

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON FINANCE

April 7, 2015
2:30 P.M.
ROOM 308

**SENATE BILL NO. 1059 SD 2 PROPOSED HD 2
RELATING TO INVASIVE SPECIES**

Chairperson Luke and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No.1059 SD 2 Proposed HD 2. Part I of this bill mandates the Department of Agriculture and the Hawaii Invasive Species Council to perform specified tasks to address the interisland spread of invasive species. Part II of the bill mandates the Department of Agriculture to establish a little fire ant Pesticide Treatment Coupon Pilot Project and site map. The department supports Part II of the bill and would just ask for the resources to carry out its intent. The Department has concerns about Part I of the bill and would request amendments.

The Department is concerned with language in Part I of the bill that stipulates that all information shall be kept confidential to the plant quarantine branch. The Department needs to point out that there is considerable public interest in information at PQB particularly in regards to permits which often undergo review at public meetings where relevant materials provided by applicants are publically discussed and are public record. In addition, in instances of suspected violations of chapter 150A, such as illegally imported animals, PQB needs to share information in its records with law enforcement agencies on an expedited basis to investigate and enforce violations.

Like other HDOA branches, the Plant Quarantine Branch (PQB) routinely screens requests for public records to identify information that the Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statute (HRS), also known as the State Public Records Law, protects from disclosure and PQB routinely redacts confidential business information and personal privacy information before disclosing public records. PQB follows the written guidance of the State Office of Information Practices (OIP) in determining whether information in public records can be disclosed.



This bill's blanket exemption of all PQB-acquired information from disclosure would preclude public access to information concerning PQB regulatory functions that the public is currently entitled to access under Chapter 92F, HRS. Chapter 92F, HRS, is well constructed and intended to protect both personal privacy rights and confidential business information, as well as the public's right to know what the government is doing. The exemption from disclosure proposed in this bill would compromise the balance that has evolved and existed under chapter 92F for many years.

As such, the Department would request the removal of the following language on page 2, lines 16-17:

“(A) Develop an interisland and export database that allows for the trace-back and trace-forward of agricultural commodities, type and varieties inspected by the department of agriculture, quantity of commodities, and other pertinent information. ~~All information shall be kept confidential to the plant quarantine branch;~~”

Thank you for the opportunity to present testimony.

DAVID IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, April 7, 2015
2:30 PM
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 1059, SENATE DRAFT 2, HOUSE DRAFT 1, Proposed HOUSE DRAFT 2
RELATING TO INVASIVE SPECIES**

Senate Bill 1059, Senate Draft 2, House Draft 1, Proposed House Draft 2 proposes to require the Hawaii Department of Agriculture (HDOA) to undertake a variety of actions intended to minimize the interisland movement of invasive species and to control invasive species on agricultural lands. This measure would also require the interagency Hawaii Invasive Species Council (HISC) to undertake invasive species management on non-agricultural lands, with a specific focus on areas around Hilo airport and harbor and on creating buffer zones between adjacent conservation and agricultural lands in Hawaii County. Proposed House Draft 2 of this measure also directs the HDOA to implement a pesticide coupon program for homeowners to purchase pesticide for control of little fire ant. **The Department of Land and Natural Resources (Department) offers the following comments.**

With regard to directions provided to the HDOA in SECTION 2, the Department opposes the language in SECTION 2 (1)(a): "All information shall be kept confidential to the plant quarantine branch." The sharing of information between branches of the HDOA, with other state agencies concerned with biosecurity, and with federal partners is critical to a broad understanding of the threats posed to Hawaii by invasive species. While confidential business or personal information may be held confidential, the sharing of general information about pest interceptions should be public knowledge. With regard to the remaining items in SECTION 2, the Department defers to the HDOA.

With regard to the directions provided to the HISC in SECTION 3, the Department notes the interagency HISC does not, in and of itself, have staff that could implement the control activities and buffer zone development described in this section. The HISC is a policy and funding coordination body and could solicit proposals from other entities to implement the strategy. The Department also notes that, given the size of Hawaii Island and the acreage of its agricultural

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING 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
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

lands, any effort to create buffer zones around agricultural lands will be a complex and time intensive endeavor. The Department suggests that the deadline for reporting on the outcome of these efforts described in SECTION 4 be amended to read “twenty days prior to the convening of the regular session of 2017” rather than “2016.”

With regard to SECTION 9, describing a pesticide coupon program to allow homeowners to control little fire ant, the Department recognizes the threat posed by the little fire ant and the widespread nature of this pest on Hawaii Island. A coupon program for this species would provide some temporary relief for homeowners seeking to treat their property, though it would not reduce the size of the fire ant infestation on Hawaii Island in the long term. The Department suggests that the language describing the coupon program be amended to require participants to take a training course with the Hawaii Ant Lab on the effective use of pesticides to control ants, and that any appropriation for this program be in addition to, and not in place of, appropriations to the HDOA or to the HISC that would support statewide ant research and coordinated, strategic control of ant populations.

The Department further notes that Senate Draft 2 House Draft 1 removed the original language of Senate Bill 1059, which was an Administration request to create a quarantine and compliance program within the HDOA to minimize the movement of invasive species in infested material. The Department supports this effort and suggests the restoration of this language in future drafts of this measure.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: April 7, 2015, 2:30 p.m.
State Capitol, Conference Room 308

Re: Testimony on S.B. No. 1059, S.D. 2, H.D. 1, proposed H.D. 2
Relating to Invasive Species

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) shares the Department of Agriculture’s concerns regarding the language at page 2, lines 16-17 of the proposed H.D. 2, which would make confidential information about the import and export of “agricultural commodities, type and varieties inspected by the department of agriculture, quantity of commodities, and other pertinent information.”

