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

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 7, 2024

9:30 AM

CONFERENCE ROOM 325 & VIDEOCONFERENCE

**HOUSE BILL NO. 2758
RELATING TO INVASIVE SPECIES**

Chair Gates, Vice Chair Kahaloa and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill No. 2758 relating to invasive species. This bill facilitates the control and eradication of invasive species and pests; establishes a plant nursery licensing program; requires the department to designate certain species as pests for control and eradication; imposes limits on imports and transportation; and updates the method by which the Department's noxious weed list is updated.

The Department recognizes the threats pests and invasive species pose and offers comments on this bill.

Throughout this bill, the use of the term "State Plant Regulatory Official" is used. The Department believes that this decision-making authority should be assigned to a position that is a state-employee. While the National Plant Board, a non-profit organization consisting of all state pest regulatory officials, usually consisting of an



administrator or director of the respective state's pest regulatory agency, however, there is no requirement that this individual must be in that role leading to the possibility of assigning an individual that may not be familiar with quarantine regulations.

The Department has concerns about the proposed addition to Hawaii Revised Statutes (HRS) 141-2(7). The department agrees that pest and invasive species management, including necessary rules that accommodate the protection of the public are necessary. However, the inclusion of this section for broad rulemaking authority appears to be unnecessary and is already included appropriately throughout the HRS.

Regarding the proposed changes to HRS 141-3, various changes are proposed. Section (1) concerning coqui, little fire ants, and two-lined spittlebug should be omitted and added to Hawaii Administrative Rules 4-69 as opposed to being in statute, especially with the new requirements to continually revise the rules on an bi-annual basis. Subsection (A)(i) refers to "high-risk pests" but there is no criteria to determine what species would qualify for this. The Department also has concerns about subsection (b) as the inclusion of the term "or any other taxa" as it would seem to require control of organisms not traditionally under the Department, such as axis deer, feral chickens, or rats, or any other species widespread or not, that meet the designated criteria in this section, particularly as there is no need for designation of these species as a pest for control or eradication.

Section 141-6 should be revised to be consistent throughout the section and include the state plant regulatory official as part of the hearing.

The Plant Nursery Licensing Program would require extensive staffing, equipment, supplies, and funding to fully implement as currently drafted. As the section

requires inspections of entire facilities for essentially any insect, disease, or pest, whether high-priority or not, the department would likely need an entire Branch consisting of at least 75-100 inspectors, technicians, administrative staff, and specialists to manage the license processing, inspections, and the development of location specific best management practices and standards of nursery cleanliness. There are also concerns about the inconsistency between the three license types. Some examples include: (1) a full plant licensee cannot sell noxious weeds, however temporary and small seller licenses have no such restriction; (2) temporary licensees appear to not be able to independently produce their own stock, but full and small seller licenses are able to; or (3) the requirement of small sellers of temporary licensees to only obtain stock from a person with a valid license, but full plant nursery licensees do not have this requirement, which would also seem to prohibit importation for these licensees as well. The term "stop sale" should be omitted from this section as a quarantine order would function similarly and would reduce confusion with section (f) being amended to clarify that the mitigation activities be under the department's directive. The civil penalties should be amended to individual offenses or have a tiered structure. As currently listed, it incentivizes multiple violations since all are compiled daily. Additionally, the department believes that this program would be better suited to be housed in the HAR as opposed to the HRS to manage requirements.

The new sections with list of proposed pests and the designation of infested and restricted areas are already in 4-72, HAR and therefore should be omitted. Additionally, being in the rules gives the department the ability to manage the list more effectively. The proposed firewood requirements should also be in the HAR as well.

The new section regarding cooperative enforcement of state and federal quarantines already exists in 141-2(5), therefore should be omitted. The citrus pest requirements should be added in 4-70, HAR, where all other plants for import to manage specific pests are found. Additionally, this section, as listed, may be subject to federal preemption.

The department offers the following amendments to the proposed definitions. For “Compliance agreement”, the reference to it being a permit should be omitted as it complicates the existing permits. Section (1) of “Pest” appears to eliminate the need to have a Board designation. As such there is no need for section (2) as there is no functional difference. However, this would effectively make any organism a pest, and subsequently subject to all other requirements for pests, which would be particularly onerous for nursery stock and interisland movement of regulated goods.

There are numerous issues with HRS 150A-5. The addition of the new section (a) to HRS 150A-5 would essentially require a criminal investigation for the importation of anything that was found to be infested. Section 5(A) appears to be a constitutional violation, particularly with regards to the inspection of a person and the ability to detain and individual. Sections (7), (8), and (9) appear to give the department the ability to inspect, quarantine, and make a final disposition on any “item or material”, which appears to conflict with the existing “restricted articles” and “articles”, which are defined. As “item or material” are not currently defined, it would appear that all these items may require inspection and disposition. If this is the intent, the Department would likely require a minimum of 300 inspectors just to accomplish this task.

HRS 150A-8 as currently drafted creates a number of issues, particularly with inspections. It does not define the items that require inspection, and could be interpreted that any item would require inspection to determine they are not pest host material. Additionally, much of this section is already in, or is proposed for inclusion, in chapter 4-72, HAR, where the majority of this section should be maintained.

The Department suggests that the proposed interim rule language in 152-D(3), Emergency Definitions be included in HRS 150A-9.5 for clarity, though this section already appears to have the authority to do this. Section 152-I(b), if deemed necessary, should be included in 150A-6.1. However, this section already appears to cover the intent of the proposed section as importation of a noxious weed needs to be under permit and currently if a noxious weed is imported without a permit, 150A-5 would be used to effectuate treatment and final disposition.

