

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
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

MARCH 20, 2024
2:00 PM
CONFERENCE ROOM 329 & VIDEOCONFERENCE

SENATE BILL NO. 3237, SD2 HD1
RELATING TO AGRICULTURE

Chair Nakashima, Vice Chair Sayama, and Members of the Committees:

Thank you for the opportunity to provide testimony on Senate Bill No. 3237, SD2 HD1 relating to agriculture. This bill requires the Department of Agriculture to designate certain species as pests, and periodically update taxa designated as pests, for control or eradication and develop and implement a control or eradication program for each designated pest but, if the Department fails to do so, authorizes the applicable county to develop or implement the program; establishes a plant nursery licensing program to regulate the sale of nursery stock; prohibits the import of any material infested or infected with a pest or that is a pest unless imported under an appropriate permit or compliance agreement and amends the Department of Agriculture's authority to impose other limits on imports and transportation; and amends the method by which the Board of Agriculture makes and updates noxious weed designations and clarifies responsibilities for the control or eradication of noxious weeds.



The Department recognizes the threats pests and invasive species pose and appreciates the inclusion of many of the suggestions included in our prior submitted testimony, but respectfully opposes this bill. The Department supports SB572, SD2, HD1 as the means to immediately address pest issues. This bill still requires extensive programmatic changes due to the substantial amendments to the Hawaii Revised Statutes (HRS), in addition to substantial changes to the Hawaii Administrative Rules (HAR) for implementation of the proposed statutory requirements. Because this bill proposes to incorporate regulations that should exist within the HAR as opposed to the HRS, translating these changes into an operational reality will be difficult and restrictive, as necessary adjustments cannot be made until a legislative session and a bill is subsequently passed.

The Department has concerns about the proposed changes to HRS 150A-8, which begin on page 52. The Department notes much of this section is essentially taken directly out of the proposed changes to HAR 4-72, which already govern intrastate movement, and are being finalized. Section (a) appears to duplicate the Department's ability to enact interim rules pursuant to HRS 150A-9.5 or implement emergency rules pursuant to HRS 91-3(b). The reference to a compliance agreement in section (a) should also be removed as it would enable the use of a compliance agreement for regulated items already in HAR 4-72 where one would not be applicable. Additionally, all allowed movement in HRS 150A-8 is under permit. The prohibition on harboring, rearing, or breeding of pests in section (b) is not resolved in section (d), as that section only allows for transportation of infested materials. This prohibition would prevent the Department, or any other partner, from utilizing a pest itself for research,

testing, or other approved purposes such as biocontrol. Lastly, section (h) would essentially prohibit the sale of plants such as taro, orchids, sugarcane, pineapple, or plants in the myrtle family (i.e. Ohia), which are considered restricted plants by rule, as selling these plants would enact fines for each sale.

The Department also notes, funding has not been appropriated to support the intent of the bill. To fully support and implement the intent of this Bill, the Department would need funding for the following: 1) Establish an entire new Branch to accommodate the Plant Nursery Licensing Program with a statewide CIP budget for facilities being approximately \$12.5 million, with staffing and operational funds of \$8.3 million. 2) The Plant Quarantine and Plant Pest Control Branches would need to reorganize and expand in size and scope of services with corresponding increases in facilities, vehicles, and operational costs. The Plant Quarantine Branch estimates a statewide CIP budget for facilities of approximately \$5.5 million, with staffing and operational funds of \$7.8 million. The Plant Pest Control Branch estimates a CIP budget for facilities statewide of approximately \$60 million and staffing and operational funds of \$30 million to support the intent of this bill. While the costs are provided to give an idea of the expected costs, the department prioritizes the items in the Governor's executive budget submitted and legislative package.

Of key importance are language changes to HRS 141-3 found on page 12 "(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 "individuals" with "persons" means the Department must control pests for businesses and individuals as "person" now includes business entities. "Persons" would include

business entities that are “bad actors,” e.g. there would be no incentive for a business to ensure their product as government will pay for the cost to address the issues.

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
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STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
CONSUMER PROTECTION & COMMERCE

Wednesday, March 20, 2024
2:00 PM

State Capitol, Conference Room 329 & Via Videoconference

In consideration of
SENATE BILL 3237 SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO AGRICULTURE

Senate Bill 3237 Senate Draft 2, House Draft 1 facilitates the control and eradication of invasive species and pests, establishes a plant nursery licensing program, requires the Department of Agriculture (DOA) to designate certain species as pests for control or eradication, imposes certain limits on imports and transportation, and updates the method by which the DOA's noxious weed list is revised. **The Department of Land and Natural Resources (Department) supports this measure.**

The threat of a new, devastating pest or disease is ever-present. 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 estimate that 80% of commodities and 90% of our food is imported, and over six million people visit Hawai'i each year, making border biosecurity critical for preventing new invasive species from arriving and spreading in the state.

Drastic changes in the State's ability 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. This bill 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:

SB 3237 SD 2 HD1 Actions	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
Proposes Chapter 72 HAR rule changes	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 Department appreciates the Committee’s willingness to address issues in the language raised by the Attorney General’s and Department of Agriculture’s testimony while still maintaining the most important actions. Mahalo for the opportunity to testify in support of this measure.

SB-3237-HD-1

Submitted on: 3/18/2024 12:50:35 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kapono Chong-Hanssen, MD	'Ahahui o na Kauka. Association of Native Hawaiian Physicians	Support	Written Testimony Only

Comments:

'Ahahui o nā Kauka is an organization of Native Hawaiian physicians dedicated the health of the people of Hawai'i and Native Hawaiians in particular. We are deeply concerned about the recent spread of invasive pests throughout the pae 'āina o Hawai'i, and we urge you to do everything you can to rein in the spread of these pests emerging as threats to our food security, native ecosystems, culture practices, economy, quality of life and health.



**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, March 13, 2024
8:30 AM**

**VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street**

RE: SB3237 SD2, HD1 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 Senate Bill 3237 SD2, HD1**

This bill seeks to burden the Department of Agriculture with more mandates, while not giving any additional staffing or funding for implementation.

We would instead ask that you allow HDOA to utilize their staff and resources on preventing new pests from entering and bringing back previous pest management programs focused on reducing little fire ants plus other pests in agricultural production areas.



