

TESTIMONY

SB 2236

LATE



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For the Protection of Hawaii's Native Wildlife

HAWAII AUDUBON SOCIETY

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February 7, 2010

**TO: Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair**

**Committee on Transportation, International and Intergovernmental Affairs
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair**

HEARING: February 8, 2010; 2:45 P.M., Conference Rm. 229

Re: SB2236, Relating to the Invasive Species

Testimony in Support

Chairs Hee and English, and members of the joint committee. Thank you for the opportunity to submit our testimony in support of SB2236, which establishes fines for failing to pay, bill, or remit the inspection quarantine fee. It also would exempt liquid bulk freight and cement from the fee.

The Hawai'i Audubon Society was founded in 1939, and it is Hawai'i oldest conservation organization. The primary missions of the Society is to foster community values that result in the protection and restoration of native ecosystems and conservation of natural resources through education, science and advocacy in Hawai'i and the Pacific.

The society strongly supports measures that protect our ecosystems from invasive species. Once established, invasive are extremely difficult to control. The sad fact is that Hawai'i has the highest number of listed threatened and endangered species in the nation.

The Hawai'i Audubon Society believes that SB2236 is a good measure as it deposits the amount paid by fine into the pest inspection, quarantine, and eradication fund. **As you know in the past, funding for eradication of invasive species has been problematic and funds were often obtained from a variety of sources and agencies. Sometimes there were gaps in funding thus eradication efforts could not be sustained.**

In closing we would offer comment with respect the exemption of bulk freight shipments from the fee, and we acknowledge that none has been found to be significant pest risk pathway for invasive pests.

Thank you for the opportunity testify here today.

Sincerely,

George Massengale, JD
Legislative Analyst



**HAWAIIAN
CEMENT**

A subsidiary of Knife River Corporation

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Senator Clayton Hee, Chair
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

Senator Kalani English, Chair
Senate Committee on Transportation, International and Intergovernmental Affairs

February 8, 2010; 2:45 p.m.
Hawaii State Capitol, Conference Room 229

RE: SB 2236 – Relating to Invasive Species

Chairs Hee and English, Vice Chairs Tokuda and Gabbard and Members of the Committees:

My name is John DeLong, President of Hawaiian Cement.

SB 2236 provides an exemption for cement and liquid bulk freight. Section 436 of the federal Agricultural Risk Protection Act of 2000 preempts the states from regulating dry bulk freight imported from other countries, among other things. So that state law is consistent with federal law, we request amending this measure as follows:

Insert the language contained in SB 2523 exempting all foreign dry bulk freight inspected by the USDA in Section 3 of this bill;

or

Insert the definition for "aggregate bulk freight" contained in HB 2949 with a corresponding exemption in Section 3

Hawaiian Cement imports dry bulk cargo including cement, pre-processed aggregate and sand that meet the stringent requirements of the American Society of Testing Materials. These dry bulk commodities typically take up an entire bulk freighter, a ship specially designed to transport unpackaged bulk cargo.

Before leaving for its destination, our pre-processed bulk cargo goes through a sampling and inspection process prior to shipment to ensure clearance by USDA Animal and Plant Health Inspection Service (APHIS) upon arriving into Hawaii.

Cement cargo is not a compatible environment to invasive species. When introduced to moisture, cement develops a high pH, which renders it incapable of sustaining most living organisms.

Thank you for the opportunity to provide comments. We ask for your consideration in amending this bill with our requested amendment to make state law consistent with federal law.

SB2236

FROM: Maui Cattlemen's Association

Strong support

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Grace Pacific
CORPORATION
P.O. Box 78 / Honolulu, Hawaii 96810

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Senator Clayton Hee, Chair
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

Senator Kalani English, Chair
Senate Committee on Transportation, International and Intergovernmental Affairs

February 8, 2010; 2:45 p.m.
Hawaii State Capitol, Conference Room 229

RE: SB 2236 – Relating to Invasive Species

Chairs Hee and English, Vice Chairs Tokuda and Gabbard and Members of the Committees:

I'm Robert Creps, Senior Vice President of Grace Pacific Corporation ("Grace Pacific").

This bill provides an exemption for cement and liquid bulk freight. Section 436 of the federal Agricultural Risk Protection Act of 2000 preempts the states from regulating dry bulk freight imported from other countries, among other things. So that state law is consistent with federal law, we request amending this measure as follows:

Insert the language contained in SB 2523 exempting all foreign dry bulk freight inspected by the USDA in Section 3 of this bill;

or

Insert the definition for "aggregate bulk freight" contained in HB 2949 with a corresponding exemption in Section 3

Like homogenous cement, sand and aggregate are shipped as dry bulk cargo and are shipped on bulk freighters with the product being the sole cargo of the voyage. The ships are inspected for cleanliness at the load port by an independent inspector. The ship's cargos are subject to inspection and cleared by the U.S. Department of Agriculture prior to discharge in Hawaii.

Grace Pacific has been importing crushed granite aggregate from British Columbia for use in hot-mix asphalt and manufactured C-33 sand from British Columbia for use in ready-mix concrete and hot-mix asphalt since 2007. The manufacturing process for the C-33 sand involves the excavation of glacial deposits of granite with large scrapers, and then crushing and washing to the finished product specifications. The manufacturing process for the crushed aggregate is similar, with the excavation conducted by drilling and blasting the hard rock granite. Both processes are subject to strict quality control standards of the American Society for Testing and Materials, designed to detect and prevent deleterious and organic material in the finished product.

Thank you for the opportunity to testify. We ask for your favorable consideration of our requested amendment to make state law consistent with federal law.

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(END)