



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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Ways and
and
Senate Committee on Judiciary

Tuesday, April 1, 2025
10:00 a.m.
Conference Room 211 and Videoconference

On the following measure:
H.B. 427, H.D. 2, S.D.1, RELATING TO BIOSECURITY

WRITTEN TESTIMONY ONLY

Chair Dela Cruz, Chair Rhoads and Members of the Committees:

My name is Nadine Ando, and I am the Director of the Department of Commerce and Consumer Affairs (DCCA). The Department offers the following comments.

The purposes of this bill are to: (1) rename the Department of Agriculture (DOA) to the Department of Agriculture and Biosecurity and the Board of Agriculture to the Board of Agriculture and Biosecurity; (2) establish a Deputy Chairperson for Biosecurity; (3) require the DOA to establish a Biosecurity Emergency Response Program; (4) authorize the Chairperson of the Board of Agriculture and Biosecurity to quarantine any area under certain circumstances; (5) authorize the DOA to establish transitional facilities (6) require the DCCA to license and train biosecurity inspectors to inspect imported plants and animals; (7) require inspection of various items transported

interisland; (8) increase penalties for illegally transporting plants, animals, and microorganisms; (9) require the DOA to establish government-industry agreements to detect and respond to unwanted organisms in the State; (10) require the DOA to establish an invasive species dashboard by 12/1/2025; (11) authorize pest management plans to address, contain, or eradicate pests; (12) authorize the DOA to adopt rules to establish and enforce the Plant Care Component Program; (13) authorize the DOA to assess administrative penalties for the enforcement of the Plant Care Component Program; (14) establish positions; and (15) appropriate funds.

Committee Report SSCR652 states the Senate Committees on Ways and Means and Judiciary believe the Department is better suited to carry out the licensing of private inspectors, due to existing licensing schemes and enforcement mechanisms in place for Pest Control Operators pursuant to chapter 460J, Hawaii Revised Statutes (HRS). The Department requests that the responsibility for providing training of licensees which is outside the Pest Control Board's (Board) expertise, scope, and jurisdiction be removed. The Board does not provide training for any of the licenses it issues. The scope and training requirements of biosecurity inspectors is an area of expertise that is under the purview of the DOA.

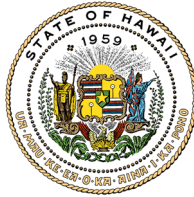
The DOA is the authority as the lead agency on biosecurity efforts in the State and has the appropriate resources, including but not limited to established inspector training programs and protocols. Thus, the DOA would appear to be appropriate agency for the training of biosecurity inspectors, as proposed in H.B. 427.

The Department respectfully requests additional time to collaborate with the DOA to create an appropriate licensing scheme including scope of practice, license requirements, and regulation of biosecurity inspectors.

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

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

**DIVISION OF FORESTRY AND WILDLIFE
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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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RYAN K.P. KANAKA'OLE
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CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the Senate Committees on
WAYS AND MEANS
and
JUDICIARY**

**Tuesday, April 1, 2025
10:00 AM**

State Capitol, Conference Room 211 and Via Videoconference

**In consideration of
HOUSE BILL 427, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO BIOSECURITY**

House Bill 427, House Draft 2, Senate Draft 1 proposes to expand and restructure the Hawai'i Department of Agriculture's (HDOA) biosecurity efforts, including renaming HDOA to add "Biosecurity"; establishing a Deputy Chairperson for Biosecurity; and establishing emergency response authorities. Authorizes the Chairperson of the Board of Agriculture and Biosecurity to quarantine any area under certain circumstances. Authorizes HDOA to establish transitional facilities, to adopt rules to establish and enforce the Plant Care Component Program, and to assess administrative penalties for the enforcement of the Plant Care Component Program. Requires HDOA to establish government-industry agreements to detect and respond to unwanted organisms in the State and to establish an invasive species dashboard by 12/1/2025. Requires the Department of Commerce and Consumer Affairs to license and train biosecurity inspectors to inspect imported plants and animals. Requires inspection of various items transported interisland. Increases penalties for illegally transporting plants, animals, and microorganisms. Authorizes pest management plans to address, contain, or eradicate pests. **The Department of Land and Natural Resources (Department) supports the intent of this measure to strengthen Hawaii's biosecurity and offers the following comments.**

The Department supports efforts to strengthen biosecurity and works with partners within a framework recommended by the Interagency Biosecurity Plan to utilize existing resources, networks, and capacities to collectively and efficiently address biosecurity issues. The Biosecurity Plan recognized that one agency cannot do it alone. Effective prevention, management, and mitigation of invasive species impacts requires continuity of attention, responsiveness, and cohesive action across agencies.

HDOA is the only agency with the regulatory authority to prevent the introduction of new pests and diseases. The expansion of the HDOA's mandate with the name change to the "Hawaii Department of Agriculture and Biosecurity (HDOAB)" recognizes that this authority must apply beyond agricultural pests and include pests that impact human health, the environment, and the economy. When pests and diseases spread beyond the ports of entry/exit, it is only a matter of time before they end up in natural areas, impacting native species and ecosystems. Prevention is critical. The HDOAB must reflect this expanded mandate with actions included in this measure and a phased approach to implementation to ensure that the capacity, infrastructure, and resources are in place.

The Department is concerned about using private industry and its ability to self-regulate. Greater detail is recommended regarding the effective implementation and oversight of inspections and transitional facilities.

Mahalo for the opportunity to provide comments on this measure.

JOSH GREEN
GOVERNOR OF HAWAII

SYLVIA LUKE
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL

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VOTING MEMBERS

DAWN CHANG
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SHARON HURD
HAWAII DEPARTMENT OF AGRICULTURE

KATHLEEN HO, D.Env
DEPARTMENT OF HEALTH

PARWINDER GREWAL, Ph.D.
UNIVERSITY OF HAWAII

MARY ALICE EVANS
BUSINESS, ECONOMIC DEVELOPMENT &
TOURISM

DEXTER KISHIDA
DEPARTMENT OF TRANSPORTATION

Chelsea Arnott, HISC Coordinator on behalf of
HISC Co-Chair Sharon Hurd and Co-Chair Dawn N.S. Chang

House Committees on WAYS & MEANS JUDICIARY

Tuesday, April 1, 2025; 10:00 am
State Capitol, Conference Room 211 and Via Videoconference

In consideration of HOUSE BILL 427 HOUSE DRAFT 2 SENATE DRAFT 1 RELATING TO BIOSECURITY

House Bill 427 House Draft 2 Senate Draft 1 proposes multiple actions to enhance the Department of Agriculture's biosecurity efforts. The Council appreciates the efforts of this measure to safeguard Hawai'i from invasive species by strengthening Hawai'i Department of Agriculture's role to address biosecurity and **offers the following comments.**

The name change from the Hawaii Department of Agriculture to the Hawaii Department of Agriculture and Biosecurity provides the Department with a broader mandate and expands their efforts to not only focus on the agricultural pests, but pests of the environment, human health, and/or the economy. This is a large undertaking for any department and urge the committee that the actions outlined in this measure are taken in a phased approach to allow the Department time to establish capacity, infrastructure, and resources to ensure there are no gaps in prevention and response efforts.

The use of private industry to regulate itself with inspections and transitional facilities needs greater detail on how oversight is provided and ultimately how inspections are effectively carried out. The Council agrees with testimony from HDOA and Department of Commerce and Consumer Affairs (DCCA) that HDOA should be the lead to develop and implement a training program that licenses private inspectors. The DCCA has existing licensing schemes and enforcement mechanisms and can be used for HDOA to develop their own program.

The Hawaii Department of Agriculture should be the lead to develop and implement a training program that licenses private inspectors. The Department of Commerce and Consumer Affairs (DCCA) has existing licensing schemes and enforcement mechanisms and

can be used for HDOA to develop their own program, but DCCA lacks the expertise, scope, and jurisdiction to carry out such a program.