Increasing funds to Hawaii Ant Lab and the Hawaii Invasive Species Council may help but these are not replacements for the Plant Pest Control Branch or Plant Quarantine. They are not Government agencies, while HDOA is the authority and provides the regulatory and technical guidance. We respectfully ask that HDOA be funded as the core to all programs.

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 2627, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,

Eric S. Tanouye

President

Hawaii Floriculture and Nursery Association



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

March 20, 2024

2:00 PM

Conference Room 325

In **SUPPORT** of **SB3237 SD2 HD1**: Relating to Agriculture

Aloha Chair Nakashima, Vice Chair Sayama, and Committee Members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB3237 SD2 HD1**, 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, 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.



Ka Iwi Coalition

Mauka to Makai



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2024

March 18, 2024

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Livable Hawaii Kai Hui

Livable Hawaii Kai Hui is a 501(c)(3) non-profit, community organization serving East Honolulu since 2004. We strive to promote sensible growth, respect for cultural & natural resources, and upholding the integrity of the East Honolulu Sustainable Communities Plan.

Hawai'i State House of Representatives
Committee on Consumer Protection and Commerce
Hearing on March 20, 2024 at 2 p.m.
415 South Beretania Street
Honolulu, HI 96813
Conference Room 329 & Videoconference

SUBJECT: **SUPPORT FOR SB3237 SD2, HD1**

Aloha e Chair Nakashima, Vice Chair Sayama, and CPC Committee Members,

As an 'āina-based nonprofit with a mission to protect East Honolulu's cultural and natural resources, Livable Hawaii Kai Hui **supports SB3237 SD2, HD1** regarding invasive species, pests, and noxious weeds.

Biosecurity must be a top priority in Hawai'i. Its implications are massive, not only for the environment, but the economy, supply chains, sustainability, and resiliency of our people. Furthermore, given Hawai'i's high foot traffic, the results of a biosecurity failure may not only be devastating here, but possibly worldwide.

Our communities have shown a strong and consistent commitment to tackling the problem of invasive species, pests, and noxious weeds, but the sheer scope of the issue demands government action. This bill may not be a panacea, but it represents an incredibly long overdue improvement to our biosecurity systems that we will need if we hope to make a difference.

If we could make **one suggestion**, it would be to return to the language of SD2 that empowered invasive species committees and Hawai'i Ant Lab as backups to the Hawai'i Department of Agriculture. But regardless of that, mahalo to the Committee for taking up this measure and voting in support of our 'āina.

Mālama pono,

Elizabeth Reilly
Founder/President



Environmental Caucus of The Democratic Party of Hawai'i

Tuesday, March 19, 2024

To: House Committee on Consumer Protection and Commerce
Hon. Mark M. Nakashima, Chair
Hon. Jackson D. Sayama, Vice Chair

Re: SB 3237 relating to Agriculture – Pest Species

Hearing: Wednesday, March 20, 2024, 2:00 p.m., Room 329 & videoconference

Position: Strong support

Aloha, Chair Nakashima, Vice Chair Sayama, and Members of the House Committee on Consumer Protection and Commerce:

The Environmental Caucus of the Democratic Party of Hawaii, which has some 7,500 members, strongly supports SB 3237, relating to control of pest species. We strongly support this bill.

This very comprehensive bill would require the Department of Agriculture to designate certain animal species and noxious weeds as pests to be controlled or eradicated. The bill would establish a licensing program for nurseries, in order to regulate sales of nursery stock, and prohibit importation of plant material that is infested with a pest species. Among other things, the bill would formally designate several species as pests to be controlled or eradicated – the coqui frog, the coconut rhinoceros beetle, the little fire ant, and the two-lined spittlebug. The bill would give DOA the authority to prevent pest host material from moving from one island to another, and to prohibit their importation. The bill would also authorize counties to develop programs for pest control if DOA fails to do so.

We MUST protect our agriculture from these pests. This bill promises to take major steps toward that goal. We hope that it will be adequately funded. Thank you for the opportunity to testify.

Melodie Adyja legislativepriorities@gmail.com

Alan B. Burdick burdick808@gmail.com

Co-Chairs,

Environmental Caucus of the
Democratic Party of Hawai'i



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Natalie Urminska
Kauai

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the House Consumer Protection & Commerce 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 SB3237.**

This legislation is a significant step forward in preserving our islands' delicate ecosystems, which are fundamental to the livelihoods of our farmers and the health of our communities. Invasive species pose a critical challenge to Hawaii's environment and agriculture, threatening biodiversity, water resources, and crop yields. By implementing robust measures to control and mitigate these threats, SB3237 not only protects our natural heritage but also secures the future of farming in Hawaii.

Furthermore, the introduction of a plant nursery licensing program under this bill demonstrates a commitment to responsible agricultural practices that minimize the risk of spreading invasive species.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

March 20, 2024

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Mark M. Nakashima, Chair
Rep. Jackson D. Sayama, Vice Chair
Committee Members

SB 3237 SD2 HD1
RELATING TO AGRICULTURE

Hawaii's Thousand Friends, a statewide non-profit water and land use planning organization dedicated to protecting the environment, human health, and cultural and natural resources **supports** SB 3237 SD2 HD1 that gives the Department of Agricultural the tools necessary to control and eradication of invasive species and pests.

While the invasive destructive coconut rhinoceros beetle got residents attention the speed and state-wide spread of the little fire ant woke everyone up to the reality and impact that invasive species are having on native plants, animals, the natural environment, agriculture, and people.

We have heard the horror stories from Hawai'i Island residents where the little fire ant infestation is so great that people cannot work in their gardens or pull fruit from trees without being attacked or showered with stinging little fire ants,

Residents throughout the state are actively canvassing their communities to help eradicate little fire ants but it is not enough. While this can be geographically effective these efforts are limited and are like putting a band aid on a broken arm.

A comprehensive pro-active government led process that eradicates, controls interisland plant transport, imposes stricter quarantine requirements, and better polices nurseries for infected plants is needed if we are ever going to get control of species that invade and harm our island environment.

To begin a collaborative, aggressive and pro-active invasive species eradication process we urge the committee to pass SB 3237 SD2 HD1.