Response and control programs to designated pests is a function of the Plant Pest Control Branch. This bill institutes changes within the authority of Plant Pest Control through changes to HRS 141-3 and HRS 152. Changes to both of these statutes will result in the need to reorganize and provide additional funding to the branch in addition to the Hawaii Ant Lab and the Invasive Species Committee. In addition to actual response programs to plant pests and noxious weeds, Plant Pest Control Branch has traditionally been the program that develops the control programs wholly or in part with College of Tropical Agriculture and Human Resources specialists in various departments. This includes working closely with staff of the Pesticide Branch to ensure products are used appropriately and necessary products are licensed and labeled for use in Hawaii. If products are not licensed or labeled or a special local need label is

needed, it is the Plant Pest Control Branch that will work to address those labeling needs with the Pesticides Branch. As an example, the altosid product currently used in Nahiku by Maui Invasive Species Committee through aerial application is available as a tool through sponsorship of a special local needs label by the Plant Pest Control Branch. Even if the Branch is not a directly applicant, it is always supplying relevant information to insure forward movement to the Pesticides Branch and the EPA. While not directly mentioned, the expansion of powers and the mandate to engage in more response and control activities by the Department and partners such as the Invasive Species Committees, Hawaii Ant Lab and others to enact this bill. Of key importance is language changes found on page 8 “(b) The department of agriculture [shall], so far as reasonably practicable, shall assist, free of cost [individuals,] persons, in the control of insects...” The replacement of the word individual with persons means the department must control pests for businesses as well as individuals as person represents entities as well. This significantly increases the cost of programs to respond to pests. As noted by the statutory language change, the legislature is wishing the department to prioritize little fire ant. The funding needed to respond to LFA infestations, which are beyond control and eradication on Hawaii Island, would be cost prohibitive and the annual budget for the Plant Pest Control Branch would need to increase exponentially to address the needs created with this bill. We also note, this bill identifies a potential union conflict as it states work currently executed by HGEA Unit 13 staff will be executed by non-unionized employees of the Invasive Species Committee and the Hawaii Ant Laboratory. This also conflicts with existing Research Corporation of the

University of Hawaii policy not to create positions within their programs that will directly compete with state positions.

To enact this bill, the Plant Pest Control Branch is requesting the following to address the requested changes to statutory authority within Hawaii Revised Statutes 141-3 and HRS 152:

Plant Pest Control Branch is currently bundled with Plant Industry Administration and Plant Quarantine Branch. The accounting code for the Biocontrol Section and the Chemical Mechanical Sections are 122EC and 122ED respectively. We are requesting a separate accounting code Plant Pest Control Branch for better fiscal administration of the Branch.

The Branch would need to be restructured not as Branch but as a Division to fulfill the mandates of this bill. As this branch will be populated by positions which has become increasingly difficult to fill, we are requesting the creation of two new position classes: Biocontrol Specialists which will replace the functions of noxious weed specialist, pest control technicians, lower level entomologists, lower level plant pathologists, and encompass needed functions the Department current does not have including botanists and malacologists. The second position would be Environmental Regulatory Scientist. This position would capture the specialized role high level scientists positions require which entails comprehensive background in the field and knowledge of regulatory issues from multiple agencies to navigate successful implantation of programs. The requested structure would be a Division with the following Branches:

- Plant Pest Control Division Administration:

- The division will be led by an EM-7 with the following staffing branches and staffing support
 - 1 Division Secretary (SR-18)
 - 2 Accountant III (SR-20)
 - 2 Account Clerk IV (SR-13)
 - 1 Planner VI (SR-26) in a supervisory capacity
 - 2 Planner V (SR-24)
 - 1 Environmental Regulatory Scientist to serve as a compliance officer for the Division.
- Methods Development Branch: program to house the development of biological control, chemical control, mechanical control, semiochemical development, and integrated management techniques for plant pests and noxious weeds. This house elements of the Insectary Unit of the current organizational chart of the biocontrol section.
 - 1 Manager, EM-5
 - 1 Secretary III (SR-16)
 - 2 Account Clerk (SR-13)
 - 6 Environmental Regulatory Scientists
 - 30 Biosecurity Specialists
- Integrated Plant Pest Control Branch: This program will house the positions that would execute the intent of this bill to respond to pests for response and control to plant pests and noxious weeds.
 - 1 Manager, EM-5

- 1 Secretary III (SR-16)
- 4 Account clerks (SR-16)
- 2 Secretary II (SR-14)
- 4 Environmental Regulatory Scientists to serve as Section Chiefs for each county
- 4 Planner III (SR-22) to assist the Section chiefs with interagency planning for different pest response programs for each county
- 80 Biosecurity Specialists statewide divided within the 4 sections to execute treatment programs using chemicals and biological control agents
- Plant Pest Analysis Branch: This program will house support programs for the Plant Pest Control Division and what is now Plant Pest Control Branch. It will house functions for the identification, determination of pest distribution, data support and risk analysis.
 - 1 Manager, EM-5
 - 1 Secretary III (SR-16)
 - 1 Account clerks (SR-16)
 - 1 Secretary II (SR-14)
 - 1 Planner III (SR-22)
 - 4 Environmental Regulatory Scientists to serve as Section Chiefs for the following Sections
 - Plant Pest Diagnostics Section: Responsible for rendering definitive identifications of plant pests.
 - 10 Environmental Regulatory Scientists: Diagnosticians within the Plant Pest Diagnostic Sections will be subject matter specialists in

Entomology, Plant Pathology, Botany, Malacology and other subject matter fields and will include

- 20- Biosecurity Specialists :Support for Scientists
- Plant Pest Information Management Section: this program will house GIS specialists and IT management specialists to manage interagency mapping and data needs for the state including non-state partners such as the Invasive Species Committees and the Hawaii Ant Laboratory.
 - 1 Planner IV (SR-22)
 - 4 Environmental Regulatory Scientist GIS:
 - 4 Environmental Regulatory Scientist Data Management
 - 4 Biosecurity Specialist
- Pest Risk Analysis Section: This section will analyze data from other branches within the division to create models to predict what different pests will do within Hawaii and directly liaison with USDA to use USDA models for Hawaii's benefit.
 - 1 Planner IV (SR-22)
 - 3 Environmental Regulatory Scientists: Subject matter specialists in entomology, plant pathology and botany
 - 10 Biosecurity specialists

The 212 positions captured herein will far exceed the ability of the current Plant Industry Facilities to house. New facilities will need to be constructed to meet the specialized needs, especially of the Methods Development and Plant Pest Analysis

Branch. These Branches will need specialized containment facilities and laboratory facilities to facilitate their activities. The division will need facilities in each county and for Hawaii County and Maui County, satellite offices will be needed in Kona and Molokai and Lanai respectively. The anticipated costs for facilities would be \$120 million but a significant planning will need to be undertaken.