In addition, the insertion of language for an invasive species dashboard creates a situation where any State or county entity, or the counties themselves, that is not required to provide information to the Dashboard under subsection (b) can be completely defunded if an HDOAB Deputy determines it appropriate. The Council agree that there is a need for public facing information about invasive species distribution and status but recommend the amendments to this section in the testimony submitted by the Coordinating Group on Alien Pest Species.

The Hawai'i Invasive Species Council was formed with the understanding that invasive species impact every sector and do not abide by landowner boundaries or jurisdictions. Preventing and controlling invasive species requires statewide coordination amongst the state and federal agencies and partner entities. Even with the addition of the term "biosecurity" to the Department of Agriculture, there still needs to be the inclusion of other state agencies in biosecurity efforts that address public health, the environment, and economic drivers beyond agriculture. Biosecurity must be an interagency effort.

Mahalo for the opportunity to provide testimony on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON WAYS AND MEANS AND JUDICIARY

TUESDAY, APRIL 1, 2025
10:00 AM
CONFERENCE ROOM 211 & VIDEOCONFERENCE

HOUSE BILL NO. 427, HD2, SD1
RELATING TO BIOSECURITY

Chairs Dela Cruz, and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees:

Thank you for the opportunity to provide testimony on House Bill No. 427, HD2, SD1, Relating to Biosecurity. This measure renames the Department of Agriculture to the Department of Agriculture and Biosecurity (Department) and the Board of Agriculture to the Board of Agriculture and Biosecurity; establishes a Deputy Chairperson for Biosecurity; requires the Department to establish a Biosecurity Emergency Response Program; authorizes the Chairperson of the Board of Agriculture and Biosecurity to quarantine any area under certain circumstances; authorizes the Department to establish transitional facilities; requires the Department of Commerce and Consumer Affairs to license and train biosecurity inspectors to inspect imported plants and animals; requires inspection of various items transported interisland; increases penalties for illegally transporting plants, animals, and microorganisms; requires the Department to establish government-industry agreements to detect and respond to unwanted organisms in the State; require the Department to establish an invasive species dashboard by 12/1/2025; authorizes pest management plans to address, contain, or eradicate pests; authorizes the Department to adopt rules to



establish and enforce the Plant Care Component Program; authorizes the Department to assess administrative penalties for the enforcement of the Plant Care Component Program; establishes positions; and appropriates funds. Effective 1/1/2050. The Department supports this bill and offers suggested changes.

The Department is in support of this measure, offering comments, and suggested changes. The Department appreciates the emphasis on biosecurity as reflected by renaming the Department of Agriculture and Board of Agriculture to include “and Biosecurity” as part of the respective titles and making the same changes throughout the HRS, including permanent funding of the positions that were created under Act 231, SLH 2024. Part III of this bill further emphasizes biosecurity by establishing a new position with funding within the Department for a Deputy Chairperson of Biosecurity through a new section of HRS 141, further enabling the Department to maintain biosecurity activities.

Regarding the changes to the composition of the members of the Board of Agriculture (Board), should the Department be renamed, the Department believes that the proposed changes on page 2, beginning on line 12, are not needed and may have unintended consequences if implemented as currently drafted. This portion of the bill seeks to create additional biosecurity-related review but that is already incorporated into the Department’s existing processes. The Department’s review process for biosecurity-related permits, rules, or other relevant concerns are subject to HRS 150A-10, which requires review by the Advisory Committee on Plants and Animals (P&A), prior to Board approval. The P&A is comprised of ex officio members including the chairperson of the Department of Land and Natural Resources (DLNR), who is also an ex officio member of the Board, the director of the Department of Health, and the director of the Office of Planning and Sustainable Development, with the remaining five P&A members having “expertise in plants, animals, or microorganisms, and who, by virtue of their vocation or avocation, also are thoroughly conversant with modern ecological principles and the variety of problems involved in the adequate protection of the State's natural resources.” The Department also has various Advisory Subcommittee’s which also provide technical advice to the Department prior to P&A review and Board approval.

The Department is also concerned that this section as currently drafted could enable the Governor to appoint a majority of the Board members from the invasive species response community, or the environmental conservation community, significantly altering the Department's overall function and mission, affecting other Board functions that have nothing, or very little, to do with Biosecurity.

On page 28, beginning on line 19, regarding a new section of HRS 150A enabling rapid response quarantine authority, while the Department agrees with the intent to find a mechanism to enable rapid regulatory authority to prevent spread of a pest, the Department is concerned that as currently drafted, this section essentially gives the chairperson unchecked unilateral authority to use their sole discretion to quarantine any area in the State, with no restrictions on the start or end of a quarantine, or any requirement to provide any form of notice to anyone at any time. As the terms in this section are broad and undefined, the chairperson would have broad discretion to determine when something is newly detected, an area is reasonably suspected to be infested, or determine what an invasive species is, and thus enact a quarantine. Additionally, many restricted or prohibited organisms are widespread, and this section would also seem to enable quarantines regardless of this fact. Additionally, as the term "materials" is not defined, this section also seems to enable the chairperson to discretionarily prevent the movement of anything in or out of a quarantined area. The Department also questions the need to prevent the movement of materials into a quarantine area as this is essentially unenforceable, particularly if the quarantine area includes a major throughfare or a transportation hub such as an airport or seaport, and would not seem to assist with managing the spread of a pest as the materials entering an area should be free of the pest. Lastly, the Department believes that a provision such as this should only be implemented in the event of an emergency when existing procedures could not reasonably be implemented to address the issue. As such, the Department believes that the Biosecurity emergency provision beginning on page 32, line 16 of SB 1100, SD2, HD2, is the preferred path forward. The implementation of this provision would clearly enable the use of the emergency rulemaking provisions in HRS 91 and would subsequently address the Department's prior concerns about this section.

The Department is appreciative of the distinction between the licensed biosecurity inspectors and the existing Plant Quarantine Branch Inspector series. On Page 32, beginning on line 19, regarding the use of the Department of Commerce and Consumer Affairs (DCCA) as the licensing agency for the biosecurity inspectors, the Department is concerned that it is completely omitted from this entire section, noting that DCCA does not have any expertise as it relates to the identification of pests or operational procedures should a pest be detected. To address this and create consistency with the new section HRS 150A-D, the Department suggests the following changes to ensure biosecurity issues are addressed properly. On page 33, beginning on line 4, the Department suggests the following changes:

- (1) The detection and identification of diseases, infections, infestations, and other [subjects] pests that the department [~~of commerce and consumer affairs~~] deems relevant; and
- (2) Procedures following the detection or identification of a disease, infection, infestation, or other [~~subject~~] pest that the department [~~of commerce and consumer affairs~~] deems relevant.

Because the Department is not managing the licensure of the biosecurity inspectors, the Department has no way of knowing who is licensed for a particular transitional facility and how many individuals are licensed in each transitional facility. The Department suggests the addition of a new subsection to HRS 150A-D to address this:

(h) The department of commerce and consumer affairs shall provide the department of agriculture with access to all information related to licensed biosecurity inspectors, including those that previously held a license, but do not currently have a valid license.

~~[(h)]~~ (i) The department of commerce and consumer affairs shall adopt rules under chapter 91 for purposes of this section.

In conjunction with the changes to the licensure of biosecurity inspectors from the Department to the DCCA, the Department suggests the inclusion of a new subsection to HRS 150A-C to enable DCCA to know who has a valid transitional facility license so they can implement their biosecurity inspector licensing program:

(e) The department of agriculture shall provide the department of commerce and consumer affairs with a list of all transitional facility licenses, including any necessary information, to appropriately license biosecurity inspectors pursuant HRS 150A-D.

Alternatively, the creation of a professional board, such as the Pest Control Board pursuant to HRS 460J, would appear to address the aforementioned issues of licensing content or notification between the agencies as the Department would presumably be a member of the newly created board and would communicate directly with DCCA enabling both agencies to obtain the necessary information to implement this section.

