) (Imp: HRS §§147-4 and 147-22)

§4-143-4 Standards for grades of cherry coffee grown in the geographic region of Kona. (a) Hawaii No. 1 cherry coffee consists of cherries which are firm, mature, well colored, not excessively dirty, and free from fermentation, decay, raisined cherries, dieback cherries, black beans, floaters, foreign material, and injury caused by disease, insects, or mechanical or other means.

Not more than a total of two per cent, by weight, of the cherries in any lot may fail to meet the requirements of this grade, and not more than one-eighth of one per cent, by weight, shall be allowed for foreign material.

(b) Hawaii No. 2 cherry coffee consists of cherries which are matured, not excessively dirty, and free from fermentation, decay, raisined cherries, dieback cherries, black beans, floaters, foreign material, and damage caused by disease, insects, or mechanical or other means.

Not more than a total of seven per cent, by weight, of the cherries in any lot may fail to meet the requirements of this grade, and not more than one-fourth of one per cent, by weight shall be allowed for foreign material.

(c) Hawaii No. 3 cherry coffee consists of cherries which are mature, not excessively dirty, and free from fermentation, decay, black beans, floaters, foreign material, and serious damage caused by dieback cherries, mold penetration, disease, insects, or mechanical or other means.

Not more than a total of twelve per cent, by weight, of the cherries in any lot may fail to meet the requirements of this grade, and not more than one-fourth of one per cent, by weight, shall be allowed for foreign material.

(d) Averages for the entire lot, based on the examination of representative samples, shall be within the tolerances specified, but the contents of individual containers in any lot may vary from the specified tolerances subject to the following limitations:

- (1) When the tolerance specified is more than five per cent, individual packages in any lot may contain not more than one and one-half times the tolerance; and
- (2) When the tolerance specified is five per cent or less, individual packages in any lot may contain not more than double the tolerance.

[Eff 10/08/01; am and comp

] (Auth: HRS §147-4)

(Imp: HRS §147-4)

~~[§4-143-5 Standards for grades of parchment coffee. (a) Hawaii Grade A parchment coffee consists of parchment in which the enclosed beans are of one type, clean and free from defects, and possess a uniformly green color, good roasting quality,~~

and good aroma and flavor when brewed; which are free from imperfections and meet the moisture content limitations of subsection (e); and which in the case of type I beans meet the minimum size requirement of size 18 and in the case of type II beans meet the minimum size requirement of size 12.

~~(b) — Hawaii Grade B parchment coffee consists of parchment in which the enclosed beans are of one type, clean, and free from defects, and possess a uniformly good green color, good roasting quality, and good aroma and flavor when brewed; which are free from imperfections and meet the moisture content limitations of subsection (e); and which in the case of type I beans meet the minimum size requirement of size 17 and in the case of type II beans meet the minimum size requirement of size 10.~~

~~(c) — Offgrade parchment coffee is not a grade within the meaning of these standards but is a descriptive term that designates a quality lower than Hawaii Grade B parchment coffee.~~

~~(d) — A defect is a bean or part of a bean that after milling, is sour, discolored, off color, or not clean; that is broken or cut; or that is a quaker, mother bean, shell, or pod.~~

~~(e) — The maximum and minimum limitations on moisture content of the beans shall be thirteen per cent and ten and one half per cent, respectively, by weight.~~

~~(f) — Size classifications and tolerances for type I and type II beans recovered from parchment coffee shall be the same as those contained in subsection (k) of section 4-143-6.] [Eff 10/8/01] (Auth: HRS §147-4) (Imp: HRS §147-4)~~

§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 ~~[and two tenths]~~ 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 ~~[(j)]~~ (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 ~~[(k)]~~ (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.

(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 [~~and two tenths~~] 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.

(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 [~~and two tenths~~] 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.

(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 [~~and two tenths~~] 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 paragraphs [~~(j)~~] (i)(1) and [~~(j)~~] (i)(2), which may be assigned a size classification as stated in paragraphs [~~(k)~~] (j)(1); 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 requirement 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.

(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 [~~and two tenths~~] per cent or which does not contain less than nine per cent moisture by weight; and which do not exceed fifteen 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 paragraphs [~~(j)~~] (i)(1) and [~~(j)~~] (i)(2); which may be assigned a size classification as stated in paragraph [~~(k)~~] (j)(1); 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.