Operationally, vehicles will be needed in addition to pest management tools. This will include the need to address aquatic weeds. The Division will therefore require boats with spray rigs, drones, truck mounted, towable spray rigs for pest control operations. A budget will be needed for helicopter time for the management of Class A and B weeds.

For Statutory changes to 141-3 and 152, the anticipated annual cost for both staffing, facility operations and operating costs is \$30 million. Thank you for the opportunity to testify on this measure.

JOSH GREEN
GOVERNOR OF HAWAII

SYLVIA LUKE
LIEUTENANT GOVERNOR



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COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

February 7, 2024; 9:30 AM
Conference Room 325

Testimony HOUSE BILL 2758
RELATING TO AGRICULTURE

House Bill 2758 facilitates the control and eradication of invasive species and pests, establishes a plant nursery licensing program, requires the Department of Agriculture to designate certain species as pests for control or eradication, imposes certain limits on imports and transportation and updates the method by which the Department's noxious weed list is updated. The **Hawai'i Invasive Species Council (HISC) supports this measure.**

The threat of a new, devastating pest or disease is an ever-present reality. As global trade and travel continues to increase and expand, there are more opportunities for new pest incursions to occur. Recent statistics for Hawai'i, estimated that 80% of commodities and 90% of food are imported, and over 6 million people visit Hawai'i each year (pre-CoVID numbers) making border biosecurity critical for preventing new invasive species from arriving and spreading in the state.

Drastic changes in the State's abilities to regulate and prevent new and existing invasive species from entering and spreading are necessary and addressed in the 2017-2027 Hawai'i Interagency Biosecurity Plan. House Bill 2758 addresses many of the actions identified in the plan and its passage would support continued progress on achieving the plan's goal of a more biosecure Hawai'i.

Below is a list of how some of the proposed actions in this measure align with actions in the biosecurity plan:

HB 2758 Action	HIBP Actions
Amends the chapter 150A HRS definition of pest so that a "pest" does not have to be designated by the Board of Agriculture.	Ore Border Policy 1.1, 1.2, Border Policy 1.1, 1.2, 1.3, 1.4, 2.2, Post Policy 1.1, 2.3
Proposed chapter 72 HAR rule changes into law	Post Policies 1.1, 1.2, 1.3, 1.5
Authorizes noxious weeds to be designated by a Board of Agriculture process that must occur each year	Border Policy 2.1

The legislature created the HISC in 2003 with the special purpose of providing policy level coordination and planning for the control and eradication of harmful invasive species. Through the HISC, continued coordination on improving invasive species management and

biosecurity can continue. The Council appreciates the opportunity to provide support on this measure.

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February 6, 2024

Hearing: COMMITTEE ON AGRICULTURE & FOOD SYSTEMS
RE: HB2758

LATE

Aloha,

Thank you for the opportunity to provide comments on this bill. Hawai'i has long needed serious upgrades to our biosecurity systems, and this bill goes a long way toward filling many gaps.

There are many key positive measures offered by this bill that we feel move strongly in the right direction. For many years, BIISC has advocated for an update to the Noxious Weed List, last revised in 1992. We launched a voluntary nursery endorsement and education program, Plant Pono, which has been very successful in reducing the number of invasive plants sold in the horticulture trade. However, we can only *request* that a nursery choose to avoid selling invasives; because they are not legally required to stop, 25% of our retail nurseries on the Big Island still sell invasive plants. More than 99% of the world's plants remain legal to import to Hawai'i - no matter how invasive! We need not just an updated Noxious Weed list, but a "living" list that can be adjusted and updated in a timely manner. This act provides exactly that - a requirement for annual updates.

We are supportive of the extension of authority to the ISCs and Counties to design and coordinate eradication programs that include the potential for admission to private property for treatment. Here on the Big Island, we have thousands of vacant parcels with absentee owners, and the lack of ability to reach those owners and obtain permission for access can often be a huge barrier to a successful control program. This is a key measure to stop incipient invasions.

For over a year, we have been steadily providing our support for the proposed updates to HAR Ch 4-72. This bill includes those key updates and enshrines them in law, allowing for critical intervention actions in the movement of potentially infested materials to stop the movement of pests. As one of the islands to only recently have detected coco rhino beetle, we welcome these key improvements to help in the battle against CRB. Similarly, streamlining the process for allowing the definition of "pest" to be update quickly in response to new detections, rather than follow the existing process which can take months or years (and severely hamper response efforts during a critical time), is a huge step forward in making Hawai'i more responsive to the increasing challenges of our modern era.

There are many other positive provisions in the bill that BIISC feels are important to improving Hawaii's biosecurity. Thank you for this opportunity to offer comments, and do not hesitate to contact me for more information.

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LATE

February 6, 2024

Subject: Testimony to the Hawai'i State House of Representatives regarding House Bill 2758
"Relating to Agriculture"

Aloha Chair Gates, Vice-Chair Kahaloa, and Esteemed Committee Members,

I am submitting testimony on behalf of the O'ahu Invasive Species Committee (OISC) in **strong support** of House Bill 2758 which would establish quarantine tools, a nursery licensing system, and streamline rules to help monitor, control, and eradicate high-priority invasive species spread through the state.

