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# A BILL FOR AN ACT

RELATING TO BIOSECURITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the unchecked spread  
2 of invasive species is one of the greatest threats to Hawaii's  
3 economy, natural environment, and the health and lifestyle of  
4 Hawaii's people. Invasive pests can cause millions of dollars  
5 in crop losses, the extinction of native species, the  
6 destruction of native forests, the spread of disease, and the  
7 quarantine of exported agricultural crops.

8       Island ecosystems are particularly vulnerable to the  
9 destructive power of invasive pests. On Guam, the accidental  
10 introduction of the brown tree snake has resulted in widespread  
11 devastation. Without natural predators or competition for food,  
12 brown tree snake populations have grown exponentially, causing  
13 mass extinction of endemic birds. Where there were once bird  
14 songs, the forests of Guam are now silent and home to as many as  
15 fifteen thousand snakes per square mile. The introduction of  
16 just one new pest like the brown tree snake could change the  
17 ecological character of the Hawaiian islands forever.



1        Despite the State's ongoing efforts to detect and eradicate  
2        invasive species, Hawaii's fragile island ecosystem is  
3        constantly at risk from insects, disease-bearing organisms,  
4        snakes, weeds, and other invasive pests. The coconut rhinoceros  
5        beetle, little fire ant, coffee berry borer, coqui frog, and  
6        other introduced invasive species, are disrupting the delicate  
7        balance of island ecosystems, crowding out native species, and  
8        reducing the biodiversity of Hawaii.

9        The department of agriculture has created a biosecurity  
10       program to fight invasive species on several fronts by:

- 11        (1)    Administering pre-entry measures to minimize the risk  
12               of invasive pests entering the State;
- 13        (2)    Conducting port-of-entry inspections to detect and  
14               quarantine or destroy pests upon arrival; and
- 15        (3)    Administering post-entry measures to mitigate the  
16               establishment of pests in the State.

17       The department of agriculture has also supported the growth  
18       of Hawaii's agriculture industry by attempting to reduce the  
19       State's dependency on imported agricultural products that may  
20       contain pests. The legislature further finds that the  
21       department of agriculture's biosecurity program is vital to the



1 public's health and welfare, and the department must fully  
2 execute its comprehensive strategy to control and prevent  
3 increasing invasive species threats entering and spreading  
4 throughout the State. While inspections are critical, building  
5 local capacity to increase the State's ability to stop the entry  
6 of high-risk products would enhance our ability to mitigate and  
7 manage invasive species. This is vitally important not only to  
8 protect our fragile environment, but to grow our local  
9 agricultural industries and to increase levels of self-  
10 sufficiency and sustainability.

11 The legislature further finds that the lack of adequate  
12 resources has seriously undermined the plant quarantine branch's  
13 functionality and has resulted in the compromise of the  
14 effectiveness and efficiency of the quarantine and biosecurity  
15 programs.

16 The purpose of this Act is to:

- 17 (1) Reaffirm the legislature's finding that the  
18 implementation of the department of agriculture's  
19 biosecurity program is vital to the State;
- 20 (2) Authorize the department of agriculture to establish  
21 or participate in private-public partnerships to



1 enhance the biosecurity program and quarantine  
2 inspection process; provided that department employees  
3 perform the actual inspections;

4 (3) Require the department of agriculture to establish  
5 parameters and construction requirements for  
6 biosecurity facilities; and

7 (4) Appropriate moneys to enable the department of  
8 agriculture to complete the implementation of the  
9 biosecurity program to include import replacement and  
10 pest management programs.

11 SECTION 2. Section 150A-53, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[~~H~~]§150A-53[~~I~~] General actions to achieve objectives.

14 (a) To achieve the objectives of the biosecurity program, the  
15 department shall plan for and, within available legislative  
16 appropriations[~~7~~] or through funding from other sources,  
17 implement the following:

18 (1) Work with government agencies and agricultural  
19 commodity exporters of other states and countries to  
20 establish pre-entry inspection programs under which



1 inbound cargo into the State is inspected at the ports  
2 of departure or other points outside the State;

3 (2) Establish, operate, or participate in operating port-  
4 of-entry facilities where multiple government agencies  
5 may inspect, quarantine, fumigate, disinfect, destroy,  
6 or exclude as appropriate, articles that may harbor  
7 pests or exclude articles that are prohibited or  
8 restricted without a permit, with the goals of:

9 (A) Performing inspections in an efficient,  
10 effective, and expeditious manner for the  
11 government agencies involved and for cargo  
12 owners, carriers, and importers; [and]

13 (B) Providing for the proper and safe storage and  
14 handling of cargo, especially agricultural and  
15 food commodities, awaiting inspection; and

16 (C) Establishing or participating in private-public  
17 partnerships to enhance the biosecurity program  
18 and quarantine inspection process with on-port  
19 and off-port facilities, including inspection and  
20 treatment facilities, transitional facilities,  
21 and consolidation and deconsolidation facilities;



1           provided that actual access to shipping documents  
2           is limited to shipping companies and department  
3           personnel; provided further that actual  
4           inspections shall be performed only by department  
5           employees and not private contractors or their  
6           employees;

7           (3) Develop, implement, and coordinate post-entry measures  
8           to eradicate, control, reduce, and suppress pests and,  
9           as appropriate, eradicate or seize and dispose of  
10          prohibited or restricted organisms without a permit  
11          that have entered the State;

12          (4) Collaborate with relevant government agencies,  
13          agricultural commodity importers, and other persons to  
14          examine and develop joint integrated systems to better  
15          implement the biosecurity program;

16          (5) Improve cargo inspection capabilities and methods,  
17          including enhancement of the content and submission  
18          requirements for cargo manifests and agricultural  
19          commodity ownership and movement certificates;



(6) Promote the production of agricultural commodities in the State to reduce cargo shipments of imported commodities into the State; and

(7) Provide public education on the negative effects of pests and prohibited or restricted organisms without a permit, to the environment and economy of the State.

(b) The department shall establish parameters and construction requirements for biosecurity facilities that provide for and ensure the safety of agricultural and food commodities consumed by Hawaii residents, including for cold storage facilities established by private-public partnerships to preserve the quality and ensure the safety of the commodities arriving at the State's airports and harbors."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2016-2017 for the biosecurity program of the department of agriculture; provided that the sum appropriated shall be used for the following projects:



- 1 (1) Import replacement of high risk crops and the  
2 development of systems management to enhance pest  
3 management practices;  
4 (2) Development of quarantine treatment options;  
5 (3) Development and implementation of diagnostics to  
6 quickly and reliably identify new and evolving pests  
7 and diseases;  
8 (4) Improvement of productivity of inspection capacity;  
9 and  
10 (5) Public and agriculture industry education activities.

11 The sum appropriated shall be expended by the department of  
12 agriculture for the purposes of this Act.

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2050.





**Report Title:**

Department of Agriculture; Biosecurity Program; Private-Public Partnerships; Appropriation

**Description:**

Requires DOA to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process. Requires the department of agriculture to establish parameters and construction requirements for biosecurity facilities. Appropriates funds. Effective 7/1/2050. (SD2)

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