(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 [~~and two tenths~~] 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 paragraphs [(j)] (i)(1) and [(j)] (i)(2). Use of the terms “Kona”, “Kauai”, “Maui” or “Molokai” 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”, or “Oahu” 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) — The maximum and minimum limitations on the moisture content of green coffee shall have a tolerance of plus or minus .3 percentage points.]~~

[(j)] (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 4 millimeters in any dimension shall equal one full imperfection;
- (7) One stick more than 4 millimeters and up to 10 millimeters in length shall equal one full imperfection;
- (8) One stick more than 10 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 50% 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 stinker 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 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.

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 an imperfection to the extent that these defects affect the quality of the beans in the lot.

~~(4)~~ (j) Size classifications for green coffee shall be as follows:

(1) For type I green coffee:

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

(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.

~~(4)~~ (k) When size 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 10/08/01; am and comp
and 147-22) (Imp: HRS §§147-4 and 147-22)

] (Auth: HRS §§147-4

~~§4-143-7 Minimum export requirement. Green coffee destined for shipment in wholesale quantities to points outside the State shall meet the requirements of Hawaii No. 3 green coffee except that Offgrade green coffee may be exported provided that all containers are printed or labeled in bold letters of not less than one and one half inch in height "OFFGRADE COFFEE" parallel to and within twelve inches of the top of or on both sides of each container. In addition, all invoices for this product shall be marked in large bold capital letters "OFFGRADE COFFEE".] [Eff 10/08/01] (Auth: HRS §147-22) (Imp: HRS §§147-22 and 147-23)~~

§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 and origin of [green] coffee; and
- (2) Enforce the labeling, record keeping, and certification requirements of this chapter[; ~~and~~].

~~[(3) — Enforce the minimum export requirements for green coffee.]~~

(b) The inspector may take representative samples of the [green] 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 [green] 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 10/08/01; am and comp] (Auth: HRS §§147-2 and 147-22) (Imp: HRS §§147-2, 147-24, and 147-25)

§4-143-9 Abbreviations. Grade designations on labels for [green] coffee shall be as stated in ~~[section 4-143-6]~~ this chapter except that Hawaii may be abbreviated at "HI." or "Haw." and Extra may be abbreviated at "Ex.", provided that a period need not be used. [Eff 10/08/01; am and comp] (Auth: HRS §§147-4 and 147-22) (Imp: HRS §§147-4 and 147-22)

~~§4-143-10 Coffee quality verification program. (a) The coffee quality verification program (CQVP) is a self-certification program where dry millers are~~

authorized to certify green coffee and issue a CQVP certificate, following specific department requirements. A dry mill that wishes to participate in this program shall meet the following requirements:

- (1) Be committed to the concepts and processes of the CQVP;
- (2) Process at least 5,000 pounds of green coffee per week for three consecutive weeks during a twelve month period;
- (3) Establish a satisfactory record of milling and grading, of which nine of ten lots of various grades of green coffee milled meet all grade and labeling requirements;
- (4) Provide a clean grading area with adequate lighting and an available desk, chair, and secured cabinet with hasp of the department's use;
- (5) Provide the department with a flow chart and a narrative of processing operations;
- (6) Provide the department with an organization chart and list of responsible individuals;
- (7) Provide the department with a listing of all sack and label markings to be used for the program, including a required date code and other codes if used and the key to interpretation of the codes;
- (8) Provide the department with a weekly schedule of operations;
- (9) Maintain and make available to the department a log showing:
 - (A) All cherry coffee, parchment coffee, and green coffee received by the mill, whether to be processed by the mill or not;
 - (B) Name of producer, shipper, wholesaler, or miller of each lot of all coffee received and amount by type and weight;
 - (C) Daily volume of green coffee processed by grade and weight; and
 - (D) Distribution of all green coffee including where applicable, certificate type and certificate number and the respective container type; grade, weight and receiver, including green coffee exempt from certification; and
- (10) Have available for inspection at the department's request all green coffee packed by the mill in wholesale quantities, including green coffee exempt from certification.

(b) The department shall follow a CQVP audit scheme consisting of three levels of audits. Millers that meet requirements in subsection (a) shall enter the program at CQVP Level I and shall move up to the next higher level as specified in "Table 1 Coffee Quality Verification Program (CQVP) System Audit Levels and Requirements (10/30/00)" located at the end of this chapter and incorporated herein.