The Department appreciates the proposed changes to HRS 150A-8 contained in section 27 of this measure, clarifying the specific commodities that are subject to inspections and clarifying when an inspection may occur. The Department suggests changes to HRS 150A-8(a), beginning on page 48, line 14, to address the lack of statutory definition for pest host material and not limit movement to only permits. The department suggests the following language:

"(a) [~~Flora and fauna and pest host material~~] Specific commodities under subsection (b), specified by rules and regulations of the department shall not be moved from one island

to another island within the State or from one locality to another on the same island except [~~by a permit issued~~] as approved by the department."

Regarding the creation of the new section HRS 150A-F regarding government-industry agreements for readiness and response, starting on page 59, line 20, the Department suggests some changes for clarification including changes to HRS 150A-F(b)(2)(B) to ensure minimization of impacts to agricultural industries; removing "overseas" as this generally refers to foreign countries and access to U.S. mainland markets should also be accommodated; and changing all references of "unwanted organisms" to "insects, diseases, pests, or other organisms not known to occur in the State" as listed below:

- (b) The agreements shall include:
 - (1) Readiness activities that:
 - (A) Prevent [~~unwanted organisms~~] insects, diseases, pests, or other organisms not known to occur in the State, from entering the State; and
 - (B) Detect [~~unwanted organisms~~] insects, diseases, pests, or other organisms not known to occur in the State; and
 - (2) Response activities that:
 - (A) Facilitate the immediate investigation of an [~~unwanted organism~~] insect, disease, pest, or other organism not known to occur in the State, after detection, including timely reporting;
 - (B) Minimize the impact of the [~~unwanted organism~~] insect, disease, pest, or other organism not known to occur in the State, on agricultural industries, natural and physical resources, human health, and [~~overseas~~] market access for Hawaii products;

- (C) Control the spread of an ~~[unwanted organism]~~ insect, disease, pest, or other organism not known to occur in the State;
- (D) Reduce the geographical distribution of an ~~[unwanted organism]~~ insect, disease, pest, or other organism not known to occur in the State;
and
- (E) Eradicate the ~~[unwanted organism]~~ insect, disease, pest, or other organism not known to occur in the State.

Regarding the new section HRS 150A-G beginning on page 61, line 3, regarding the creation of an invasive species dashboard, while the Department agrees with the intent, parts of this section appear to overlap with some of the existing requirements in HRS 141-3.5(d). For clarity, the Department suggests that HRS 141-3.5(d)(2), (3), and (4) be incorporated into this section with the use of a real-time dashboard for the information, or place HRS 150A-G into 141-3.5(d) with the use of a real-time dashboard. The Department is also unclear about the references to “a contracted party pursuant to section 150A-F” in subsections (b) and (c), as 150A-F as currently drafted does not require any form of contract. The Department is unsure if the intent is to enable access to the dashboard for the businesses or representatives which the Department enters into readiness or response agreements, for other Department-contracted parties not otherwise already covered under subsection (c), or both.

On Page 61, line 19, the Department supports the intent of the proposed HRS 150A-H regarding Pest management plans as this section seeks to establish a process that would enable anyone to deem a specific organism as a pest and to vet specific management plans for said pest. However, the Department has some concerns that this section would be in conflict 4-69, HAR and would require the Department’s Plant Quarantine Branch to implement and maintain a control or eradication program pursuant to HRS 141-3.5, for each pest designated in this manner. On page 63, line 11 the Department suggests the inclusion of a review by the P&A. Pursuant to HRS150A-

10, the P&A “shall advise and assist the department in developing or revising laws and regulations to carry out and effectuate the purposes of this chapter. . .”. The proposed change is as follows:

(c) At a public hearing, after review and recommendation by the advisory committee on plants and animals, the board shall approve the proposed plan, deny the proposed plan, or approve the proposed plan with modifications.

The Department is in strong support of the funding for the positions contained in Act 231, SLH 2024, as this was an important milestone in cementing biosecurity as an investment priority for the State. Continued funding of these 44 positions in the Department’s Plant Quarantine, Plant Pest Control, and Pesticides Branches enables the Department to increase its ability to manage the introduction and spread of pests; ensure that pesticide use is safe and appropriate for public health and safety; and implement and maintain eradication, control, management, and biocontrol projects for existing pests across the State. The proposed increases in Plant Quarantine Branch staff for prevention and the plant care component program are also critical for the State’s overall biosecurity efforts. The Department is also in strong support of the proposed funding for the Department’s Division of Animal Industry facilities in Halawa. The Division of Animal Industry is a critical component of the State’s biosecurity efforts, preventing the introduction and spread of pests and zoonotic diseases that affect livestock and domestic animals.

Lastly, the Department is extremely appreciative of the phased implementation of the measures contained within this bill, enabling the Department to create the educational pathways to hire, train, and retain a large number of qualified individuals for the added positions, and to create the necessary rules for program implementation of the emergency response program, transitional facilities, and plant care component programs.

Thank you for the opportunity to testify on this measure.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualī'i, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
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Council Services Division
4396 Rice Street, Suite 209
Lihū'e, Kaua'i, Hawai'i 96766

March 28, 2025

**TESTIMONY OF FERN HOLLAND
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 427, HD 2, SD 1, RELATING TO BIOSECURITY
Senate Committee on Ways and Means
Senate Committee on Judiciary
Tuesday, April 1, 2025
10:00 a.m.
Conference Room 211
Via Videoconference**

Dear Chair Dela Cruz, Chair Rhoads, and Members of the Committees:

Thank you for this opportunity to provide testimony in SUPPORT of HB 427, HD 2, SD 1, Relating to Biosecurity. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

Regarding HB 427, HD 2, SD 1, we need to support all efforts to increase biosecurity in Hawai'i.

Hawai'i is decades behind and already considered one of the most invaded ecosystems anywhere on Earth. We are in critical need of a functioning biosecurity effort in Hawai'i.

I have been advocating for years for increased biosecurity that protects our communities and environment, and I continue to today on behalf of Kaua'i and our people.

Investing in biosecurity will save us money in the future, protect our way of life and environment, cultural practice and history.

Please support all efforts to increase and support more robust biosecurity for Hawai'i.

Thank you again for this opportunity to provide testimony in support of HB 427, HD 2, SD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

FERN HOLLAND
Councilmember, Kaua'i County Council

JY:ss

Testimony of the Pest Control Board

Before the

**Senate Committee on Ways and Means
and
Senate Committee on Judiciary**

**Tuesday, April 1, 2025
10:00 a.m.**

Conference Room 211 and Videoconference

On the following measure:

H.B. 427, H.D. 2, S.D. 1 RELATING TO BIOSECURITY

WRITTEN TESTIMONY ONLY

Chair Dela Cruz, Chair Rhoads, and Members of the Committee:

My name is Lei Ana Green, and I am the Executive Officer of the Pest Control Board (Board). The Board will review this bill at its next publicly noticed meeting which is currently being scheduled, and for now offers the following comments.

The purposes of this bill are to: (1) rename the Department of Agriculture to the Department of Agriculture and Biosecurity (Department) and the Board of Agriculture to the Board of Agriculture and Biosecurity; (2) establish a Deputy Chairperson for Biosecurity; (3) require the Department to establish a Biosecurity Emergency Response Program; (4) authorize the Chairperson of the Board of Agriculture and Biosecurity to quarantine any area under certain circumstances; (5) authorize the Department to establish transitional facilities; (6) require the Department of Commerce and Consumer Affairs to license and train biosecurity inspectors to inspect imported plants and animals; (7) require inspection of various items transported interisland; (8) increase penalties for illegally transporting plants, animals, and microorganisms; (9) require the Department to establish government-industry agreements to detect and respond to unwanted organisms in the State; (10) require the Department to establish an invasive species dashboard by 12/1/2025; (11) authorize pest management plans to address, contain, or eradicate pests; (12) authorize the Department to adopt rules to establish and enforce the Plant Care Component Program; (13) authorize the Department to

assess administrative penalties for the enforcement of the Plant Care Component Program; (14) establish positions; and (15) appropriate funds.

