

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEXTER KISHIDA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

**MARCH 11, 2024**  
**1:00 PM**  
**CONFERENCE ROOM 224 & VIDEOCONFERENCE**

**HOUSE BILL NO. 2139, HD1**  
**RELATING TO INVASIVE SPECIES**

Chair Gabbard, Vice Chair Richards and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill No. 2139, HD1 relating to invasive species and requires the Department of Agriculture to establish and implement an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers. The Department respectfully opposes this measure, recognizes the threat that invasive species pose, and offers comments.

The Department supports the intent to provide a more robust biosecurity program to battle invasive species through a placard program. The opposition is based on the Department's insufficient capacity in both personnel and operations to implement this new program and simultaneously maintain port-of-entry inspection capabilities. The Department of Health (DOH) implemented a placard program in 2014 where 50 DOH



inspectors provided initial and follow-up inspections for 10,000 food establishments statewide. The Department estimates a statewide CIP budget for facilities being approximately \$12.5 million, with staffing and operational funds of \$8.3 million for the creation of a new program to implement this measure. This estimate is likely conservative as it is unclear what “agricultural producers” would be covered under this program. Additionally, the Department considers resources to reinstate core inspection and biosecurity programming more critical to respond to the overall threat of pests and invasive species.

This measure appears to require complaint-based inspections and this could penalize businesses who receive false complaints as the Department is required to charge \$50.00 per hour, plus mileage reimbursement, for any inspection conducted away from the port or department office that does not involve release at port of arrival, pursuant to L 2010, c 173, §13.

The Department has concerns regarding its ability to determine whether an “agricultural producer” would be covered under this program as the Department does not have the means of determining gross income thresholds, nor determining whether all activities were conducted within the state or not. Additionally, as “agricultural activities” are not defined it could be interpreted to include ranching, aquaculture, Ag tourism, or even value-added products utilizing processed Hawai'i-grown commodities such as roasted Kona coffee, and it is not clear if these types of specific industries are intended to be covered under this program or not, as each of these industries have their own pest concerns.

The Department is also concerned about the definition of “invasive species” as there is no way to determine which species would subject a producer to receive a placard indicating non-compliance. As currently defined, species such as feral pigs or axis deer would appear to result in non-compliant status and it is unlikely that producers, particularly smaller ones without significant support, would have the capability of removing or eradicating these species from their properties, particularly in areas that are heavily infested. Additionally, species such as coqui frogs or little fire ants could fall outside the definition as these species generally do not have direct impacts to crops and are more of an environmental nuisance or impact human/animal health. While the department supports the intent, we strongly support the budget priorities set forth in the Executive Budget.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

DEAN D. UYENO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
AGRICULTURE AND ENVIRONMENT

Monday, March 11, 2024  
1:00 PM

State Capitol, Conference Room 224 & Via Videoconference

In consideration of  
HOUSE BILL 2139 HOUSE DRAFT 1  
RELATING TO INVASIVE SPECIES

House Bill 2139 House Draft 1 requires the Department of Agriculture to establish and appropriate funds for an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers. This bill requires the Department of Agriculture to inspect certain establishments that are at risk of spreading invasive pests and establishes correction and quarantine. **The Department of Land and Natural Resources (Department) provides comments on this measure.**

The Department recognizes the efforts of the introducers of this measure to address the spread of pests like little fire ants and coqui frogs in the state by establishing a placard system, like what the Department of Health uses for restaurants. The target group for this placard system is agricultural producers which in the measure includes “a farmer, cooperative association, or landowner...” The Department recommends narrowing the measure to focus on a nursery licensing program which several bills introduced this session focus on. The nursery trade is a known high-risk pathway for moving pests inter- and intra-island and currently the Department of Agriculture does not have a complete list of nursery operators in the State, only certified nurseries which are specific to exporting products out of Hawai‘i.

A nursery licensing program would create a system for the Department of Agriculture to regulate and communicate on commodities being sold to the public via this high-risk pathway and better ensure product is free of major pests like coqui frogs and little fire ants.

Mahalo for the opportunity to provide comments on this measure.



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

March 11, 2024

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON HB 2139, HD1**  
**RELATING TO INVASIVE SPECIES**

Conference Room 224 & Videoconference  
1:00 PM

Aloha Chair Gabbard, Vice-Chair Richards, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

**The Hawai'i Farm Bureau provides comments on HB 2139, HD1**, which requires the Department of Agriculture to establish and implement an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers and appropriate funds to mitigate the spread of the little fire ant and coconut rhinoceros beetle in the State.

HFB recognizes the importance of preventing destructive invasive species from entering the State and how difficult it is to manage those that become established in our islands. We appreciate the difficult work of HDOA and its partners in preventing entry and their efforts to eradicate or control these detrimental animals, insects, weeds, diseases, and other pests.