Testimony Before The
House Committee on Consumer Protection & Commerce (CPC)
IN SUPPORT OF SB3237 SD1 HD1
March 20, 2024, 2:00PM, Room 329 & 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 MOMOMA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA strongly supports SB3237 SD1 HD1 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 SB3237 SD1 HD1 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** SB3237 SD1 HD1. Mahalo for the opportunity to support this issue.

Aloha ‘Āina Momona no nā kau ā kau.



House of Representatives
Committee on Consumer Protection & Commerce
Wednesday, March 20, 2024
2:00 PM Conference Room 329
State Capitol

Testimony in Support of SB3237 SD2, HD1

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is **in strong support of SB3237 SD2, HD1 *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), assist HDOA in addressing priority pests, and address gaps in Hawaii's biosecurity. We all agree that HDOA is under-resourced and would benefit from additional funding and staff. However, SB3237 SD2, HD1 contains many provisions that will advance Hawaii's biosecurity without requiring significant, or in many cases any, new expenditures.

In addition, this week the Senate Committee on Agriculture and Environment and the Senate Committee on Transportation and Culture and the Arts recommended that HB2758 HD2, the companion bill to SB3237, be amended to replace the nursery "license" program with a nursery "registration" program. While we believe that a nursery license program is needed and appropriate, we also understand the budget realities this year. The change from a "license" program to a "registration" program will greatly reduce the burden on HDOA and the cost of this bill, while still providing some protection for consumers of nursery products. For this reason, we support amending SB3237 SD2, HD1 to change the nursery "license" program to a nursery "registration" program, as described below.

We hope the Committee will move this bill forward to allow these consumer, industry, and environmental protections to be enacted. For your consideration, we provide the following comments and suggestions.

Low-Cost, High-Impact Fixes to Gaps in Hawaii's Biosecurity Framework and to Protect Consumers

Among many other low-cost, high-impact amendments made by SB3237 SD2, HD1, we highlight the following:

Protecting public health and welfare. Only HDOA has the authority to ban or regulate the movement of, pests or other invasive species or material infested with a pest or invasive

species.¹ SB3237 SD2, HD1 recognizes that we all rely on HDOA to protect our State and resources from invasive species and makes amendments to clarify 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.

Protecting Hawaii's forests by requiring firewood treatments. SB3237 SD2, HD1 closes another biosecurity gap by addressing 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 have already enacted requirements that firewood be heat treatment prior to importation, as proposed beginning on page 29, line 12. Not requiring these same treatments leaves Hawai'i in the vulnerable position as one of the few states that will take untreated firewood. Requiring heat treatment prior to importation into Hawai'i is a sensible, low-cost, and high-reward requirement that became extremely important several years ago when federal regulations related to firewood were repealed. The proposed requirements in this bill do not apply to firewood harvested in Hawai'i.

Protecting citrus through effective enforcement of federal quarantines. 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, among other industries, at serious risk. SB3237 SD2, HD1 closes this huge hole in Hawaii's biosecurity framework. Beginning on page 32, line 4, through page 33, line 6, it prohibits the domestic importation into Hawai'i 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 Hawai'i, so restricted material from federally quarantined areas is able to enter Hawai'i.

Hawai'i is one of two citrus-producing states that does not have documented cases of citrus greening, the most serious citrus disease in the world. There is no cure for this disease which has devastated millions of acres of citrus production around the world, including in Florida and other citrus-producing states.² USDA has developed interstate quarantines to prevent citrus greening from spreading to new areas. Preventing citrus greening and other devastating pests quarantined by USDA from moving interstate into Hawai'i is critical to our biosecurity. Section 436(b) of the federal Plant Protection Act preempts any state law that attempts to restrict "the movement in interstate commerce of any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order to control a plant pest or noxious

¹ See *Atay v. Cty. of Maui*, 842 F.3d 688, 709 (9th Cir. 2016); *Syngenta Seeds, Inc. v. Cty. of Kauai*, 664 F. App'x 669, 673 (9th Cir. 2016); and *Hawai'i Floriculture & Nursery Ass'n v. Cty. of Hawaii*, No. CIV. 14-00267 BMK, 2014 WL 6685817, (D. Haw. Nov. 26, 2014), *aff'd sub nom. Hawai'i Papaya Indus. Ass'n v. Cty. of Hawaii*, 666 F. App'x 631 (9th Cir. 2016))

² See <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/citrus-greening>

weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed, if the Secretary [of the United States Department of Agriculture] has issued a regulation or order to prevent the dissemination of the biological control organism, plant pest, or noxious weed within the United States.” (7 USC 7756(b)(1)) However, there is an exception for such state restrictions that “are consistent with and do not exceed the regulations or orders issued by the Secretary [of USDA].” (7 USC 7756(b)(2)(A)) The language in SB3237 SD2, HD1 is similar to section 2(1) of the Idaho Plant Pest Act of 2002 (Idaho Code Ann. § 22-2013 (1)), which provides in part “The [Idaho State Department of Agriculture] may seize, destroy or require treatment of products moved from a federally regulated area if they were not moved in accordance with the federal quarantine rules or, if certified, they were found to be infested with the plant pest.” This language has been in effect for more than 20 years. Utilizing this similar language ensures that there is no issue with the Federal preemption under section 436(b) of the Plant Protection Act (7 USC 7756(b)).

Clarifying that selling pest-infested plants is prohibited. Section 16 of SB3237 SD2, HD1 makes important changes to section 150A-8, Hawaii Revised Statutes, (HRS) which regulates the movement of pests within the State. The amendments allow HDOA to stop the movement of merchandise for sale to the public that is infested with a pest. At this time, HDOA has no statutory authority to stop the sale of pest-infested merchandise. Any “quarantine” of plants known to be infested with a pest, such as little fire ants, is **voluntary** for the seller. We strongly support these important changes and note that they will not require a new or expensive program. We also note that SB3237 SD2, HD1 adds an additional amendment (page 55, lines 9 through 14) that prohibits knowingly selling plants infested with a pest. This will incentivize nurseries and other plant sellers to use best management practices to ensure that their stock is not infested with pests and protect unsuspecting consumers. This amendment is a low-cost, or no-cost, solution to prevent the sale of plants infested with pests.