Committee Report SSCR652 states the Senate Committees on Ways and Means and Judiciary believe the Department of Commerce and Consumer Affairs (DCCA) is better suited to carry out the licensing of private inspectors, due to existing licensing schemes and enforcement mechanisms in place for Pest Control Operators pursuant to chapter 460J, Hawaii Revised Statutes (HRS). The Board has strong concerns regarding the appropriateness of the responsibility for training of licensees as they are outside the Board's expertise, scope, and jurisdiction. The Board does not provide training for any of the licenses it issues. The scope and training requirements of biosecurity inspectors is an area of expertise that is under the purview of the Department of Agriculture (DOA).

The DOA is the authority as the lead agency on biosecurity efforts in the State and has the appropriate resources, including but not limited to established inspector training programs and protocols. Thus, the DOA would appear to be appropriate agency for the training of biosecurity inspectors, as proposed in S.B. 1100.

Should the Committee be inclined to pass this measure, the Board respectfully requests additional time to collaborate with the DOA to create an appropriate licensing scheme including scope of practice, license requirements, and regulation of biosecurity inspectors.

Thank you for the opportunity to testify on this bill.

HB-427-SD-1

Submitted on: 3/29/2025 12:54:29 PM

Testimony for WAM on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Kwan	Testifying for Carol Kwan Consulting LLC	Oppose	Written Testimony Only

Comments:

I am strongly opposed to this bill. It is not appropriate to reward incompetency with increased responsibility. While the lower level employees at HDOA are capable, hardworking, passionate people who care about the impacts their work makes in Hawaii, HDOA's leadership has failed for over a decade to take appropriate action against invasive species such as Coconut Rhinoceros Beetle (CRB), Little Fire Ant, and coqui frog, to name a few. Giving HDOA a new name and a new board will not change the attitudes or actions of those at the top of the organization. While HDOA originally cooperated with the CRB Response effort, it is the same organization that gave CRB Response 2 weeks notice that it needed to vacate the HDOA space that it had been using as office space. This left CRB Response scrambling, looking for new offices with short notice. Some of the workers ended up working out of containers with no air conditioning throughout the hot summer days as a result.

I know people who work under UH on combatting invasive species. They are seriously concerned that their functions are about to be placed under HDOA and that HDOA will render all of their past successes for naught due to its typical neglect of invasive species issues. I hope that wiser heads will prevail at the legislature and that this bill will not pass.

Mahalo,

Carol Kwan

Testimony of Matson Navigation Company, Inc.
Comments on HB427, HD2, SD1
Before the Committees on Ways and Means and
Judiciary
April 1, 2025

Dear Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and Members of the Committees:

Matson Navigation Company, Inc., (Matson) respectfully offers amendments on HB427, HD2, SD1.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable, and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials, and fuel on all major islands.

Matson is concerned that this measure may cause significant delays to the flow of commerce and substantially increase the cost of living for our residents and businesses. The State of Hawaii follows the "just in time" inventory model, which means that goods are received as needed. The State does not have significant stockpiles of most goods and relies on our ships' frequent calls to our harbors to supply these goods. Any added step in the supply chain can cause significant interruptions to the availability of goods to our residents and businesses.

The program established in Part IV of this measure requires all costs and expenses incident to the use of a transitional facility to be borne by the importer or the importer's agent. Further, on page 28, line 3, this measure absolves volunteer emergency biosecurity disaster response personnel from liability for any damages caused by to property in response to a mass biosecurity event. If cargo carriers are unable to recover damages from the State of Hawaii for actions caused by the actions of its volunteers who are now deemed state or county employees, cargo carriers will also need to pass on these costs to businesses and residents.

Matson requests that your Committee insert provisions requiring the State to: (1) cover costs and expenses incident to the use of a transitional facility; and (2) be liable for all damages caused by volunteer emergency biosecurity disaster response personnel. These amendments may be made as follows:

1. Page 28, line 3: "(c) ~~[Except in cases of wilful misconduct, the]~~ The State, any county, or any volunteer emergency biosecurity disaster response personnel engaged in the emergency response to a mass biosecurity event or condition under this section, including volunteers whose services are accepted by any authorized person, shall ~~[not]~~ be liable for the death of or injury to any person, or for damage to property, as a result of any act or

omission in the course of rendering professional
biosecurity care under a mass biosecurity event or
condition..."

2. Deleting the language on page 31, lines 1 through 3 as follows: "(c) All costs
and expenses incident to the use of a transitional
facility shall be borne by the [importer or the
importer's agent.] state of Hawaii."

Thank you for considering our suggested amendments.



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
APRIL 01, 2025
HB 427 HD2 SD1 RELATING TO BIOSECURITY**

Aloha, Chair Dela Cruz, and Chair Rhoads, and members of the Senate Committee on Ways & Means, and the Senate Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

This measure Part I: Renames the Department of Agriculture to the "Department of Agriculture and Biosecurity;" Renames the Board of Agriculture to the "Board of Agriculture and Biosecurity;" Part II: Establishes and appropriates funds for a Deputy Director of Biosecurity; Part III: Changes references to the plant and animal declaration form to the "biosecurity form;" Part IV: Authorizes and specifies conditions under which the Department of Agriculture and Biosecurity may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms. Broadens the objectives and general actions of the Biosecurity Program; Part V: Appropriates funds for positions for the Department of Agriculture and Biosecurity; and is Effective 7/1/3000.

While RMH supports initiatives that protect Hawaii's unique ecosystem from invasive species, **we are concerned about the potential delays this bill may impose on the timely receipt of goods for retailers.** Specifically, requiring additional inspections of shipping containers raises significant concerns about supply chain disruptions.

Currently, businesses rely on timely shipments to maintain inventory, meet customer demands, and sustain economic activity. If additional inspections result in extended delays - potentially from a few days to weeks or even a month - this would create severe challenges for retailers, especially small businesses that operate on tight margins. Such delays could lead to product shortages, increased costs, and ultimately higher prices for consumers in an already high-cost market.

RMH respectfully requests that the Committee consider provisions to mitigate delays, such as:

- Establishing clear timelines for inspections to prevent indefinite delays.
- Implementing risk-based assessments that prioritize high-risk imports while expediting clearance for low-risk goods.
- Increasing inspection capacity by allocating resources for additional inspectors and efficient inspection procedures.

We urge the Committee to carefully consider the economic implications of this bill and work toward a balanced approach that strengthens Hawaii's biosecurity while ensuring businesses can continue to receive their goods in a timely manner.

Mahalo for this opportunity to testify.



3610 Waialae Ave • Honolulu, HI 96816



(808) 592-4200



tyamaki@rmhawaii.org



The Senate
Committee on Ways and Means
Committee on Judiciary
Tuesday, April 1, 2025
10:00 AM Conference Room 211 & Videoconference
State Capitol

Testimony Providing Comments on HB 427 HD2 SD1

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees,

Thank you for the opportunity to provide testimony regarding HB 427 HD2 SD1, *Relating to Biosecurity*. The Coordinating Group on Alien Pest Species (CGAPS) appreciates the Legislature's continued focus on invasive species. During the 2024 Legislative Session, the Legislature passed Act 231, landmark funding for the Hawaii Department of Agriculture's (HDOA) biosecurity efforts. HB 427 continues this momentum by providing new approaches to biosecurity in Hawaii and even proposes renaming HDOA as the Department of Agriculture and Biosecurity (HDOAB). It is critically important to invest in HDOA's efforts to carry out their statutory responsibilities related to invasive species. After decades of lower funding amounts for HDOA's capacity and activities related to invasive species, we note that HDOA has a lot of work ahead to rebuild and modernize its invasive species program.¹

CGAPS offers the following comments on this bill:

Protection of autonomy and interagency character of the Hawaii Invasive Species Council

We strongly support the changes made to HB 427 HD2 SD1 that ensure the Hawaii Invasive Species Council (HISC or Council) is not transferred from being administratively attached to the Department of Land and Natural Resources (DLNR) to HDOAB or overseen by a deputy of HDOAB.

