A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

SECTION 1. The legislature finds that the unchecked spread of invasive species is one of the greatest threats to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, the spread of disease, and the 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 are 3 constantly at risk from insects, disease-bearing organisms, 4 snakes, weeds, and other invasive pests. The coconut rhinoceros beetle, little fire ant, coffee berry borer, coqui froq, and 5 other introduced invasive species, are disrupting the delicate 6 balance of island ecosystems, crowding out native species, and 7 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 Administering post-entry measures to mitigate the (3) 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 throughout the State. While inspections are critical, building 4 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 manage invasive species. This is vitally important not only to 7 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 department of 12 agriculture acquires and amasses a vast amount of information 13 through its inspection, permit, enforcement, and other 14 regulatory functions, including proprietary confidential data. 15 External and internal attempts to access and distribute the 16 information outside the department's plant quarantine 17 parameters, and for purposes unrelated to the intended use of 18 the information, has seriously undermined the plant quarantine 19 branch's function and may result in the compromise of the 20 effectiveness and efficiency of the quarantine and biosecurity 21 programs.

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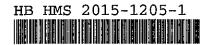


Page 3

| 1 | The j | purpose of this Act is to: |
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| 2 | (1) | Reaffirm the legislature's finding that the |
| 3 | | implementation of the department of agriculture's |
| 4 | | biosecurity program is vital to the State; |
| 5 | (2) | Clarify access and distribution of information |
| 6 | | provided to the plant quarantine branch for the |
| 7 | | purposes of inspection, permitting, enforcement, and |
| 8 | | other regulatory functions; |
| 9 | (3) | Authorize the department of agriculture to establish |
| 10 | | or participate in private-public partnerships to |
| 11 | | enhance the biosecurity program and quarantine |
| 12 | | inspection process; provided that department employees |
| 13 | | perform the actual inspections; and |
| 14 | (4) | Appropriate moneys to enable the department of |
| 15 | | agriculture to complete the implementation of the |
| 16 | | biosecurity program to include an integrated computer |
| 17 | | manifest system. |
| 18 | SECT | ION 2. Chapter 150A, Hawaii Revised Statutes, is |
| 19 | amended by | y adding a new part to be appropriately designated and |
| 20 | to read as | s follows: |



1 ACCESS AND DISTRIBUTION OF INFORMATION "PART 2 §150A- . Access and distribution of information. (a) 3 Any information, including data, findings, electronic information and transmissions, and commodity information, that 4 5 is collected, provided, compiled, or stored at the department's 6 plant quarantine branch for use under this chapter, including 7 quarantine, permits, certification, and biosecurity, shall be 8 considered confidential business information or confidential 9 personal information, or both. The information shall not be 10 released or disclosed without the written consent of the owner 11 of the information or commodity and the approval of the 12 chairperson and manager of the plant quarantine branch. 13 Any person or government agency requesting information (b) 14 shall submit a written request on a form to be provided by the department that contains: 15 Specific and compelling reasons and justification for 16 (1) 17 the release of information; A description of the potential distribution of the 18 (2) 19 information; and 20 Any other matters determined to be necessary by the (3) 21 department.



Page 5

| 1 | (c) | The department's plant quarantine branch may release | |
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| 2 | or make public any information in the aggregate or in a summary | | |
| 3 | form that does not directly or indirectly disclose the identity | | |
| 4 | of the owner of the information or commodity." | | |
| 5 | SECT | ION 3. Section 150A-53, Hawaii Revised Statutes, is | |
| 6 | amended to read as follows: | | |
| 7 | " [+] | <pre>§150A-53[]] General actions to achieve objectives.</pre> | |
| 8 | <u>(a)</u> To a | chieve the objectives of the biosecurity program, the | |
| 9 | departmen | t shall plan for and, within available legislative | |
| 10 | appropria | tions $[\tau]$ or through funding from other sources, | |
| 11 | implement | the following: | |
| 12 | (1) | Work with government agencies and agricultural | |
| 13 | | commodity exporters of other states and countries to | |
| 14 | | establish pre-entry inspection programs under which | |
| 15 | | inbound cargo into the State is inspected at the ports | |
| 16 | | of departure or other points outside the State; | |
| 17 | (2) | Establish, operate, or participate in operating port- | |
| 18 | | of-entry facilities where multiple government agencies | |
| 19 | | may inspect, quarantine, fumigate, disinfect, destroy, | |
| 20 | | or exclude as appropriate, articles that may harbor | |