The Hawai'i Department of Agriculture (HDOA) is the only current Department with the authority and ability to address invasive species spread throughout our islands through regulation. In order for HDOA to successfully regulate the inter-island and intra-island movement of injurious pests, the State must provide HDOA with the necessary tools to adequately address the threats of invasive species expanding via the nursery trade.

This piece of legislation would increase biosecurity statewide by providing HDOA with an inspection model and refining quarantine methods for a site determined to be infested by a high-priority pest. The current voluntary model is not successfully limiting the spread of dangerous species like little fire ant (*Wasmannia auropunctata*) and coconut rhinoceros beetle (*Oryctes rhinoceros*), and instead is helping to catalyze the expansion due to only a few bad actors. A more publicly visible system that provides HDOA with the necessary tools to prevent the spread of this high-impact species will also act as a preventative measure to limit invasive species expansion by deterring potential bad actors with substantial consequences.

We very much appreciate your continuing leadership and support for invasive species management. For these reasons I lend OISC's full support behind HB 2758 and thank the Committee for providing our organization with the opportunity to testify.

Mahalo nui loa for your time and consideration,

Nate Dube
Manager, O'ahu Invasive species Committee



**HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Rep. Cedric Asuega Gates, Chair

Rep. Kirstin Kahaloa, Vice Chair

Wednesday, February 7, 2024

9:30 AM

VIA VIDEOCONFERENCE

Conference Room 325

State Capitol

415 South Beretania Street

RE: HB2758 RELATING TO AGRICULTURE

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 350 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **STRONGLY Opposes House Bill 2758.**

This bill seeks to take away duties of the Department of Agriculture and give it to Invasive Species committees, while asking DOA to enforce protocols that they do not have enough funding or man power to accomplish. It specifies that if HDOA does not develop a detailed control/eradication program then an Invasive Species committee may implement a program for that Island.

The Department of Agriculture is focused on production Agriculture. Invasive Species committees are primarily concerned with environment and conservation lands and where pests may infringe on the community. These committees have different priorities. HDOA, being focused on production agriculture does not go into community areas and does not have funding for outreach to community as a priority over production agriculture.



Regarding the entry into Private Properties by Invasive Species Committee to eradicate pests, we believe Invasive species committees should not be casually allowed to represent the Department of Agriculture. They have not been deputized or trained in proper procedures. This should be done by those who have the authority of the PPQ and have the necessary education and training. This should be done through proper channels in case of lawsuits and with the AG approval.

In regards of some of these pests that are listed for the chapter, some can be managed and do not need to be quarantined. This list should be scrutinized. We should only quarantine for high risk. One example of this is the anthurium white fly, which is a pest and needs to be treated at that level, although, may not require quarantine procedures.

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

Supporting Agriculture and Hawaii,



Eric S. Tanouye
President

Hawaii Floriculture and Nursery Association



The House of Representatives
Committee On Agriculture & Food Systems
Wednesday, February 7, 2024
9:30 AM Conference Room 325
State Capitol

Testimony in Support of HB 2758

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is **in strong support of HB2758, Relating to Agriculture**, which would facilitate the control and eradication of invasive species and pests, provide statutory authority for the current actions carried out by the Hawai'i Department of Agriculture (HDOA), and assist HDOA in addressing priority pests. HB2758 makes much-needed updates to prevent invasive species from entering and spreading within Hawai'i and we hope the Committee will move this bill forward.

One important change made by HB2758 is to clearly state that HDOA's statutory authority to prevent and control invasive pests and weeds is for the protection of not just agriculture and forests, but also for public health and welfare, native species, and the environment. We applaud this clarification. However, we are concerned that in one particular place, this change may need additional refinement so that it is crystal clear that HDOA may take emergency action to address an incipient infestation of a pest **before** the pest has a chance to spread and adversely effect native species, the environment, or other societal values. To ensure that effects and likely negative impacts to native species and the environment are included as reasonable findings that may allow HDOA to proceed with an expedited course of action, CGAPS respectfully requests that this Committee make a small adjustment in the language on page 11, lines 14 through 20, which currently reads:

(c) Notwithstanding subsection (a), if the department finds the incipient infestation of a pest that has an adverse effect on native species or the environment or that is injurious or deleterious or that is likely to become injurious or deleterious to the public health and welfare, private property, or the agricultural, horticultural, aquacultural, or livestock industries of the State without immediate action, it may proceed

So that it reads as follows:

(c) Notwithstanding subsection (a), if the department finds the incipient infestation of a pest that ~~[has an adverse effect on the environment or]~~ is injurious or deleterious or that is likely to become injurious or deleterious to native species, the environment, public health and welfare, private property, or the agricultural, horticultural, aquacultural, or livestock industries of the State without immediate action, it may proceed

Another important change made by HB2758 is to allow a county, Invasive Species Committee for an island, or the Hawaii Ant Lab (HAL) to develop or implement a program to control or eradicate a species designated as a pest for control or eradication if HDOA does not do so. This will allow the counties, Invasive Species Committees, and HAL to be the boots on the ground for the pests and locations that are their highest priority if HDOA does not act and will allow resources to go where they are most needed. We respectfully request clarifying language and suggest the correction of a few typographical errors in proposed subsection (b) of section 141-3.5, Hawaii Revised Statutes, beginning on page 12, line 19, which currently reads:

(b) If the department does not develop and implement a detailed control or eradication program for a taxa designated as a pest control for eradication pursuant to section 141-3 on an island where the pest in a public nuisance, the applicable county or invasive species committee, or the Hawaii ant lab, may develop or implement a program for the pest on that island or the impacted area of that island.

So that it reads as follows (proposed changes are in bold):

(b) If the department does not develop and implement a detailed control or eradication program for a taxa designated as a pest **for** control or eradication pursuant to section 141-3 on an island where the pest **is, or is likely to be, a threat to public health and welfare, or private property, and is, therefore, a public nuisance,** the applicable county or invasive species committee, or the Hawaii ant lab, may develop or implement a program for the pest on that island or the impacted area of that island.