¹ For instance, HDOA's administrative rules relating to invasive species are out of date. HDOA's rules related to noxious weeds and the list of noxious weeds were last updated in 1992. (HAR Ch. 4-68). The list of pests designated for control or eradication was last updated in 2008. (HAR Ch. 4-69A Attachment 1) Section 141-3.5, Hawaii Revised Statutes, requires HDOA to develop and implement a control or eradication program for each designated pest, using the best available technology. To date, HDOA has not developed a program for any designated pest.

Pursuant to chapter 194 of the Hawaii Revised Statutes (HRS), HISC is comprised of the chairs or directors of HDOA, DLNR, Department of Health (HDOH), Department of Transportation (HDOT), Department of Business, Economic Development and Tourism (DBEDT), and the President of the University of Hawaii (UH), or their designees. HISC was established for the purpose of “providing policy level direction, coordination, and planning among state departments, federal agencies, and international and local initiatives for the control and eradication of harmful invasive species infestations throughout the State.” (HRS 194-2) HISC is co-chaired by the Chairperson of HDOA and the Chairperson of DLNR. It is an independent Council, guided by its co-chairs, and is attached to DLNR for administrative purposes only. (HRS 194-2(b)) We believe that as HDOAB continues to grow and develop new authorities, it is critical that HISC remain administratively attached to DLNR to ensure balance in invasive species response across sectors and across the State. We also note that at a meeting on March 20, 2025, the Council passed a motion affirming their support for HISC remaining administratively attached to DLNR at this time.

Invasive Species Dashboard

Section 31 of HB 427 HD2 SD1 adds a new section to chapter 150A HRS (beginning on p. 61, line 3) that creates an Invasive Species Dashboard to “provide real-time data and information for treatment areas for the public.” Subsection (b) of that new section (p. 61, lines 9-12) requires HDOAB, DLNR, and certain businesses to provide information to the Dashboard.² However, subsection (c) provides a severe punishment (prohibition on receiving or expending “public funds”) for any “state department, agency, political subdivision,” and those certain businesses if they do not provide information to the Dashboard, with compliance determined by HDOAB’s Deputy Chairperson for Biosecurity. This creates a situation where any State or county entity, or the counties themselves, that is not required to provide information to the Dashboard under subsection (b) can be completely defunded if an HDOAB Deputy determines it appropriate. To address this ambiguity, **we respectfully suggest this Committee consider amending page 61, lines 9 through 18, to read as follows:**

(b) The department of agriculture and biosecurity, department of land and natural resources, and contracted parties pursuant to section 150A-F shall regularly and timely post treatment area information to the dashboard.

(c) The deputy chairperson for biosecurity may request Any
any state department, agency, or political subdivision, or
person carrying out invasive species control or eradication

² “(b) The department of agriculture and biosecurity, department of land and natural resources, and contracted parties pursuant to section 150A-F shall regularly and timely post treatment area information to the dashboard.”

~~actions with state or county funds to contracted party pursuant to section 150A-F that does not provide information for the invasive species dashboard, in compliance with the data sharing policies of that department, agency, or political subdivision.~~

~~(d) A state department, agency, political subdivision, or person required to provide information for the invasive species dashboard under this section shall not receive or expend public State funds. The deputy chairperson for biosecurity shall be responsible for ensuring if the board determines that department, agency, subdivision, or person is not in compliance with this section.~~

Clarification of Terms and Long-Term Use of Public Resources

The two new sections inserted into chapter 150A HRS, beginning on page 25, line 1 through page 28, line 18, provide authorities related to “an emergency due to a breach of the State’s biosecurity measures”, “biosecurity events and emergencies,” “biosecurity event or an emergency related to biosecurity,” and other similar terms. It is unclear to us if these are referring to the same type of event. It is also unclear if the “volunteers” referred to on pages 27 and 28 are members of the biosecurity response teams. Finally, we are unsure how HDOAB could coordinate the use of private resources for long-term use. To clarify these issues, **we respectfully suggest the Committee consider:**

1. Amending page 25, lines 1 through 16, to read as follows:

§150A-XX Biosecurity emergency response program established. (a) The chairperson shall establish within the department a biosecurity emergency response program to:

- (1) ~~Provide for the delivery of prompt services in the event of an emergency due to a breach of the State's biosecurity measures;~~ an emergency related to biosecurity is declared by the governor under chapter 127A;
- (2) Provide for critical incident stress debriefing for biosecurity personnel;
- (3) Provide for immediate delivery of services to respond to a new organism introduced to the State;
- (4) Coordinate the use of other public and private resources or services for the immediate ~~and long-term~~ biosecurity needs of the State; and
- (5) Advise state government and other personnel in the planning of and responses to ~~biosecurity events and emergencies~~ a biosecurity emergency declared by the

governor under chapter 127A or a new organism introduced to the State.

2. Amending page 27, line 1, through page 28, line 18, to read as follows:

§150A-XY Volunteer emergency disaster response personnel.

(a) All volunteer emergency biosecurity disaster response personnel, while engaged in ~~the emergency~~ a response related to biosecurity under section 150A-XX to a biosecurity event or condition, including participation during periods of biosecurity training, shall be deemed state employees or county employees, as the case may be, and shall have those same powers, duties, rights, and privileges in the performance of their duties as prescribed by or under the authority of the governor or a county.

(b) In this section, the term "volunteer emergency disaster response personnel" means any individual participating in an emergency response team under section 150A-XX(b).

(c) In the case of injury or death arising out of and in the performance of duty under this section as volunteer emergency disaster response personnel, including duty performed during periods of training, all volunteer emergency biosecurity disaster response personnel and their dependents shall be entitled to all of the benefits provided in chapter 386, including medical services and supplies. In the case of injury or death, no public official shall be excluded from coverage of chapter 386. Benefits shall be based on average weekly wages under section 386-51, or based on earnings from the usual employment of the person, or based on earnings at the rate of \$20 a week, whichever is most favorable to the claimant. Nothing in this section shall adversely affect the right of any person to receive any benefits or compensation under any act of Congress.

~~(e)~~ (d) Except in cases of wilful misconduct, the State, any county, or any volunteer emergency biosecurity disaster response personnel engaged in the emergency response to a mass biosecurity event or condition under this section (including volunteers whose services are accepted by any authorized person), actions authorized under section 150A-XX, shall not be liable for the death of or injury to any person, or for damage to property, as a result of any act or omission in the course of participation under section 150A-XX. rendering professional biosecurity care under a mass biosecurity event or condition. No act or omission shall be imputed to the owner of any vehicle by

reason of ownership thereof; provided that nothing in this section shall preclude recovery by any person for injury or damage sustained from the operation of any vehicle that may be insured under section 41D-8 to the extent of the insurance. Unless specifically provided, insurance under section 41D-8 shall not include coverage of risk during ~~an emergency period.~~ an emergency related to biosecurity as declared by the governor under chapter 127A.

Transitional Facilities

Part V of HB 427 HD2 SD1 (beginning on p. 29, line 6) provides for the inspection of plants, animals, and certain agricultural commodities imported into Hawaii from other states to be carried out by private sector employees licensed by HDOAB at privately owned transitional facilities. It is exciting that this bill is looking at models used in New Zealand to prevent the importation of pests. In order to best support this legislation, we would like to note a few issues presented by the proposed amendments in Part V, in the hopes that they may be addressed.