As farmers and ranchers, we understand the need for updated policies and procedures to prevent the spread of these pest species. Our way of life and our livelihood is entirely dependent upon the ecological balance of our environment.

HFB has the following concerns.

- The bill indicates that it amends HRS Chapter 150A by adding a new section to be entitled "**Invasive species inspection placard program**". It appears that this new part is intended to be in addition to the current Chapter 150A which concerns the same issues. Does this new part apply only to agriculture-related businesses, but not to nearby State, federal, or other properties that may be infested with and spreading invasive species?

- Assuming the bill's requirements are only applicable to agriculture-related businesses such as farms and ranches, is it fair to target these entities if invasive pests are ubiquitous in the area, making it nearly impossible to prevent re-infestation, especially if there are no similar control requirements for the surrounding properties.
- Would large ranches, for example, those on hundreds of thousands of acres on Hawai'i Island that have been devastated by the two-lined spittlebug, be subject to these new laws even though there are currently no reasonable, cost-effective treatments available? Would having these pests on a farm or ranch be considered a violation?
- Because of the diversity and complexity of invasive species control, we are especially concerned about the proposed HRS Chapter 150A-(d) regarding the disclosure of the inspection report as a public document and the section requiring public placarding. These sections do not seem appropriate. Placarding could permanently stigmatize a business even if the producer is cooperative and corrects any deficiencies found upon inspection.

Department funding and staffing have long been insufficient to adequately prevent the entry and establishment of dangerous and damaging invasive species. This bill will require extensive resources and personnel to educate the public and producers, assist agricultural businesses with compliance, and conduct inspections and enforcement. Without significant funding, this measure will be impossible to implement.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.



The Senate  
Committee on Agriculture and Environment  
Monday, March 11, 2024  
1:00 PM Conference Room 224  
State Capitol

### **Testimony with Comments on HB2139 HD1**

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) supports the intent of **HB2139 HD1**, *Relating to Invasive Species*, which requires the Department of Agriculture to establish and implement an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers.

We appreciate the intent of this bill and we provide the following comments for consideration. First, this bill is focused on setting up a placard program for all agricultural producers. There were several bills introduced this session that focused more narrowly on the issue of nursery regulation via a nursery licensing program or placard program because plant nurseries are one sector of agricultural producers that are a higher-risk pathway for receiving and then spreading pests via plants and nursery products for sale directly to the public. Currently, HDOA does not have a list of all nurseries, plant sellers, or even agricultural producers. Many other agricultural producers such as farms and ranches may have infestations and we must work towards addressing these, but food processing requirements under the Food Safety Modernization Act and others minimize the chances of these pests spreading via commerce to the public.

As we have mentioned in previous committees on similar bills, the Hawaii Department of Health conducted several years of preparation work with food establishments before the enactment of the food safety placard program. This lead-in time, along with the fee structure, allowed the hiring of enough inspectors to provide education and bring all of the restaurants into compliance. The annual fees provide enough support to ensure immediate re-inspection and restoration of a green placard once violations are addressed. If a similar program for ag producers were enacted, HDOA would need the resources and at least a year to set up a program, followed by at least two years of outreach and working with agricultural producers to launch an effective program.

Thank you for the opportunity to provide comments on HB2139 HD1.

Aloha,

A handwritten signature in blue ink, appearing to read 'C. Martin'.

Christy Martin  
CGAPS Program Manager

A handwritten signature in blue ink, appearing to read 'P.S. Easley'.

Stephanie Easley  
CGAPS Legal Fellow



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Kauai

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Senate Agriculture and Environment Committee,

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU provides comments HB2139.**

Hawaii Farmers Union appreciates the intent of HB2139 to address the critical issue of invasive species in our agricultural communities. However, we are concerned that the bill as written could impose unreasonable burdens on our farmers. For example, the requirement to establish an invasive species inspection placard program may place additional financial and administrative strains on agricultural operations already facing numerous challenges.

For example, the potential implications of the bill on long-standing invasive species like Koa Haole (*Leucaena leucocephala*) raise concerns about the feasibility of full eradication. Forcing farmers to remove all instances of such invasive species from their entire farm could prove to be impractical and even detrimental to the overall health of the agricultural land. We believe that a more targeted and realistic approach is needed to effectively manage invasive species while ensuring the sustainability of Hawaii's agricultural industry.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 11, 2024

1:00 PM Conference Room 224

### In SUPPORT of:

**HB2104 HD1: RELATING TO THE HAWAII INVASIVE SPECIES COUNCIL**

**HB2131 HD2: RELATING TO THE TWO-LINED SPITTLEBUG**

**HB2133 HD1: RELATING TO INVASIVE SPECIES**

**HB2139 HD1: RELATING TO INVASIVE SPECIES**

**HB2644 HD1: RELATING TO LITTLE FIRE ANTS**

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Aloha Chair Gabbard, Vice Chair Richards, and Committee Members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS HB2104 HD1, HB2131 HD2, HB2133 HD1, HB2139 HD1, and HB2644 HD2**, which will help to mitigate the ongoing and future impacts of invasive pests on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