Another critically important amendment made by HB2758 is the establishment of a nursery licensing program for plant nurseries, which begins on page 17. Licensing programs are a sensible approach that has been successfully used by a variety of regulatory agencies in similar forms to streamline regulations and communications, and better manage risk. One of the more familiar frameworks is the Hawai'i Department of Health's restaurant placard program. Currently, HDOA does not require nurseries and entities that sell or offer plants to be licensed or even registered with the department.

Hawaii urgently needs a program to license and inspect plant nurseries, as high-priority invasive pests such as coconut rhinoceros beetle (CRB), coqui frog, and little fire ants (LFA) are spreading across and within islands right now on infested nursery plants. The detection of LFA in the plants donated to the Punahou Carnival late last week exemplifies the problem. The plant sale could not begin on time because of the LFA detection and there was no clear way to determine which nursery or business donated the LFA-infested plants. ([Governor's Press Release Feb. 2, 2024](#); [KHON News Feb. 2, 2024](#)) The LFA was detected only because Punahou asked the Oahu Invasive Species Committee (OISC) to check the donated plants before the Carnival. Plants donated to the Carnival have been inspected by OISC every year since LFA was found in plants sold at the Carnival in 2019. ([KHON News Mar 2, 2019](#)) This unfortunate situation was big news and reported by many media outlets. The sad truth is that consumers purchase plants infested with LFA every day from the same nurseries that donated plants to the Carnival, unknowingly spreading the pest to their homes and communities. A nursery licensing and inspection program is urgently needed to stop the spread of LFA and other pests via nursery plants.

Nursery licensing programs that allow announced or unannounced inspections without a warrant are common in other states, including Delaware, Maine, Nevada, New Hampshire, New York, Oregon, Utah, Vermont, and Wisconsin. These programs require each nursery business to obtain a license or permit from the state and be subject to compliance inspections without a warrant. HDOA already has the statutory authority to obtain a warrant to enter private property to control or eradicate a pest. (§141-3.6 HRS) However, for a variety of reasons, HDOA has not used that authority to control or eradicate pests on nursery plants and certain "bad actor" nurseries have continued to sell pest-infested plants for years.

Without a nursery licensing program, HDOA lacks the necessary framework to quickly communicate pest alerts, regulatory information, or Best Management Practices (BMPs) with these businesses. However, we are concerned that nursery businesses may oppose this program because of concerns about the development of the program without time to educate themselves about its requirements and implement any requirements or BMPs. To facilitate an orderly roll-out of this program, we respectfully suggest giving HDOA a two-year period to develop and provide BMPs and engage nurseries in pieces of training. This could be done by inserting the following new subsection (b) on page 28, between lines 15 and 16:

(b) Not later than two years after the effective date of this Act, the Hawaii Department of Agriculture shall adopt rules and implement the plant nursery licensing program established by the amendment made by this section. During those two years, a person may sell nursery stock without a license issued pursuant to that program.

We are also concerned that there may be opposition to the proposed nursery licensing program because HDOA's current list of pests for control or eradication is out of date. The list in attachment 1 of section 4-69A, Hawaii Administrative Rules, "List of Insects, Mites, Other Pests, and Plant Diseases Designated as Pests for Control or Eradication Purposes by the Hawaii Department of Agriculture" was last updated in 2008. It contains 89 taxa, some of which are no longer high-priority invasive species in the State and others are species that can no longer be

effectively controlled in all locations. To address this concern, we respectfully suggest modifying the definition of "High-priority pest" on page 17, line 17, through page 18, line 7, which currently reads:

- "High-priority pest" means a pest, including a noxious weed:
- (1) That is not known to appear frequently within the State;
 - (2) That has a limited distribution within this State;
 - (3) That the department or other government entity attempts to contain, suppress, or reduce within this State, including any pest or noxious weed designated by the department; and
 - (4) Whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

So that it reads as follows (additions in bold):

- "High-priority pest" means a pest, including a noxious weed:
- (1) That is not known to appear frequently within the State;
 - (2) That has a limited distribution within **the** State;
 - (3) That the department or other government entity, **including the appropriate Invasive Species Committee for an island**, attempts to contain, suppress, or reduce within **the State or an area of the State**, ~~including any pest or noxious weed designated by the department~~; and
 - (4) Whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

We further respectfully suggest modifying the language on page 26, lines 1 through 17, which currently reads:

- (1) Shall place a stop sale or quarantine order for the affected nursery stock or location and, if appropriate, a destruction order for affected nursery stock;
- (2) Shall notify the person applying for or holding the full plant nursery license, temporary plant nursery license, or a small seller plant nursery license for the affected nursery stock or location of the existence of the high-priority pest, low-priority pest, or other compliance issue and advise the person on acceptable mitigation methods; and
- (3) May require the affected nursery stock or affected material be mitigated by whatever means necessary, including destruction, confiscation, treatment, return shipment, or quarantine, at the expense of the nursery or person without any form of compensation from the department or State.

So that it reads as follows (additions in bold):

(1) Shall place a stop sale or quarantine order for the affected nursery stock or **location and mitigate potential spread; and**

(2) Shall notify the person applying for or holding the full plant nursery license, temporary plant nursery license, or a small seller plant nursery license for the affected nursery stock or location of the existence of the high-priority pest, low-priority pest, or other compliance issue and advise the person on acceptable mitigation methods; and

(3) **Shall mitigate or shall** require the affected nursery stock, ~~or~~ affected material, **and affected location** be mitigated by whatever means necessary, including destruction, confiscation, treatment, return shipment, or quarantine, at the expense of the nursery or person without any form of compensation from the department or State.

We respectfully suggest that the list of pests set out in the new section added beginning on page 28, line 19, and ending on page 32, line 17, be omitted. Currently, under the definition of “pest” in section 150A-2, Hawai‘i Revised Statutes, a species must be designated as a pest by the Board of Agriculture. Unfortunately, the Board does not have a process to designate a species as a pest and has never done so. This has resulted in confusion as to what qualifies as a “pest”. The amendment made to the definition of “pest” on page 43, lines 9 through 16, clarifies the definition of pest and we believe it makes the list of pests set out in the amendment made by section 8 unnecessary.