For instance, unlike the New Zealand inspections, where any and all imported goods require inspection, Hawaii as a state may only inspect domestic goods, and HDOA's authority is limited to inspection of domestic agricultural goods. The proposed language does not allow for the inspection of any item imported (and it does not consider or address co-mingled containers) or require the movement of all containers to transitional facilities, it does not clarify how the fees for the private inspections will be established (e.g., by weight, container, etc.), or other important information. Further, it is unclear when HDOAB will inspect items free of charge versus ordering an importer to pay the private biosecurity inspectors for the same type of inspection, why an importer would prefer to pay for the inspection, or if importers will employ and pay their own biosecurity inspectors to inspect their imported agricultural products. This legislation must adequately describe how this program will operate to prevent inefficiencies, non-compliance, and possibly even lawsuits. As a state and not a nation like New Zealand, this program and the state must be able to meet the reasonableness test so as not to burden or impede interstate commerce. We hope the transitional facilities program will be carried out in a manner that will protect Hawaii from the introduction of invasive species and from legal challenges for impermissibly burdening commerce and consumers with increased costs, perhaps by beginning this effort with a study conducted by the Legislative Reference Bureau.

We also respectfully request that the Committee consider amending page 33, line 2, by adding at the end: "The department of commerce and consumer affairs shall gather information and expertise from federal, state, and other entities to produce and conduct such training."

Unfair treatment for Hawaii Agricultural Producers

We support and are extremely grateful that the current text of section 150A-8 HRS was restored in section 27 of HB 427 HD2 SD1 (beginning on p. 48, line 9) to authorize HDOAB to continue to make rules under chapter 150A HRS to regulate the movement of pests between islands and within an island, and carry out the recently adopted amendments to chapter 4-72, Hawaii Administrative Rules (HAR).

However, the material inserted in section 150A-8 HRS, beginning on page 48, line 14, makes it more difficult for Hawaii agricultural products to compete with agricultural products imported from other states. The new language contains detailed requirements for the inter-island movement of nursery plants, cut flowers, fruits, and other agricultural items that are very similar to the inspection and labeling requirements for importing those items into the State under section 150A-5 HRS. However, HB 427 HD2 SD1 is actually more restrictive for the movement of these items between islands than for importation into the State.

The language proposed to be inserted by section 27 would require someone shipping agricultural products between islands to: (1) ensure the products are inspected by HDOAB **prior to movement**; and (2) label each container of product in a particular manner. **Failure to obtain a certification of inspection or properly label the container is subject to a criminal misdemeanor penalty under section 150A-14(a) HRS, whereas a similar failure for someone importing fruit or cut flowers from out of state is only a civil penalty. (see HB 427 HD2 SD1, p. 55, lines 10-15)** Further, new language on page 51, line 3, **requires**³ an inspector with “good cause” to believe that any provision of chapter 150A HRS is being violated, with respect to inter-island movement, to conduct an inspection and, again, imposes a criminal penalty if any pest or item infested with an insect or disease is found. We note that identical language appears in paragraph (5) of section 150A-5 HRS beginning on page 41, line 5 of HB 427 HD2 SD1, even with respect to the inspection of items “moving between islands of the State” (p. 42, lines 20-21), except that language **authorizes, but does not require, the inspections and does not impose a criminal penalty on importers** (p. 41, line 7, “the inspector may”). This creates two inconsistent standards for the inspection of items where an inspector has “good cause” to believe chapter 150A HRS is being violated. We hope these issues will be addressed to ensure a level playing field for Hawaii’s agricultural producers.

Other provisions

We respectfully request the Committee make a clarification on page 54, line 16, by inserting “in the State” after “exists” so that Hawaii will be protected if destruction of an infested

³ In SB1100 SD1, the language on p.62, line 3, was “may require” an inspection; SB1100 SD2 changed that language to “shall require.”

product is necessary, so that it reads: “provided that no treatment exists in the State that would eradicate the insect, disease,...”.

We suggest this Committee consider making a clarifying amendment on page 58, line 9, by inserting “any one animal specimen capable of producing offspring via fragmenting, budding, or other asexual means,”, to read as follows:

- (1) Any two or more animal specimens of the opposite sex, or any one animal specimen capable of producing offspring via fragmenting, budding, or other asexual means, that are prohibited, unlisted, or restricted, without a permit, or are a pest designated by statute or rule;

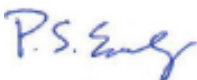
Finally, we support and are grateful for the changes made in HB 427 HD2 SD1: in Part II related to the addition of biosecurity experts to the Board of Agriculture and Biosecurity; in Part III related to the Deputy Chairperson for Biosecurity and the removal of other deputy or assistant positions; in Part IV related to authorizing the participation of State and local government employees in the Biosecurity Emergency Response Program and the addition of rapid response quarantine authority; and in Part VI related to ensuring fairness in expenditures for Government-Industry Agreements for Readiness and Response and Pest Management Plans by imposing penalties for failure to comply with those Plans and allowing a State or local government entity to submit Pest Management Plans.

Mahalo for the opportunity to provide testimony on HB 427 HD2 SD1.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow



TESTIMONY IN SUPPORT OF HB427 HD2 SD1, RELATING TO BIOSECURITY

SENATE COMMITTEES ON WAYS AND MEANS, AND JUDICIARY
TUESDAY, APRIL 1, 2025

Aloha Chair Dela Cruz, Vice Chair Moriwaki, Chair Rhoads, Vice Chair Gabbard, and Members of the Committees:

The Democratic Party of Hawai'i **SUPPORTS** HB427 HD2 SD1, RELATING TO BIOSECURITY. Pursuant to the Platform of the Democratic Party of Hawai'i, the Party supports funding efforts to combat invasive species that threaten agricultural production in Hawai'i.

Hawaii's future depends on a robust and resilient agricultural sector. This bill represents a critical step in this direction. By strengthening biosecurity measures, including enhanced emergency powers, expanded response capabilities, and increased funding for plant pest control, we can safeguard our agricultural resources from invasive species. This, coupled with a commitment to sustainable and ethical agricultural practices, will ensure a stable and secure food supply for our residents while preserving our unique environment for generations to come.

Mahalo nui loa for the opportunity to testify in support of HB427 HD2, RELATING TO BIOSECURITY. Should you have any questions or require further information, please contact the Democratic Party of Hawai'i at legislation@hawaiidemocrats.org.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
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April 1, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY ON HB 427, HD2, SD1
RELATING TO BIOSECURITY

Conference Room 211 & Videoconference
10:00 AM

Aloha Chair Dela Cruz, Vice-Chair Moriwaki, 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 supports HB 427, HD2, SD1, which renames the Department of Agriculture to the Department of Agriculture and Biosecurity (Department) and the Board of Agriculture to the Board of Agriculture and Biosecurity, establishes a Deputy Chairperson for Biosecurity, requires the Department to establish a Biosecurity Emergency Response Program, authorizes the Chairperson of the Board of Agriculture and Biosecurity to quarantine any area under certain circumstances, authorizes the Department to establish transitional facilities, requires the Department of Commerce and Consumer Affairs to license and train biosecurity inspectors to inspect imported plants and animals, requires inspection of various items transported interisland, increases penalties for illegally transporting plants, animals, and microorganisms, requires the Department to establish government-industry agreements to detect and respond to unwanted organisms in the State, require the Department to establish an invasive species dashboard by 12/1/2025, authorizes pest management plans to address, contain, or eradicate pests, authorizes the Department to adopt rules to establish and enforce the Plant Care Component Program, authorizes the Department to assess administrative penalties for the enforcement of the Plant Care Component Program, establishes positions, and appropriates funds.

Invasive species have become one of the most devastating problems impacting Hawai'i. Many invasive species are damaging Hawai'i's environment and economy. Agriculture has a vested interest in this matter. Agriculture suffers when invasive species are introduced. Every year, numerous new pests are introduced into the State, such as the coqui frog, coffee berry borer, macadamia felted coccid, little fire ant, coconut rhinoceros

beetle, small hive beetle, and varroa mite, to name a few. Control measures take time to develop, leaving farmers and ranchers at risk. This is inconsistent with the State's goal of increasing self-sufficiency and sustainability.