We also respectfully ask this Committee to consider an amendment that would allow HDOA to quarantine areas, not just items, found to be infested with pests. This mirrors the approach proposed by HDOA last week in its interim rule to address little fire ants (LFA) on Oahu.³ Expanding HDOA’s approach to other pests across the State will be a valuable tool to protect consumers from receiving pest-infested items. This could be accomplished by adding a new subsection on page 55, between lines 4 and 5, as follows:

“(g) The department may designate a quarantined area upon the determination that the area, or items therein, are infested with a pest.”

³ See <https://hdoa.hawaii.gov/wp-content/uploads/2018/05/HDOA-LFA-Interim-Rule-Submittal-3-11-2024-PA-Final-ALL-DOCS.pdf> - :~:text=The Hawaii Department of Agriculture %28HDOA%29 Plant Quarantine,prevent its spread on the Island of Oahu. (Appendix A, bottom of pg 1, “The Department [of Agriculture] may designate a LFA quarantined area upon the determination that the area. . . are infested with LFA.”)

Innovations to Update Invasive Species Administrative Rules

Designated noxious weeds. HDOA is under-resourced. The Plant Quarantine Branch is charged with inspecting millions of domestic imports each year and HDOA must make on-going decisions on how to allocate its scarce resources. This has resulted in administrative rules intended to prevent the importation or spread of pests and noxious weeds becoming so out of date that they are ineffective. For instance, HDOA has not been able to update its list of noxious weeds in more than 30 years. (§4-68 HAR, *List of Plant Species Designated as Noxious Weeds for Eradication or Control Purposes by the Hawaii Department of Agriculture*, June 18, 1992) Section 150A-6.1(d), HRS, prohibits the commercial importation or sale of noxious weeds. However, since the list of species that are noxious weeds has not been updated in more than 30 years, this prohibition does not prevent the commercial importation or sale of high-impact invasive plant species. Part IV of SB3237 SD2, HD1 makes amendments to chapter 152, HRS, to set up a rolling, ongoing process to keep the list of noxious weeds updated. The noxious weed designation procedures set out in SB3237 SD2, HD1 are similar to procedures used by Washington state. While the initial updates to the list will be a big effort, after those initial updates, HDOA will have a process in place to keep the list current with appropriate input from the public and all interested groups. Having a list of noxious weeds that is current will make the laws enacted to prevent invasive plants from entering or spreading in Hawai'i effective.

Pests designated for control or eradication. The list in attachment 1 of chapter 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 and 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. Section 3 of SB3237 SD2, HD1 (beginning on page 10, line 4) amends section 141-3, HRS, to require HDOA to update the list of species designated as pests for control or eradication once every two years. This will result in the list of pests designated for control or eradication being up to date, likely much shorter, and including only the actual targets for active control or eradication by HDOA. This will clarify which pests are true targets for HDOA control or eradication, including on private property. We note that Hawai'i Island has often been overlooked with respect to control or eradication of invasive species and they are overrun with pests other islands hope to keep out. We also note that new, high-impact pests may impact Oahu before reaching other islands. This is the current scenario with the devastating coconut rhinoceros beetle (CRB). Having an up-to-date list of pests for control or eradication and requiring HDOA to consider the conditions and impacts to each island in developing and implementing control and eradication programs, will result in more effective actions to control or eradicate high-impact pests.

Nursery Program

Part III of SB3237 SD2, HD1 (beginning on page 17, line 5) establishes of a nursery licensing program for plant nurseries. We understand from HDOA's previous testimony that a nursery licensing program would require millions of dollars to implement. Licensing programs are a

sensible approach that have 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. However, we understand the budget realities this year as our State copes with the devastating fires in Maui. We understand this is not the year to enact a new licensing program, no matter how much it is needed to protect consumers.

Hawai'i urgently needs a program to communicate with 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 in February 2024, 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 allowed the Oahu Invasive Species Committee (OISC) to check the donated plants before the Carnival. Plants donated to the Carnival have been inspected by OISC or Hawai'i Ant Lab staff every year since LFA were found in a plant that had been purchased 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, and other nurseries, unknowingly spreading the pest to their homes and communities. A nursery program is urgently needed to stop the spread of LFA and other pests via nursery plants.

Earlier this week the Senate Committee on Agriculture and Environment (AEN) and the Senate Committee on Transportation and Culture and the Arts (TCA) recommended that HB2758 HD2, the companion bill to SB3237, be amended to replace the nursery "license" program with a nursery "registration" program. While we believe that a nursery license program is needed and appropriate, we support any effort to strengthen communication between HDOA and plant nurseries and to promote the use of best management practices to prevent the spread of pests. Currently, HDOA does not have or maintain a list of all nursery or nursery-related businesses, making communications and regulation of this sector extremely difficult.

The change from a "license" program to a "registration" program will greatly reduce the burden on HDOA and the cost of this bill, while still providing some protection for consumers of nursery products. The registration could be a simple online form filled out by nursery owners with checkboxes to make required certifications. This program will require minimal, if any, new HDOA staff and will allow HDOA to quickly communicate pest alerts, regulatory information, or Best Management Practices (BMPs) with these businesses. For this reason, we support amending SB3237 SD2, HD1 to change the nursery "license" program to a nursery "registration" program.

The final text of the nursery registration program recommended by AEN and TCA is not yet available on the State Legislature website. We hope this Committee will consider the nursery registration program recommended by AEN and TCA for HB2758 HD2, as text of a modified Part III of SB3237 SD2, HD1.

If this Committee recommends changing the nursery “licensing” program to a nursery “registration” program, we propose the following technical and conforming amendments:

On page 5, line 19, strike “licensing” and insert “registration”.

On page 33, lines 10, 13, and 15, strike “license” and insert “registration”.

On page 33, line 12, strike “obtain” and insert “submit”.

On page 33, line 14, strike “obtained” and insert “submitted”.

On page 36, line 4, strike “licensing” and insert “registration”.

On page 62, line 1, strike “licensing” and insert “registration”.