HB2758 also addresses the importation of firewood which is currently under-regulated as a pathway for the introduction of harmful pests such as the Asian Longhorned Beetle, Emerald Ash Borer, and diseases of trees. Firewood is often low-quality wood and many states already have the common sense firewood heat treatment requirements proposed beginning on page 34, line 12. This leaves Hawai‘i in the vulnerable position as one of the few states that will take the low-quality, untreated firewood. Requiring heat treatment prior to importation into Hawai‘i is yet another sensible, low-cost, and potentially high-reward regulation that should have been implemented several years ago when federal regulations were repealed.

Hawaii’s citrus industry is an example of how we can be successful in diversifying agriculture, yet protective regulations have not been enacted, leaving this multi-million dollar industry at serious risk. This bill would harmonize Hawaii’s state regulations with existing and future federal regulations to prevent the introduction and spread of serious diseases and pests of citrus. HB2758 also closes a huge hole in Hawaii’s biosecurity framework. Beginning on page 37, line 6, it prohibits the domestic importation into Hawaii of items that the United States Department of Agriculture (USDA) has quarantined from moving interstate to prevent the spread of invasive pests. Currently, HDOA inspectors do not have the authority to enforce USDA interstate quarantines and USDA does not inspect items imported into Hawaii, so

restricted material from federally quarantined areas is able to enter Hawaii. The proposed amendments close this huge biosecurity gap.

Although the language on page 50, lines 10 through 15 corresponds to a USDA inspection authority, it is not clear why some but not all U.S. Territories are listed. We also note all of that text should appear as underscored text. Therefore, we respectfully propose the language below which includes all U.S. Territories (additions in bold):

(A) May conduct inspections of person, baggage, cargo, and any other articles destined for movement between the islands of Hawaii or importation into this State from the continental United States, **American Samoa, Commonwealth of the Northern Mariana Islands**, Guam, Puerto Rico, or the United States Virgin Islands for the purpose of determining whether an insect, pest, disease, or regulated or restricted taxa is present;

HB2758 is a much-needed update for Hawaii's invasive species protection statutes that will make a meaningful difference in preventing the introduction and spread of harmful and expensive invasive species. Mahalo for the opportunity to support HB2758 and for consideration of our testimony.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow

HB-2758

Submitted on: 2/6/2024 6:27:10 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intrainland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

www.WeAreOne.cc

LATE

HB-2758

Submitted on: 2/6/2024 8:55:56 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition supports HB2758. Invasive bugs and plants pose an existential threat to the eco-system in Hawaii. The State needs to act quickly before the threats become so dire that Hawaii will lose it's unique flower and crop plants.

This is a serious problem requiring direct action!

Mahalo for your time.

LATE



Testimony Before The
House Committee on Agriculture and Food Systems (AGR)
IN SUPPORT OF HB2758
February 7, 2024, 9:30AM, Room 325
Via Zoom

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). “Kua'āina Ulu 'Auamo” stands for “grassroots growing through shared responsibility,” and our acronym “KUA” means “backbone.” **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a “backbone organization” that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) almost 40 mālama 'āina (caring for our 'āina or “that which feeds”) community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a (“caretakers of fishponds”); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things “limu” or locally-grown “seaweed.” Our shared vision is to once again experience what our kūpuna (ancestors) referred to as **'āina momona** – abundant and healthy ecological systems that sustain our community resilience and well-being.

KUA strongly supports HB2758 as an incremental step toward 'āina momona.

This bill provides necessary and urgent solutions to tackle the growing infestation of invasive pests across our islands. Communities we work with are intimately familiar with the impacts that invasive species can have on every aspect of life in Hawai'i—jeopardizing our native ecosystems, food security, cultural practices, public health, fire safety, climate resiliency, economy, and overall quality of life. The impacts from invasive pests and noxious weeds may also be irreversible once they are established, eroding cultural practices and resources that Kānaka Maoli communities are perpetuating and regenerating in furtherance of cultural integrity, food self-sufficiency, and connections to 'āina and each other that will carry us through the difficult times ahead. For example, **we have heard several horrifying stories from our network members of Little Fire Ants hugely impacting their mālama 'āina operations and quality of life both personally and professionally.**

Supporting HB2758 is imperative. Our Department of Agriculture has little capacity to fulfill its kuleana and build regulatory systems that can meaningfully protect us from the existential, biological threats that our state now faces. Organizations and initiatives in our

networks have long dedicated considerable energy and resources to educate and engage their people and the general public to act in defense of our islands from invasive species. These efforts may continue to be in vain if we do not have the support of government agencies and the vast resources and authorities they exclusively yield.

We implore you to prioritize our biosecurity systems before it is too late. This measure addresses multiple long-standing gaps in invasive species planning and response programs and establishes comprehensive protections against the further introduction and spread of invasive pests and noxious weeds. We cannot afford the “business as usual” status quo – we must take serious steps before things become irreparable for present and future generations. **‘Āina Momona is not achievable without prioritizing the urgent eradication of these invasive pests to best protect our precious biocultural resources and those that care for them.**

Please **PASS** HB2758. Mahalo for the opportunity to support this important issue.

Aloha ‘Āina Momona no nā kau ā kau.



LATE

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

February 7, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON HB 2758
RELATING TO AGRICULTURE

Conference Room 325 & Via Videoconference
9:30 PM

Aloha Chair Gates, Vice Chair Kahaloa, 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.

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.

The livelihood of farmers and ranchers is entirely dependent upon the health and ecological balance of our environment. We understand the need for updated policies and procedures to prevent the spread of these pest species; however, invasive species control is not always straightforward and is rarely easy. Agricultural producers rely on the expertise and assistance of HDOA in its battle to control invasive species because HDOA understands the operations of farmers and ranchers and works cooperatively with them to ensure that they are not put out of business while addressing pest control.