Proper resources, authorities, and funding for HDOA are critical for protecting Hawai'i's environment and economy and the health and lifestyle of its people through the support of invasive species prevention, control, research, outreach, and planning. HDOA's Biosecurity Program is essential to fully execute a comprehensive strategy to address the increasing number of invasive species entering the State. This measure will provide the tools and resources to HDOA to help prevent new invasive species from entering Hawai'i and to control and hopefully eradicate invasive species already established in Hawai'i.

Thank you for the opportunity to testify on this measure.



COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

HB427 HD2 SD1
RELATING TO BIOSECURITY

Tuesday, April 1, 2025, 10:00 AM
Conference Room 415 & Videoconference

Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees,

The Hawaii Cattlemen's Council **supports HB427 HD2 SD1.**

Biosecurity should be a high priority for Hawaii as a remote, island state. This bill demonstrates biosecurity as a high priority and designates the Department of Agriculture to take the lead in managing biosecurity for the state. Biosecurity measures are vital for protecting Hawaii's landscape and agricultural operations.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



SUGARLAND FARMS, INC.
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892

HB427hd2,sd1, Relating to Biosecurity
Senate WAM/JDC Decision Making Hearing – 10:00 AM
Tuesday, April 1, 2025
Testimony By: Jonathan Jefts

Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Senate WAM/JDC Committee:

I am Jonathan Jefts, Manager of Sugarland Farms, Inc. Our family farms on Oahu and Molokai grow approximately 1 million pounds of import replacement produce weekly. These crops include bananas, green bell peppers, cabbages, Chinese cabbages, cucumbers, and several varieties of tomatoes and watermelons.

Recent discussions about biosecurity have heightened awareness of the severe damage to agriculture, as well as the quality of life in our communities.

We appreciate and support this comprehensive measure to strengthen Hawaii's capacity to control and eradicate harmful invasive species infestations and prevent the entry of other harmful invasive species.

We do have comments about two sections in this measure:

- 1) Pg 48 - 55. Proposed Section 150A-8. Transporting In State.
(a) Flora [and] fauna and pest host material specified by rules and regulations of the department shall not be moved from one island to another island within the State or from one locality to another on the same island except by a permit issued by the department.

HB427sd1 identifies an extensive list of flora and fauna, as well as procedures for importing them into the State by visitors and residents, and for commercial purposes.

Adequate funding for biosecurity inspector positions, as well as timely inspection, approval, and permit issuance, must be ensured so that locally grown agricultural produce can reach the marketplace fresh for consumers.

- 2) Pg. 61 – Pg. 63. Proposed Section 150A-H. Pest management plans.
Clarification is needed regarding the applicability of this section to pests that are well-established in Hawaii, such as the whitefly, as well as other well-established fungal or bacterial diseases. We follow federal protection guidelines and labeling specific to applications, and use integrated pest management tools.

Pg. 63 (c) At a public hearing, the board shall approve the proposed plan, deny the proposed plan, or approve the proposed plan with modifications.

Timeliness and expedited review for board action are of concern. The gap between the time of filing a proposed plan and its approval, as well as the subsequent execution of the pest management plan, may be too late in preventing the spread of an invasive species.

Thank you for the opportunity to testify.



The Senate
Committee on Ways and Means
Committee on Judiciary
Tuesday, April 1, 2025
10:00 AM Conference Room 211
State Capitol

SUBJECT: Testimony – Providing Comments on HB427 HD 2 SD 1 “Relating to Biosecurity”

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees,

I am writing on behalf of the O‘ahu Invasive Species Committee (OISC) to provide comments on this bill. OISC is grateful for the increased focus on biosecurity this session and the legislature’s dedication to expanding upon the efforts in passing Act 231 last session, which provided needed funds for the Hawai‘i Department of Agriculture’s (DOA) biosecurity efforts. This measure further emphasizes the biosecurity responsibilities for DOA by renaming the department as “the Department of Agriculture and Biosecurity,” providing increased capacity for DOA to carry out biosecurity initiatives, and expanding the Biosecurity Emergency Response Program to include government staff.

One area in this bill that OISC is concerned with regards the data dashboard in Section 31. OISC provides data regarding all invasive species management actions that occur annually across O‘ahu as a stipulation of receiving HISC funds. However, there have been issues that have arisen in sharing certain types of sensitive protected data between the University of Hawai‘i (UH) and non-UH agencies and departments given the UH Data Governance policy. The interagency MOU between UH, DOA, and the Department of Land and Natural Resources (DLNR) hopes to resolve any data-sharing issues.

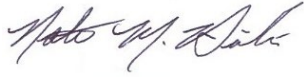
However, given the potential complication, OISC requests that the punishment listed on page 61 that would prevent any State department, agency, political subdivision or contracted party from receiving or expending public funds (lines 13-17) be removed. If OISC is unable to receive public funds because UH or HISC data policies prevent certain types of protected data classes from being shared, the inability of OISC to receive and expend public funds would make the important work that we do as the second layer of protection from high-priority pests impossible. Additionally, in lines 17-18, the measure provides the biosecurity deputy chair the ability to enforce compliance with this data dashboard stipulation. OISC respectfully asks that this be modified to provide the Hawai‘i Invasive Species Council (HISC) with the responsibility to ensure compliance given that the funding is appropriated to projects through the HISC.

OISC greatly appreciates the hard work of these Committees and this legislature in addressing the State’s biosecurity needs. We want to emphasize our strong support for the changes made in previous drafts of this bill to ensure the autonomy of the HISC by keeping the Council

administratively attached to DLNR. This is crucial for continuing the important work that OISC provides.

Thank you for your time and consideration on this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nate M. Dube", written in a cursive style.

Nate Dube, OISC Manager

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



March 31, 2025

Hearing: Senate Committee on Ways and Means & Senate Committee on Judiciary Joint Hearing

RE: HB 427 HD2 SD1

Aloha Chair Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees,

Mahalo for the opportunity to submit comments on this bill, which renames HDOA as the Department of Agriculture and Biosecurity and appoints a Deputy chairperson focused on biosecurity. We support these efforts to raise the issue of biosecurity to prominence, and the continued commitment of funding and support from the legislature to do so.

We support and are grateful for the changes made in HB 427 HD2 SD1, including the addition of biosecurity experts to the Board of Agriculture and Biosecurity and the section in Part IV authorizing the participation of State and local government employees in the Biosecurity Emergency Response Program and the addition of rapid response quarantine authority, along with several other wise revisions.

We have some concerns about a new section added to Section 31 of the bill that creates an Invasive Species Dashboard to “provide real-time data and information for treatment areas for the public.” This section states that “Any state department, agency, political subdivision, or contracted party...that does not provide information for the invasive species dashboard...shall not receive or expend public funds.” **While increased transparency is an excellent goal, the ambiguity and lack of constraints on data release guided by other laws or policies is not considered, which could cause unintended consequences.** As part of our work with communities, we do not reveal specific addresses or contact names of private properties that are in treatment, as this would violate the data governance rules of our institution (University of Hawaii) that are meant to ensure compliance with federal laws guiding what types of information can be made public.

Unlike HDOA or the proposed HDAB, we have no regulatory authority to enter private property. When we request permission to remove an invasive weed or survey for an invasive pest on private property, we assure that resident that we will not publicly share information about their property. For public information, we will use a “heat map” showing the general area, not specific locations. For instance, this was an important component of the multi-agency response to the successful axis deer eradication effort on the Big Island. The owners of the ranches where the deer were located did not want the property locations revealed publically, so that would-be poachers would not be tempted to illegally enter their land.