We also respectfully request this Committee require that any nursery registration program be rolled out within one year. As noted above, the registration program may be as simple as an online form with checkboxes to make the needed certifications. As the need to communicate BMPs and information to prevent continued sales of pest-infested merchandise is needed as soon as possible, we hope this Committee will find that one year is long enough to get a registration program up and running. As such, we propose the following changes to section 26 on page 84, lines 10 through 15 (proposed deletions are struck through; additions are underscored):

“SECTION 26. No later than [~~two years~~] one year after the effective date of this Act, the department of agriculture shall [~~adopt rules and~~] implement the plant nursery [~~licensing~~] registration program established by section 7 of this Act. [~~During those two years, a person may sell nursery stock without a license issued pursuant to that program.~~]”

SB3237 SD2, HD1 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 SB3237 SD2, HD1 and for consideration of our testimony.

Aloha,



Christy Martin, CGAPS Program Manager



Stephanie Easley, CGAPS Legal Fellow



Hawai'i Forest Industry Association

7192 Kalaniana'ole Hwy
Suite A-143A, #249
Honolulu, HI 96825
Phone: 808/933/9411
Email: hfia@hawaiiiforest.org

Date: 03/19/24

TO: CPC Chair Nakashima, CPC Vice Chair Sayama, and CPC Committee Members Amato, Au Belatti, Asuega Gates, Hashem, Hussey-Burdick, Lowen, Onishi, Tam, Pierick

FROM: Hawai'i Forest Industry Association (HFIA)

SUBJECT: Comments on SB3237 SD2 HD1 Relating to Agricultural Biosecurity

Dear Chair Nakashima, Vice Chair Sayama, and Committee Members,

On behalf of the Directors of the Hawai'i Forest Industry Association (HFIA), these comments are on the language of the bill SB3237 SD2 HD1 Relating to Agriculture.

The Hawai'i Forest Industry Association (HFIA) supports the funding of agricultural biosecurity programs including those outlined in this measure. However, as an Association composed of various professionals and experts on forestry and resource management, we encourage the language of the measure to include commercial forestry. Just as various other aspects of Hawaii's economy, infrastructures and livelihood such as agricultural, horticultural, aquacultural, poultry, livestock, irrigation etc., which are outlined multiple times in this measure, commercial forestry is also negatively impacted by invasive species and pests.

Section 3, Subsection 3Aii (page 11, lines 10 & 11) lists "agricultural, horticultural, aquacultural, or livestock" [as industries impacted by invasive pests]. The HFIA would like the legislature to recognize that pests designated for control or eradication also pose a threat to the commercial forest industry as well, and recommends the inclusion of "commercial forestry" in this list of affected areas.

Additionally, within Section 20, Subsection 4 (page 75 -76) the amended definition of "noxious weed" should be further amended to specifically include "commercial forests" in the list of products damaged or injured by these invasive weeds.

The HFIA hopes that you will consider amending the language of SB3237 SD2 HD1 to include commercial forests/commercial forestry, which is also endangered by high risk invasive pests.

Mahalo,

Guy Cellier, President
Hawai'i Forest Industry Association

HFIA's mission is to promote healthy and productive forests and a sustainable forest industry through management, education, planning, information exchange, and advocacy. HFIA has over 130 members including woodworkers, landowners, sawyers, foundations, foresters, growers, educators, environmentalists, architects, millers, ranchers, and others interested in HFIA's mission and goals.

HFIA Board of Directors

Officers: President Guy Cellier, Vice President Irene Sprecher, Secretary Taylor Coons, Treasurer Wade Lee
Directors: Jeremy Campbell, Aaron Hammer, Nicholas Koch, Michael Sowards, Aileen Yeh



LATE

House Committee on Consumer Protection & Commerce

Date: March 20, 2024

Time: 2:00 p.m.

Place: CR 329 & via videoconference

Re: SUPPORT – SB 3237, SD2, HD1 Relating to Agriculture

Aloha e Luna Ho'omalua Nakashima, Hope Luna Ho'omalua Sayama, a me nā Lālā o ke Kōmike:

Hawai'i Land Trust **SUPPORTS** SB3237, SD2, HD1, which establishes tools and processes to control and eradicate invasive species and pests. This bill strengthens our biosecurity measures against invasive pests and noxious weeds, safeguarding our ecosystems, cultural heritage, food sources, public health, and economy for current and future generations.

Urgent action is imperative to implement comprehensive detection, control, and eradication programs. Communities throughout the islands have proactively addressed invasive species, such as the coconut rhinoceros beetle and little fire ants. These invasive pests pose a significant threat to our ecosystems, agriculture, and overall well-being by endangering native species, disrupting food chains, and destabilizing natural habitats.

The Hawai'i Department of Agriculture (HDOA) holds an important role in addressing invasive species and should retain the authority to detect, control, and eradicate pests. HDOA must receive the necessary resources to effectively manage the movement of harmful pests within and between islands.

I ola ka 'āina, i ola kākou nei. Healthy lands support a thriving community. SB3237, SD2 is crucial to modernize our biosecurity systems and protect our 'āina and future from the devastating effects of invasive species.

Mahalo for this opportunity to testify,

'Olu Campbell

President and Chief Executive Officer



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

LATE

March 20, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TESTIMONY ON SB 3237 SD2, HD1
RELATING TO AGRICULTURE

Conference Room 329 & Via Videoconference
2:00 PM

Aloha Chair Nakashima, Vice-Chair Sayama 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 SB 3237, SD2, HD1.

HFB recognizes the importance of preventing destructive invasive species from entering the State and how challenging 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 straight forward 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 respectfully offers that rather than impose additional and costly new programs and requirements on the HDOA and farmers, available funding should be provided to boost the implementation of the HDOA's biosecurity program by developing and implementing projects to decrease the entry of pests and restricted organisms into the State from imported agricultural goods while increasing local agricultural production.

These and other beneficial strategies are currently proposed in HB 2619 and SB 2419, which HFB supports. Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.

BIISC
23 E. Kawili St.
Hilo, HI 96720
(808) 933-3340
www.biisc.org



March 20, 2024

Hearing: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
RE: SB3237

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, much already laid out in the 2017 Hawaii Interagency Biosecurity Plan, which had strong public support. 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 ensconces 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.