Hawai'i's history provides us with a host of lessons regarding the wide-ranging and potentially irreversible damage that invasive species can inflict on our islands and ways of life. Invasive plants and wildlife have overtaken entire watersheds, impacting not just native habitat but also reducing aquifer recharge, increasing our vulnerability to floods and wildfires, and smothering our nearshore reefs and waters with runoff. Parasites and other pests have impacted local food production and increased the use of toxic pesticides on farms and in home gardens, risking both public health as well as threatening stream and nearshore species critical to our aquatic ecosystems. Invasive animals have also extirpated native species, continue to threaten others with outright extinction, and continue to undermine public health by acting as vectors for zoonotic diseases. Most recently, the spread of invasive pests such as the little fire ant, coconut rhinoceros beetle, hala scale, two-lined spittlebug and others will require substantial and long-needed policies and investments over the long-term, to prevent additional and even greater impacts to our islands and our future generations.

Accordingly, the Sierra Club strongly supports the much needed policies and investments contemplated in these measures. More financial support is critical for the Hawai'i Invasive Species Council to fulfill its biosecurity mission; funding for targeted campaigns to address the little fire ant and two-lined spittlebug are critical to preventing the ecological, cultural, agricultural, public health, and economic impacts of these pests; financial support for businesses and organizations to engage in invasive species control and eradication will engage more of the community in the all-hands-on-deck fight to combat their spread; and



# SIERRA CLUB OF HAWAI'I

agricultural invasive species placards will encourage agricultural producers to proactively employ best management practices and other measures to prevent and address invasive species on agricultural lands.

The Sierra Club emphasizes that quarantine requirements will also be critical to filling a gap in our regulatory toolbox that has allowed the sale of infested plants and other communities – a gap that has likely contributed to the establishment of coconut rhinoceros beetle on O‘ahu, and the ongoing spread of little fire ants across the islands. **The provisions of HB2758 HD2, scheduled for a hearing before this Committee and the Committee on Transportation and Culture and the Arts on March 12, would help to fill this regulatory gap and many others, and the Sierra Club accordingly strongly supports that measure as well.**

Much remains uncertain as we continue to reckon with the consequences of Hawai'i's longstanding failure to enact critical biosecurity protections. However, it is certain that much stronger action, including but not limited to the proposals in the aforementioned bills, will be necessary to mitigate or prevent the worst of these and other future impacts to our lives and that of our children and future generations.

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS** these measures. Mahalo nui for the opportunity to testify.

**HB-2139-HD-1**

Submitted on: 3/9/2024 4:34:47 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to requiring the Department of Agriculture to establish and implement a pesticide inspection program to increase compliance with the proper use of restricted use pesticides by agricultural producers, ensure the continued prohibition on the use of chlorpyrifos, and inform the public of the most recent pesticide inspection results for agricultural producers

**HB-2139-HD-1**

Submitted on: 3/9/2024 5:21:45 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

Just a few weeks ago little fire ants were found at the Punahou Carnival... do I really need to say more? I urge you to PASS this very important measure. MAHALO!

**HB-2139-HD-1**

Submitted on: 3/10/2024 11:40:43 AM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Vice Chair Richards, and Committee Members,

I am in Strong Support of HB 2139 HD1. This is an important bill that requires immediate attention and action.

The placard system is a great idea. It is used for restaurants and is very effective. It should definitely help stop the spread, providing a notification system to enhance the control, removal, and eradication of invasive species. Most importantly it will inform the public who has a right to know.

The coconut rhinoceros beetle has wreaked havoc at the Mililani Agricultural Park destroying coconut palms and banana trees. Research shows they will also destroy papaya, mango flowers, sugar cane, pineapple, and taro. These are significant food crops to the Hawaiian Islands. The more the need to import food the greater the risks of bringing in more invasive pets. If these crops disappear, what will they destroy next?

I live on the Windward side where Little Fire Ants have begun to spread. While it has not been detected on our property so far, I believe immediate action is required to stop the spread, and hopefully it's not too late. We have mango, breadfruit, satsuma, guava, and banana trees and two dogs on our property. I dislike using anything except natural pesticides, and only when needed. We already have a variety of invasive species and plant diseases that can be difficult to control such as white flies, fruit flies, mealy bugs, other ant types and fungal infections. Little Fire Ants can cause blindness in pets.

Food sustainability is important to our island culture and our future. Controlling invasive pests is crucial to farmers and individuals who love to garden and grow different fruits and vegetables. The more invasive species the greater the need to use harmful pesticides.

Please provide support and pass Bill 2139 HD1.