The new section provides no clarity on which species are selected for this dashboard or how privacy issues will be handled for residential and other types of non-public lands, yet dictates a severe punishment (prohibition on receiving or expending “public funds”) for any “state department, agency, political subdivision” if they do not provide information to the Dashboard, with compliance determined solely by HDAB’s Deputy Chairperson for Biosecurity. This creates a situation where any

State or county entity, or even the counties themselves, that is not required to provide information to the Dashboard under subsection (b) can be completely defunded if an HDAB Deputy determines it appropriate.

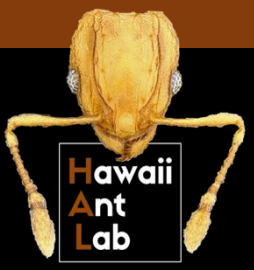
The unintended consequences that could result due to the ambiguity and severity of this section might very well hamper effective biosecurity response. We see that CGAPS has provided language in their testimony that would clarify the ambiguity of this section and would place the determination of compliance with the Board, not a single person within a State department. We would urge this committee to adopt the revised language as suggested in their testimony.

Thank you all for your continued focus on invasive species and biosecurity.

Mahalo for your consideration.

A handwritten signature in black ink, appearing to read "Franny Kinslow Brewer". The signature is fluid and cursive, with the first name "Franny" being more prominent.

Franny Kinslow Brewer
Program Manager
Big Island Invasive Species Committee



Hawai'i Senate
Committee on Ways and Means
Senate Judiciary Committee

April 1, 2025
10:00a
Hawai'i State Capitol Conference Room 211

SUBJECT: Testimony – In Support of HB 427

Dear Chairs Dela Cruz and Rhoads, Vice Chairs Morikawi and Gabbard, and members of the Senate committees on Ways and Means and Judiciary,

The Hawai'i Ant Lab (HAL) is grateful for the opportunity to submit this testimony and provide comments on of HB427, HD2, SD1 *“Relating to Biosecurity”*. We appreciate the consideration of Senate legislators and taking of Hawai'i's biosecurity seriously. HB427 is a substantial improvement over existing regulations, but we still harbor concerns over specific sections of this bill.

Practical Application

Specific points on agreement:

- Further expansion (beyond current authorities granted in the HRS, and CH 4-72 revisions of the HAR) of departmental authorities at the pre-border, rapid response post border for new species introductions, and enforcement of regulatory authority aimed at preventing inter- and intra-state spread of invasive species, pests, and diseases.
 - o HDOA should be the lead on pre-boarder, and rapid response post boarder for new invasive species, pest, and disease introductions. The HRS and HAR already grants HDOA authorities and regulatory power to achieve these objectives and the recently adopted Chapter 4-72 rule changes has broadened the scope of these authorities.
- Inspection requirement for interisland transport of specific articles mentioned.
 - o The only concern is that the list is limiting and does not fully close the gap. Invasive species are known to “hitchhike” on non-plant and soil items such as fencing and building materials, vehicles and machinery, household items, etc...

We suggest inclusion of language such as “... and any other item originating from an area with known establishment of a priority pest or quarantine pest or disease or when a priority pest or quarantine pest or disease is reasonably suspected to be present.”

- Enhancement of existing quarantine and cargo inspection through the building of transitional facilities and contracting trained and qualified inspectors from private industry biosecurity firms.
 - o Building of transitional facilities and public-private partnerships will likely increase the biosecurity capacity of the state and set a foundation for comprehensive biosecurity industry in Hawai`i. However, this may or may not be allowable under federal laws regarding restrictions of interstate commerce.

Point of concern:

- During the 2024 legislative session HDOA was charged with drafting a departmental plan detailing restructuring of HDOA and program functioning for the Departments many programs. Despite numerous public hearings where HDOA was questioned about this plan, HAL is unaware of any plan being drafted or finalized. Without such a plan firmly in place, the restructuring and added responsibilities described in HB427 will be difficult to achieve.
 - o **Suggestion:** Mandate a strategic action plan from HDOA with clear, attainable timelines and benchmarks over the next 5-10 years. HDOA/HDOAB should be held to strict account on meeting the benchmarks and the Legislature should determine Departmental budget increases on the meeting the obligations outlined in the Strategic Action Plan. I would also stringly recommend requiring subject experts to be consulted during the drafting of the Strategic Action Plan as science-based validation of the proposed restructring processes. The Strategic Action Plan should be finalized before implementation of HB427.

Appointment and selection of the Deputy Chairperson of Biosecurity

Point of concern:

- Part III Section 19 creates a Deputy Chairperson of Biosecurity within HDOAB, a non-civil service position appointed by the Governor and without Senate confirmation.
 - o As described, this position would hold significant power over all invasive species work in HI. Any position holding such extensive power should require Senate confirmation as part of governmental check and balances and to ensure the appointee is properly qualified for the position.
 - o Any candidate for the Deputy Director of Biosecurity position should have a cross-sector background in invasive species issues, including natural areas conservation, agricultural pest control, and urban pest management. This would ensure the Deputy Director has a comprehensive understanding of all biosecurity issues and avoid a bias toward any particular sector or issue.

Biosecurity Emergency Response Programs

Part IV Charges the HDOAB Chairperson with specific powers if and when a biosecurity emergency occurs.

Suggested amendments:

- It is our belief that the powers detailed in Section 22 should lie with the Deputy Chairperson of Biosecurity, should one be appointed and confirmed into office, and not the Chairperson of HDOAB.

Invasive Species Dashboard

Part VI Section 31 §150A-G establishes an invasive species dashboard and mandates data entry into the dashboard. Any agency or organization that fails to enter data into the dashboard would be subject to withholding of “public funds”.

Major points of concern:

- It is not clear what “public funds” refers to and whether the HDOAB would have jurisdiction to withhold funding from other state agencies, county agencies, or federal agencies. HDOAB should not have authority over funding that does not originate with HDOAB.
 - o If “public funding” refers to HISC funding, this effectively provides HDOAB with disproportionate authority over which projects receive HISC funding.
- UH projects, such as HAL, are able to share data to funders provided the data shared falls within the scope of the funding proposal and this data is provided upon request or in project reports to funders. It should be the obligation of the State funding agency to update the dashboard with necessary data and the responsibility of project managers. It unclear if project managers are required to update the dashboard with information not included in state funding proposals.
- As a project under the University of Hawai‘i, HAL is bound by adhering to UH policies that govern protected data. This includes addresses and contact information for individuals that participate in our invasive species control initiatives. If agencies and organizations are required to enter protected data into the dashboard, this conflicts with UH data privacy policies. State agencies and UH should draft and sign a data sharing cooperative agreement if protected data is needing to be shared outside of the scope of specific funding proposals.

HB427, HD2, SD1 is a complex bill that seeks to address biosecurity comprehensively. Because of that, there are potential issues where the proposed actions conflict with existing law and where language in the bill leaves too much room for personal

interpretation. The Hawai'i Ant Lab is largely in support of HB427 but maintains concern over the specific requirements outline and their impact to our project.

Regards,
Dr. Michelle Montgomery PhD
Manager – Hawai'i Ant Lab

HB-427-SD-1

Submitted on: 3/29/2025 11:29:20 AM

Testimony for WAM on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcia Kemble	Individual	Support	Written Testimony Only

Comments:

Greetings Committee Chairs and Committee Members,

I strongly support HB427 HD1 SD1. Invasive species like the little fire ant and coconut rhinoceros beetle are already causing serious harm to Hawai‘i’s environment, agriculture, and communities, and we must make major transformative shifts in our biosecurity strategy to mitigate the impacts of these and other invasive pests on our islands and future generations.

Mahalo for your consideration.

Marcia Kemble

Makiki

HB-427-SD-1

Submitted on: 3/30/2025 8:07:10 PM

Testimony for WAM on 4/1/2025 10:00:00 AM

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

Comments:

Good idea. Makes sense. Mahalo!