HFB has concerns about parts of this measure; for example, Section 141-3.5(b) and (c), and Section 141-3.6(a) and (b) that would unnecessarily remove authority from HDOA. We respectfully suggest that HDOA retain control of invasive species programs and be adequately funded and staffed to accomplish its mandates. Shifting authority from HDOA to the ISCs, the Hawaii Ant Lab, or the applicable county, will present organizational and management problems and should instead be at the discretion of HDOA if it is unable to develop and implement a control or eradication program itself. We believe a better solution would be for HDOA to retain control of its responsibilities, with the ability to contract other entities at its discretion, on a case-by-case basis, to develop or carry out control programs.

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



LATE

February 6, 2024

Aloha, Conservation Council for Hawai'i **STRONGLY SUPPORT HB2758/SB3237.**

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take actions to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication strategies, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now.

This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758/SB3237. Thank you for the opportunity to testify.

Aloha nui,

Jonnetta Peters
Executive Director

Telephone/Fax: 224.338-6511 | email: info@conservehi.org

web: www.conservehawaii.org | P.O. Box 2923, Honolulu, HI 96802

President: Colleen Heyer | **Vice President:** Sunshine Woodford | **Secretary:** Makaala Kaaumoana

Treasurer: Dendra Best | **Directors:** Puanani Anderson-Fung,
Bret Nainoa Mossman, Michael Nakachi, Mashuri Waite Ph,D

Executive Director: Jonnetta "Jonee" Peters

Operations and Events Manager: Leah Kocher

National Wildlife Federation Region 12 Director: Rachel Sprague

National Wildlife Federation Pacific Region Associate Director: Emily Martin

Kō Hawai'i leo no nā holoholona lōhiu – Hawai'i's voice for wildlife | State Affiliate of the National Wildlife Federation

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Fawn Helekahi-Burns
Hana, Maui

Mason Scharer
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaaupai
Molokai

Negus Manna
Lāna'i

India Clark
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Natalie Urminska
Kauai



Aloha Chair Gates, Vice Chair Kahaloa, and Members of the House Agriculture & Food Systems 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 supports HB2758.**

This bill tackles the pressing issue of invasive species and pests, which pose a significant threat to our agricultural industry. The control and eradication of these destructive organisms are crucial for the sustainability and success of our farming communities.

The establishment of a plant nursery licensing program outlined in this bill is a much-needed step towards better regulation and oversight of the industry. This program will help ensure that nurseries adhere to best practices and implement appropriate measures to prevent the spread of invasive species and pests. By licensing nurseries, we can protect our farms from the unintended consequences of introducing harmful organisms into our fragile ecosystems.

Moreover, the requirement for the Department of Agriculture to designate certain species as pests for control or eradication demonstrates a proactive approach towards the management of invasive species. An additional consideration is to establish a white-list for plant imports versus only a black-list of species of known concern.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

HB-2758

Submitted on: 2/5/2024 12:03:17 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
penny levin	Individual	Support	Written Testimony Only

Comments:

It is long past time that we be able to better support Hawaii's ability to protect ourselves from pests coming from the mainland, and, that the transfer of pests interisland be controlled. I support this bill.

HB-2758

Submitted on: 2/6/2024 6:38:25 AM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John R. Gordines	Individual	Oppose	Written Testimony Only

Comments:

Hawaii Department of Agriculture should have the authority to enforce protocols not the Hawaii Invasive Species Committee. HISC is not deputized or trained in production agriculture issues. Their focus is environment and conservation.

LATE

HB-2758

Submitted on: 2/6/2024 3:55:48 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure

LATE

HB-2758

Submitted on: 2/6/2024 4:14:34 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Redfeather	Ka Ohana O Na Pua	Comments	Written Testimony Only

Comments:

I think the most important invasive species legislation this year, would be to change Chapter 72, as stated on the HDOA website, to allow HDOA to be the Authority and create regulations for the nursery industry, especially on Hawaii Island. HDOA now knows who is shipping or selling plants with invasive species, so they must have the Authority to impose a shipping or selling quarantine and the nurseries must then fix the problem and be inspected before the quarantine is lifted. It just makes sense. It is the ONE thing we have not been doing and has allowed the invasives to flourish. We are losing our food system, we must act with Authority.

LATE

HB-2758

Submitted on: 2/6/2024 4:32:17 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is Peter Wilson and I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intrainland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

LATE

HB-2758

Submitted on: 2/6/2024 4:36:05 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloe, and Members of the Committee,

My name is Bo Breda and I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.



**SIERRA CLUB
OF HAWAI'I**

LATE

HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

February 7, 2024

9:30 AM

Conference Room 325

In SUPPORT of HB2758: RELATING TO AGRICULTURE

Aloha Chair Gates, Vice Chair Kahaloa, and Committee Members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS HB2758**, which establishes a long-needed, comprehensive biosecurity strategy to protect our environmental, cultural, agricultural, recreational, economic, and quality of life interests from the devastating impacts of invasive species.

Hawai'i's history has given us 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 the little fire ant (LFA) and coconut rhinoceros beetle (CRB) have caused widespread concern about our ongoing lack of proactive government strategies to detect, control, and eradicate these and other potentially devastating pests. Unfortunately, this has resulted in the outright infestation of Hawai'i Island by the LFA, and what many consider to be the irreversible establishment of CRB on O'ahu, notwithstanding months and years of grassroots community efforts to stop their spread. As CRB and LFA are now being found on islands where they have not yet been established, filling the gaps in our governmental biosecurity systems is a critical and imminent need if we hope to defend our islands from any more impacts from these and other invasive pest species.