Franny Kinslow Brewer
Program Manager
fbrewer@hawaii.edu
(808) 933-3340



House of Representatives
Committee on Consumer Protection & Commerce
Wednesday, March 20, 2024
2:00 PM Conference Room 329
State Capitol

LATE

Testimony in Support of SB3237 SD2, HD1

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

The O'ahu Invasive Species Committee (OISC) **supports SB3237 SD2, HD1** *Relating to Agriculture*. We support the intent of the bill to bring the lists of pests and noxious weeds up to date and to promote the control and eradication of these species. The mission of OISC is prevent the establishment of new alien pests, control incipient pests on public and private lands, and educate the community about the threats of invasive species and what they can do to help. Our staff works in the field every day to control and eradicate noxious weeds on O'ahu and updating the noxious weed lists and procedures will help immensely. Thank you for considering this bill and we hope it will move forward.

We do have a concern regarding one amendment made by section 15(2) of SB3237 SD2, HD1 relating to the disposal of collected noxious weed material. For years, OISC was able to take noxious weeds and other invasive plants we collected as part of control and eradication actions to H-Power for incineration. As we do not have any specialized incineration equipment, such as an air curtain incinerator, or the funds to purchase that equipment, bagging the collected invasive plant/noxious weed material and delivering it to H-Power for incineration was the most protective way to dispose of collected material. As some of the species OISC works to control are among the most invasive plants in the world, we believe this material is not appropriate for disposal by the typical garbage pick-up where bags could get torn or damaged as they move around the island. This collected material is not appropriate for composting, as that method could inadvertently spread the invasive plants/noxious weeds to new areas. This includes invasive species green waste that other conservation agencies, including the Department of Land and Natural Resources, would deliver to OISC for incineration at H-Power.

In the past OISC had a permit issued by the City and County of Honolulu in coordination with the Department of Agriculture to dispose of green waste – the collected invasive plant/noxious weed material - at H-Power. Our most recent permit expired in 2021 and we have been unable to get a new permit. The result is that collected plant material is piling up in contractor bags in OISC's base yard. We have reached out to the Hawai'i Department of Agriculture, the Department of Health, and the City and County of Honolulu during this time but have not been able to get everyone together to agree to a new permit. The City and County has stated that they need the Department of Agriculture to advise them on this issue.

With all this in mind, we respectfully suggest this Committee consider modifying the language relating to the disposal of noxious weeds on page 51, lines 17 through 21. Currently, that subsection reads as follows:



“(d) Noxious weeds may be imported only for research, by permit, and shall not be offered for sale [~~or~~], sold [~~in~~], or transported within the State[-], except for the purposes of appropriate disposal under permit or methods approved by the chairperson.”

So that it reads as follows:

“(d) Noxious weeds may be imported only for research, by permit, and shall not be offered for sale [~~or~~], sold [~~in~~], or transported within the State[-], except for transportation for appropriate disposal. The preferred method of disposal of noxious weed material that has been collected to control or eradicate the noxious weed is direct delivery of the material in closed bags or other sealed containers to a facility that can incinerate the material, [or on islands where incineration is not available, to an appropriately monitored disposal site.] Any other disposal of such material shall be made only under permit or using methods approved by the chairperson. The chairperson shall not approve composting of such material.”

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

Nate Dube
Manager, O‘ahu Invasive species Committee

SB-3237-HD-1

Submitted on: 3/18/2024 6:10:33 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Individual	Support	Written Testimony Only

Comments:

Aloha!

For the sake of Hawaii's aina, please pass SB3237. As long as massive travel and shipping comes through Hawaii, the huge risk of invasive pests insects, animals, and plants will continue to expand.

We need to protect our special place.

Mahalo for your time.



Committee on Consumer Protection and Commerce
Chair Mark Nakashima, Vice Chair Jackson Sayama

Wednesday March 20, 2024, 2 pm Room 229 and Videoconference
SB3237 SD2 HD1 RELATING TO AGRICULTURE

TESTIMONY

Beppie Shapiro, Testifying as an individual

Chair Nakashima, Vice Chair Sayama, and Committee Members:

I support SB3237 SD2 HD1, which requires the Department of Agriculture (DOA) to designate (& periodically update) certain species as pests, for control or eradication and develop and implement a control or eradication program for each designated pest but, if the Department fails to do so, authorizes the applicable county to develop or implement the program. Establishes a plant nursery licensing program to regulate the sale of nursery stock. Prohibits the import of any material infested or infected with a pest or that is a pest unless imported under an appropriate permit or compliance agreement; amends the Department of Agriculture's authority to impose other limits on imports and transportation. Amends the method by which the Board of Agriculture makes and updates noxious weed designations and clarifies responsibilities for the control or eradication of noxious weeds.

I don't support HD1 as strongly as I supported the original bill, but this State urgently needs this bill to be enacted, and long before 2112. We needed it 10 or 20 years ago.

First, I compliment the introducers of this bill for their understanding of the significant threat introduced species have been throughout my life in Hawaii (not everyone will recall the destruction caused by African snails, but memories of wild hillsides stripped of all leaves by those snails haunt me). We all live in dread of losing our iconic coconut trees to the rhinoceros beetles, and our enjoyment of parks, hikes, gardening and much more due to little fire ants. Our economic engine, tourism, is also threatened by those ants! Citrus greening threatens local agriculture and our ability to feed ourselves with locally grown produce. I could go on and on, and so could you.

Some expert testifiers at the JUD and WAM hearing gave important testimonies which justified a few of the many changes in SD1. But I was distressed and discouraged to see the justifiably strong measures in the original SB3237 removed from SD1, and the defective year added in SD2. We cannot afford to let another year, or many, go by without strong rule-making.

The testimony of DOA as to the amount of funds needed to implement this legislation points out the mistake of not taking advantage of current services provided by the Invasive Species Committees and the Ant Lab, at I'm pretty sure a far lower cost. DOA of course deserves a much more generous budget to fulfill its many responsibilities, but to insert anything remotely like \$60 million is to doom this bill in Conference Committee if not in FIN, in this budget-threatening year. We can't afford to put off controlling invasive species!

Please take this opportunity to restore those needed elements (strong measures to ensure compliance; defective year; and a modest appropriation to DOA to help with the increased workload) to SB3237 SD2 HD1.

Thank you for the opportunity to submit testimony.