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Page 6

1 pests or exclude articles that are prohibited or 2 restricted without a permit, with the goals of: 3 Performing inspections in an efficient, (A) 4 effective, and expeditious manner for the government agencies involved and for cargo 5 owners, carriers, and importers; [and] 6 7 Providing for the proper and safe storage and (B) 8 handling of cargo, especially agricultural and 9 food commodities, awaiting inspection; and 10 (C) Establishing or participating in private-public 11 partnerships to enhance the biosecurity program 12 and quarantine inspection process with on-port 13 and off-port facilities, including inspection and 14 treatment facilities, transitional facilities, 15 and consolidation and deconsolidation facilities; 16 provided that actual inspections shall be 17 performed only by department employees and not 18 private contractors or their employees; 19 (3) Develop, implement, and coordinate post-entry measures 20 to eradicate, control, reduce, and suppress pests and, 21 as appropriate, eradicate or seize and dispose of



| 1 | | prohibited or restricted organisms without a permit | |
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| 2 | | that have entered the State; | |
| 3 | (4) | Collaborate with relevant government agencies, | |
| 4 | | agricultural commodity importers, and other persons to | |
| 5 | | examine and develop joint integrated systems to better | |
| 6 | | implement the biosecurity program; | |
| 7 | (5) | Improve cargo inspection capabilities and methods, | |
| 8 | | including enhancement of the content and submission | |
| 9 | | requirements for cargo manifests and agricultural | |
| 10 | | commodity ownership and movement certificates; | |
| 11 | (6) | Promote the production of agricultural commodities in | |
| 12 | | the State to reduce cargo shipments of imported | |
| 13 | | commodities into the State; and | |
| 14 | (7) | Provide public education on the negative effects of | |
| 15 | | pests and prohibited or restricted organisms without a | |
| 16 | | permit, to the environment and economy of the State. | |
| 17 | <u>(b)</u> | The department shall adopt rules to establish | |
| 18 | parameters and construction requirements for biosecurity | | |
| 19 | facilitie | s that provide for and ensure the safety of | |
| 20 | agricultu | ral and food commodities consumed by Hawaii residents, | |
| 21 | including | for cold storage facilities established by private- | |



Page 9

| 1 | <u>public pa</u> | rtnerships to preserve the quality and ensure the | |
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| 2 | safety of | the commodities arriving at the State's airports and | |
| 3 | harbors." | | |
| 4 | SECTION 4. There is appropriated out of the general | | |
| 5 | revenues of the State of Hawaii the sum of \$ or so much | | |
| 6 | thereof as may be necessary for fiscal year 2016-2017 for the | | |
| 7 | biosecuri | ty program of the department of agriculture; provided | |
| 8 | that the | sum appropriated shall be used for the following | |
| 9 | projects: | | |
| 10 | (1) | An electronic manifest system for maritime cargo | |
| 11 | | inspections; | |
| 12 | (2) | Import replacement of high risk crops and the | |
| 13 | | development of systems management to enhance pest | |
| 14 | | management practices; | |
| 15 | (3) | Research on new generation pesticides and development | |
| 16 | | of integrated pest management methods; | |
| 17 | (4) | Development of quarantine treatment options; | |
| 18 | (5) | Development and implementation of diagnostics to | |
| 19 | | quickly and reliably identify new and evolving pests | |
| 20 | | and diseases; | |
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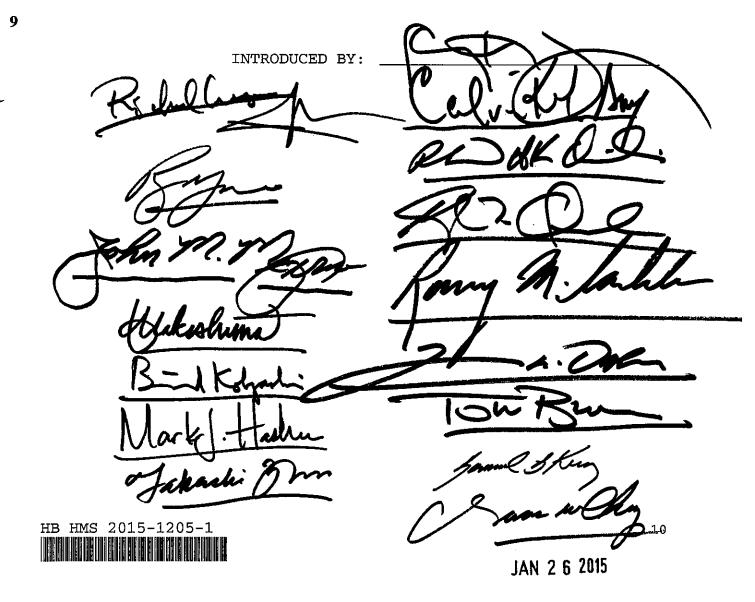
(6) Improvement of productivity of inspection capacity;
and

3 (7) Public and agriculture industry education activities.

4 The sum appropriated shall be expended by the department of5 agriculture for the purposes of this Act.

6 SECTION 5. Statutory material to be repealed is bracketed7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Biosecurity; Private-Public Partnerships; Information Management; Appropriation

Description:

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Establishes requirements for access and distribution of DOA's Plant Quarantine Branch information. Requires DOA to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process. Appropriates funds for specified projects.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