Accordingly, the Sierra Club strongly supports the much needed, comprehensive biosecurity programs and authorities provided under this measure. Its expedited pest and noxious weed designation processes, control and eradication program mandates,



SIERRA CLUB OF HAWAI'I

inspection authorities, import restrictions, quarantine requirements, and nursery licensing program are all necessary and vital to avoiding and mitigating the worst impacts of our current and potential future invasive species crises.

Therefore, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS** this measure. Mahalo nui for the opportunity to testify.

LATE**HB-2758**

Submitted on: 2/6/2024 5:53:22 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

My name is Diane Ware and I live in the Moku of Ka'u. I STRONGLY SUPPORT HB2758/SB3237. I am worn out year after year tracking down and catching coqui for the Volcano community and working endlessly with HVNP, NARS and nonprofits to control invasives.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take actions to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication strategies, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now.

This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758/SB3237. Thank you for the opportunity to testify.

LATE

HB-2758

Submitted on: 2/6/2024 6:26:42 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Support	Written Testimony Only

Comments:

My name is Mary True and I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

Mary True, Pepekeo, 96783

LATE

HB-2758

Submitted on: 2/6/2024 6:35:09 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Hale Hikalea	Individual	Support	Written Testimony Only

Comments:

Aloha committee members,

my name is Michael Hikalea and I STRONGLY SUPPORT HB2758/SB3237. The present and future potential impacts of invasive pests and noxious weeds on our native ecosystems,cultural practices,food security,public health,economy and the overall quality of life of present and future generations is and will be drastically impacted without a system with quick response and planning Again I strongly support this measure.Mahalo for this opportunity to testify.

LATE

HB-2758

Submitted on: 2/6/2024 6:45:55 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Harter	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is and Nancy Harter and I TRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intrainland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

HB-2758

Submitted on: 2/6/2024 6:56:30 PM

Testimony for AGR on 2/7/2024 9:30:00 AM



Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is Michele Nihipali and I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intrainland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

Michele Nihipali

54-074 A Kam Hwy,

Hauula, HI 96717

LATE

HB-2758

Submitted on: 2/6/2024 7:59:10 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joan Heartfield PhD	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is Dr. Joan Heartfield and I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

LATE

HB-2758

Submitted on: 2/6/2024 9:09:42 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloha, and Members of the Committee,

Just this week little fire ants were found at the Punahou Carnival... do I really need to say more? I urge you to PASS HB2758.

MAHALO!

LATE

HB-2758

Submitted on: 2/6/2024 10:21:45 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Pua Heimuli	Individual	Support	Written Testimony Only

Comments:

Aloha kāua e Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is Pua Heimuli, resident of Kahalu‘u, O‘ahu and **I strongly support HB2758**. My family and I live on the windward side near the presence of known Little Fire Ant infestations and as a professional working in Hawai‘i Conservation I've seen first hand the affects of invasive pests and noxious weeds on the landscape.

We need this measure to take the actions that are lacking currently. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the spread of invasive pests and weeds between islands are needed now.

Please give our communities a better chance at protecting our islands and the generations who live here a future without the harms of invasive pest species. I respectfully but strongly urge the Committee to **PASS HB2758**. Mahalo for the opportunity to testify.

Mālama Pono,

Pua Heimuli

LATE

HB-2758

Submitted on: 2/6/2024 11:24:03 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Breanne Fong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is Breanne Fong and I STRONGLY SUPPORT HB2758.

I am currently a graduate student pursuing my master's in environmental management at UH Mānoa. It is the HDOA's kuleana, their responsibility, to take immediate action against biological threats like invasive species to protect the 'āina, people, and culture.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

Breanne Fong

LATE

HB-2758

Submitted on: 2/6/2024 11:33:55 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrice Choy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloo, and Members of the Committee,

I STRONGLY SUPPORT HB2758 and strongly urge the Committee to pass the measure as written. We are facing life threatening situations the longer HDOA drags its feet on attacking this dire situation. This measure must be passed and immediately implemented. Thank you.

LATE

HB-2758

Submitted on: 2/7/2024 1:02:27 AM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet L Pappas	Individual	Support	Written Testimony Only

Comments:

Dear AGR Committee,

I strongly support Bill 2758 regarding the control and eradication of invasive species and pests in Hawai'i. I understand that the coconut rhinosorus beetle is out of control because steps were not taken to control this pest when it was first identified. In order to protect native species and other crops, we must be vigilant when checking foreign and domestic arrivals. Please pass this bill to improve our oversight of invasive species.

Mahalo,

Jan Pappas

LATE

HB-2758

Submitted on: 2/7/2024 5:44:30 AM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha

Please pass this critical bill! As a farmer it will help us all for generations to come.

Mahalo
Maki Morinoue
Holualoa, HI
96725

LATE

HB-2758

Submitted on: 2/7/2024 7:43:03 AM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

We need to comprehensively address the threat of invasive pests and noxious weeds. This measure will help to bring our biosecurity systems into the 21st century for a better chance at protecting our islands from harms of invasive species.

Mahalo

LATE

HB-2758

Submitted on: 2/7/2024 8:02:27 AM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorraine Waianuhea	Individual	Support	Written Testimony Only

Comments:

Sample testimony for HB2758:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is Lorraine Waianuhea and I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

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LATE

RE: The Outdoor Circle Full Support of SB3237/HB2758 on combatting invasive pests

February 6, 2024

Dear Senators and Representatives,

The threat of invasive pests to Hawaii is enormous and cause massive damage to our islands. We needn't repeat the reasons why we face these threats or the specifics of them as many others have testified. Suffice it to say that we are currently lacking in sufficient resources in our biosecurity planning and response systems that would be helped by passing this measure.

Please support SB3237/HB2758.

Mahalo,

Winston Welch
Executive Director
The Outdoor Circle

HB-2758

Submitted on: 2/7/2024 1:33:57 PM

Testimony for AGR on 2/7/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
jennifer valentine	Individual	Support	Written Testimony Only

Comments:

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

I STRONGLY SUPPORT SB3237.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intrainland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.