SB-3237-HD-1

Submitted on: 3/18/2024 6:43:47 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT SB3237 SD2 HD1.

We cannot wait any longer before giving the Department of Agriculture the tools and resources it needs to control and eradicate invasive pest species that may impact every aspect of life here in Hawai‘i, including our environment, food security, cultural integrity, economy, and overall quality of life. The financial, human, and environmental costs of inaction in the face of our current and future invasive species crises will only increase exponentially and be felt for generations, if we do not adopt the long-needed quarantine, inspection, licensing, pest designation, and importation protections and controls embodied in this measure.

Please pass this bill to give our islands and our people a fighting chance to stop the further introduction and spread of invasive species throughout our Hawai‘i nei.

Mahalo nui for the opportunity to testify.

SB-3237-HD-1

Submitted on: 3/18/2024 7:45:28 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Madison Owens	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Madison Owens and I live in Mānoa, Oahu and I STRONGLY SUPPORT SB3237 SD2 HD1.

We cannot wait any longer before giving the Department of Agriculture the tools and resources it needs to control and eradicate invasive pest species that may impact every aspect of life here in Hawai‘i, including our environment, food security, cultural integrity, economy, and overall quality of life. The financial, human, and environmental costs of inaction in the face of our current and future invasive species crises will only increase exponentially and be felt for generations, if we do not adopt the long-needed quarantine, inspection, licensing, pest designation, and importation protections and controls embodied in this measure.

Please pass this bill to give our islands and our people a fighting chance to stop the further introduction and spread of invasive species throughout our Hawai‘i nei.

Mahalo nui for the opportunity to testify.

SB-3237-HD-1

Submitted on: 3/18/2024 7:52:01 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Marilyn Mick and I am from Honolulu,

and I STRONGLY SUPPORT SB3237 SD2 HD1.

We cannot wait any longer before giving the Department of Agriculture the tools and resources it needs to control and eradicate invasive pest species that may impact every aspect of life here in Hawai‘i, including our environment, food security, cultural integrity, economy, and overall quality of life. The financial, human, and environmental costs of inaction in the face of our current and future invasive species crises will only increase exponentially and be felt for generations, if we do not adopt the long-needed quarantine, inspection, licensing, pest designation, and importation protections and controls embodied in this measure.

Please pass this bill to give our islands and our people a fighting chance to stop the further introduction and spread of invasive species throughout our Hawai‘i nei.

Mahalo nui for the opportunity to testify.

SB-3237-HD-1

Submitted on: 3/18/2024 8:31:40 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

I am subjected to coqui frogs and dealing with fire ants...please protect us from invasive species!

mahalo,

Cory

SB-3237-HD-1

Submitted on: 3/18/2024 9:39:38 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

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

Comments:

My family strongly supports SB3237 SD2 HD1 and any other measure that helps eradicate invasive pest species that have such a devastating impact on Hawaii's environment, economy and local food system. As we've seen time and again, once established, invasives are almost impossible to eradicate and the damage becomes permanent and ongoing, degrading further our quality of life. We must adopt the quarantine, inspection, licensing, pest designation, and importation protections and controls embodied in this measure.

SB-3237-HD-1

Submitted on: 3/18/2024 9:57:01 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelei Tancayo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Michelei Tancayo and I am from Lahaina Maui, and I STRONGLY SUPPORT SB3237 SD2 HD1. I agree with the following,

"We cannot wait any longer before giving the Department of Agriculture the tools and resources it needs to control and eradicate invasive pest species that may impact every aspect of life here in Hawai'i, including our environment, food security, cultural integrity, economy, and overall quality of life. The financial, human, and environmental costs of inaction in the face of our current and future invasive species crises will only increase exponentially and be felt for generations, if we do not adopt the long-needed quarantine, inspection, licensing, pest designation, and importation protections and controls embodied in this measure."

Mahalo for allowing me to ask that you please pass this bill.

SB-3237-HD-1

Submitted on: 3/18/2024 10:01:11 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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!

SB-3237-HD-1

Submitted on: 3/18/2024 11:10:43 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

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

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Nancy Harter and I am from Lahina and I STRONGLY SUPPORT SB3237 SD2 HD1.

We cannot wait any longer before giving the Department of Agriculture the tools and resources it needs to control and eradicate invasive pest species that may impact every aspect of life here in Hawai‘i, including our environment, food security, cultural integrity, economy, and overall quality of life. The financial, human, and environmental costs of inaction in the face of our current and future invasive species crises will only increase exponentially and be felt for generations, if we do not adopt the long-needed quarantine, inspection, licensing, pest designation, and importation protections and controls embodied in this measure.

Please pass this bill to give our islands and our people a fighting chance to stop the further introduction and spread of invasive species throughout our Hawai‘i nei.

Mahalo nui for the opportunity to testify.

SB-3237-HD-1

Submitted on: 3/19/2024 7:02:43 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT SB3237 SD2 HD1.

Instead of being the nightclub bouncer, the Hawai'i Department of Agriculture seems to prefer being the “**Anything Goes, Anywhere, Anytime Welcome Committee**”, rolling out the red carpet to little fire ants, coconut rhinoceros beetles, coqui frogs, and so many other invasive pests and noxious weeds that are spreading all over the islands.

Invasive species are a major reason that endemic ones become endangered! It's not just overdevelopment and pollution. The simple fact is that invasive species usually have no predators and are therefore able to thrive in the competition for food and habitat.

According to the US Fish and Wildlife Service, Hawai'i ranks Number ONE in the country as the state with the most endangered and threatened species: almost 500 different birds, plants, crustaceans, arachnids, insects, mammals, reptiles (turtles), and snails could become extinct in the not-so-distant future. California is second with almost 300. We are winning by a landslide!

Obviously the Hawai'i Department of Agriculture needs SB3237 SD2 HD1 to help them protect those species that cannot protect themselves.

Please pass SB3237 SD2 HD1; you may sense my frustration, but we are really in a race against time.

SB-3237-HD-1

Submitted on: 3/19/2024 7:09:26 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

A wise frog (not a coqui) named Kermit once sang that “It’s not easy being green”. He may have been talking about his looks, but his statement was far-reaching.

It is not enough to simply recycle, and to not waste water, and to stop polluting the air and water around us.