(c) Charges for all CQVP Levels shall be based on a minimum of \$100 administrative fee per required audit, in addition to the hourly audit fees and grading charges. If the department determines that an additional audit visit is necessary, it shall be conducted at no cost to the miller.

(d) If a miller requests additional audit inspections over the minimum, the miller shall be charged at the same hourly audit and grading rate for the CQVP. Requested audits shall be conducted on a time available basis.

(e) Full certification by the department may be requested by a CQVP miller at full certification charges on a time available basis.

(f) To withdraw from the program, a CQVP miller shall provide two weeks advance written notification to the department.

(g) The department shall utilize recent inspection records and CQVP audit results from the previous season to determine a miller's qualification for re-entry into the CQVP.

(h) Millers approved for CQVP Level I, shall be assigned a CQVP stamp with a miller number. This stamp may be used for wholesale quantities of green beans processed under CQVP Level I, CQVP Level II, or CQVP Level III. Millers may also purchase pre-numbered CQVP Certificates from the department. The miller shall be responsible for the safekeeping of the stamp and certificates.

(i) Millers using department issued CQVP certificates shall forward copies of all certificates issued or voided each month to the department within 7 days after the end of the month.

(j) The department shall remove the miller from the CQVP program for any of the following reasons:

- (1) Failure to comply with this section;
- (2) Unsatisfactory performance at CQVP level I;
- (3) Failure to pay inspection fees;
- (4) Misuse or misrepresentation of the CQVP stamp, certificate, or program;
- (5) Providing false information to the department;
- (6) Hindering or attempting to influence the inspector; or
- (7) Other reason that the department finds harmful or contrary to the intent of the CQVP program.

(k) If a miller on the CQVP level I, II or III withdraws from the program or is removed from the CQVP by the department, the miller shall immediately surrender all assigned CQVP stamps and unused certificates to the department. The miller upon re-entry into the CQVP will be issued an equivalent number of certificates at no cost. Any miller falling back to the CQVP Level I or CQVP Level II due to product failure, shall submit an explanation to the department as to why the product failed and what steps were taken to correct the situation.

The department shall:

- (1) Provide written instructions and detailed requirements regarding the CQVP to all interested millers.
- (2) Initiate the CQVP with new millers upon mutual agreement.
- (3) Provide inspection audits as required in subsection (b).
- (4) Notify millers of audit results as soon as practicable.
- (5) Inform millers that have failed to meet CQVP requirements, in writing, of corrective action needed to enter or re-enter the program.
- (6) Keep all proprietary and individual producer and miller data confidential.]

[Eff 10/8/01] (Auth: HRS §147-7) (IMP: 10/8/01)

§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, of one type, 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

fifteen per cent defective beans, by weight, included therein not more than five per cent, by weight, black or moldy beans that equal full imperfections only, as described in paragraph (b)(1); which may be assigned a size classification as stated in paragraph (c)(1); provided that:

- (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.

(b) 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 pod or piece of a pod that is more than fifty per cent equivalent of a full pod shall equal one full imperfection;
- (3) 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.
- (4) 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.
- (5) One stone more than 4 millimeters in any dimension shall equal one full imperfection;
- (6) One stick more than 4 millimeters and up to 10 millimeters in length shall equal one full imperfection;
- (7) One stick more than 10 millimeters in length shall equal two full imperfections.

Where only a piece of a black bean, moldy 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 bean, partly moldy bean, or a stone that does not equal one full imperfection as described in paragraphs (1) and (5) shall be scored as one-fifth of a full imperfection.

A quaker, shell, mother bean, or bean or 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.

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 an imperfection to the extent that these defects affect the quality of the beans in the lot.

(c) 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; and

(F) Size 19 shall consist of beans which will not pass through a 19/64 inch round hole.

(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.

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

(e) 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", or "Oahu" in conjunction with the term Offgrade is prohibited. [Eff _____] (Auth: HRS §§147-4 and 147-22) (Imp: HRS §§147-4 and 147-22)

§4-143-12 Record keeping. (a) Every person who produces, processes, transports, or distributes Hawaii-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 Hawaii-grown coffee purchased, transported or sold;
- (5) The grade of Hawaii-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 Hawaii-grown coffee shall

be retained for a minimum of two years. [Eff] (Auth:
§147-4) (Imp: §147-4)

DRAFT