It takes courage and conviction and governmental support and resources to battle extremely fierce opponents such as the coconut rhinoceros beetle and little fire ants, and the too many other invasive species and noxious weeds that are already thriving here, and those that will definitely come, if SB3237 SD2 HD1 does not pass.

I support SB3237 SD2 HD1 and I hope you do as well. Mahalo for your consideration.

SB-3237-HD-1

Submitted on: 3/19/2024 7:45:06 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jody Smith	Individual	Support	Written Testimony Only

Comments:

Aloha

i strongly support SB3237 SD2 HD 1.

Invasive pest species have impacted Hawaii for over 200+ years, and tremendously more so in the recent 20 years. I worked at CTAHR for 20 years and had a front row seat to this problem. Aggressive pest control measures are vital for protecting our island ecosystems, and it will still be very challenging. Mahalo for this effort to give teeth to HDOA to protect us all from these problematic plants and animals.

Jody Smith, Honolulu

SB-3237-HD-1

Submitted on: 3/19/2024 9:34:44 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
nicole tergeoglou	Individual	Support	Written Testimony Only

Comments:

As a long time farmer on the island of Hawaii, I strongly support this bill.

SB-3237-HD-1

Submitted on: 3/19/2024 9:49:16 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

NEEDED, GOOD IDEA.

MAHALO!

SB-3237-HD-1

Submitted on: 3/19/2024 10:31:51 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leah Kocher	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Leah Kocher and I strongly support SB3237 SD2 HD1. It is critical that the Hawaii Department of Agriculture be given the proper tools and authority to protect our land, our ecosystems, our plants, our animals, and our people. The eradication of pests and future prevention of new invasive pests to our islands will be critical in maintaining that which makes Hawai'i unique and special. Please help support Hawaii DOA to do what is their duty.

Thank you for the opportunity to testify.

SB-3237-HD-1

Submitted on: 3/19/2024 11:54:44 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

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

Comments:

My name is Glenn Choy, from Honolulu. I strongly support this bill.

LATE

SB-3237-HD-1

Submitted on: 3/19/2024 2:39:22 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

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

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

I STRONGLY SUPPORT SB3237 SD2 HD1. Please pass this bill to give our islands and our people a fighting chance to stop the further introduction and spread of invasive species throughout our Hawai‘i nei.

We cannot wait any longer before giving the Department of Agriculture the tools and resources it needs to control and eradicate invasive pest species that may impact every aspect of life here in Hawai‘i, including our environment, food security, cultural integrity, economy, and overall quality of life. The financial, human, and environmental costs of inaction in the face of our current and future invasive species crises will only increase exponentially and be felt for generations, if we do not adopt the long-needed quarantine, inspection, licensing, pest designation, and importation protections and controls embodied in this measure.

Mahalo nui for the opportunity to testify.

March 20, 2024

Representative Mark M. Nakashima
Chair, Committee on Consumer Protection & Commerce
State Capitol, 415 South Beretania St.
Honolulu, Hawaii 96813



Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee

*I strongly support SB3237 SD2 HD1. This is a critical measure to facilitate the control and eradication of invasive species and pests, necessary for protecting Hawai`i's unique and fragile ecosystem, flora and fauna. According to the University of Hawai`i College of Tropical Agriculture, invasive species are "the single greatest threat to Hawai`i's economy and the natural environment and to the health and lifestyle of Hawai`i's people."*¹

While communities across the islands are now taking commendable action to detect, control, and eradicate pests in their neighborhoods, these efforts are inadequate due to the lack of a coordinated community-government response needed to comprehensively address this critical biosecurity issue. Community efforts have been frustrated by a lack of sufficient government support and resources, including and particularly from the Hawai`i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intra-island 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 damage alone caused by this beetle can significantly reduce coconut production and kill palm trees and other local food crops, potentially eradicating them on a large scale. The HDOA's lack of comprehensive planning and programming to detect, control and eradicate invasive pests and species is now confounding efforts to, for example, stop the spread of little fire ants across O`ahu, and leaves all islands at risk of experiencing the devastating consequences.

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. Long overdue comprehensive detection, control, and eradication programs are needed now. These include the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds. 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 species.

I respectfully urge the Committee to PASS SB3237 SD2 HD1. Thank you for the opportunity to testify.

Therese M Argoud, MPH
3314 Woodlawn Dr., Honolulu HI 96822

¹ <https://www.ctahr.hawaii.edu/site/ExtINV.aspx>

LATE

SB-3237-HD-1

Submitted on: 3/19/2024 7:04:03 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Committee Members,

I strongly support SB 3237 SD2.

I live on the Windward side where the little fire ants have started to spread. Farmers have started to show the destruction of key crops such as coconut and bananas. The more invasive species take over the harder it will be to control. Please pass this bill.

LATE

SB-3237-HD-1

Submitted on: 3/19/2024 9:59:53 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
LorrieAnn Santos	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

I am Lorrie Ann Santos and I am from Kane'ohe and I STRONGLY SUPPORT SB3237 SD2 HD1.

Please pass this bill to give us a fighting chance to stop the further introduction and spread of invasive species in our communities on the Windward side - from Waimanalo to Kahuku, extending on the entire island of O'ahu, and throughout the State of Hawaii.

The financial, human, and environmental costs of inaction in our current invasive species crises will only increase exponentially and be felt for generations, if quarantine, inspection, licensing, pest designation, and import protections and controls are not put in place AND if the Department of Agriculture is not given the tools and resources needed to control and eradicate invasive pest species. The impact to our environment, food security, cultural integrity, economy, and quality of life is real and compound the longer we wait. Just like COVID, Hawaii's tourism and the potential ramifications could be devastating, and possibly unrecoverable.

Respectfully,

Lorrie Ann Santos

LATE

SB-3237-HD-1

Submitted on: 3/19/2024 10:56:18 PM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Kunitake	Individual	Support	Written Testimony Only

Comments:

I support SB3237 SD2 HD1. Please support this bill.

LATE

SB-3237-HD-1

Submitted on: 3/20/2024 12:02:40 AM

Testimony for CPC on 3/20/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice Toma Shiira	Individual	Support	Written Testimony Only

Comments:

I support SB3237 SD2 HD1