To the extent information in the proposed database needs protection, the current exceptions to public disclosure in the Uniform Information Practices Act, chapter 92F, HRS (“UIPA”), such as the privacy exception or the frustration exception as applicable to confidential business information, would already apply to protect it from public disclosure. There is no reason to also create a confidentiality provision to restrict the Department of Agriculture from disclosing information that would be public under current law. The provision could have the further undesirable effect of forcing the Board of Agriculture to go into closed session to discuss such information when reviewing permit applications at otherwise public meetings under the Sunshine Law, part I of chapter 92, HRS. Ultimately, the

House Committee on Finance
April 7, 2015
Page 2 of 2

confidentiality provision may hinder the Department of Agriculture's ability to effectively engage the assistance of other agencies and the public in combating invasive species.

Thus, OIP joins with the Department of Agriculture in requesting that this Committee delete the confidentiality provision on page 2 at lines 16-17.

Thank you for the opportunity to testify.



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

April 7, 2015

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON SB 1059 SD 2 HD 1 PROPOSED HD 2
RELATING TO INVASIVE SPECIES

Room 308
2:30 PM

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

Hawaii Farm Bureau supports SB 1059, SD 2, HD 1, Proposed HD 2, which mandates the Department of Agriculture and the Hawaii Invasive Species Council to perform specified tasks to address the interisland spread of invasive species. This measure also mandates the Department of Agriculture to establish a little fire ant Pesticide Treatment Coupon Pilot Project and site map.

Invasive species have become one of the most devastating problems impacting Hawaii. Many invasive species are damaging Hawaii'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 varoa mite, to name a few. Control measures take time to develop, leaving farmers and ranchers at risk. This is not consistent with the State's goal of increasing self-sufficiency and sustainability.

Proper funding, focus and accountability of the funding for the Hawaii Invasive Species and DOA is critical for protection of Hawaii's environment and economy and the health and lifestyle of its people through the support of invasive species prevention, control, research, outreach, and planning.

HFB recognizes the harm that the little fire ant has caused to farms, businesses, and the quality of life of those affected by the pest. We agree that immediate measures must be undertaken to stop its spread to other areas.

Thank you for the opportunity to comment on this measure.

DAVID IGE
GOVERNOR OF HAWAII

SHAN TSUTSUI
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL

1151 PUNCHBOWL ST, #325
HONOLULU, HAWAII 96813

VOTING MEMBERS

CARTY CHANG
DEPARTMENT OF LAND & NATURAL
RESOURCES

SCOTT ENRIGHT
HAWAII DEPARTMENT OF AGRICULTURE

VIRGINIA PRESSLER, MD
DEPARTMENT OF HEALTH

MARIA GALLO, PhD
UNIVERSITY OF HAWAII

LEO ASUNCION
OFFICE OF PLANNING, DEPARTMENT OF
BUSINESS, ECONOMIC DEVELOPMENT &
TOURISM

DAVID RODRIGUEZ
DEPARTMENT OF TRANSPORTATION

Testimony of the HAWAII INVASIVE SPECIES COUNCIL

Before the House Committee on FINANCE

Tuesday, April 7, 2015
2:30 PM
State Capitol, Conference Room 308

In consideration of SENATE BILL 1059 SENATE DRAFT 2 PROPOSED HOUSE DRAFT 2 RELATING TO INVASIVE SPECIES

Proposed House Draft 2 of Senate Bill 1059 would require the Hawaii Department of Agriculture (HDOA) to undertake a variety of actions intended to minimize the interisland movement of invasive species and to control invasive species on agricultural lands. This measure would also require the interagency Hawaii Invasive Species Council (HISC) to undertake invasive species management on non-agricultural lands, with a specific focus on areas around Hilo airport and harbor and on creating buffer zones between adjacent conservation and agricultural lands in Hawaii County. Proposed House Draft 2 of this measure also directs the HDOA to implement a pesticide coupon program for homeowners to purchase pesticide for independent control of little fire ant. **The HISC offers the following comments and concerns.**

With regard to directions provided to the HDOA in SECTION 2, the HISC suggests the amendment or removal of language in SECTION 2 (1)(a): "All information shall be kept confidential to the plant quarantine branch." The sharing of general information (e.g., information regarding pest interceptions that is not tied to a specific business or individual) among branches of the HDOA, other state agencies concerned with biosecurity, and federal partners is critical to a broad understanding of the threats posed to Hawaii by invasive species.

With regard to the directions provided to the HISC in SECTION 3, the interagency HISC does not, in and of itself, have staff that could implement the control activities and buffer zone development described in this section. The HISC is a policy and funding coordination body with one civil servant assigned to carry out the direction of the Council. The HISC could, however, solicit proposals from other entities to implement the strategy. The HISC also notes that an effort to create buffer zones around agricultural lands will be a complex and time intensive endeavor, and that the reporting deadline for these actions be amended to a later date than "twenty days prior to the regular session of 2016."

With regard to SECTION 9, directing the HDOA to implement a pesticide coupon program to subsidize homeowners wishing to control little fire ant, the HISC suggests that participation in a coupon program require the completion of a training course with the Hawaii Ant Lab or a similar entity on the effective use of pesticides to control little fire ants. The HISC further suggests that any appropriation for this program be in addition to, and not in place of, appropriations to the HDOA or to the HISC that would support statewide ant research and coordinated, strategic control of ant populations.



Hawaii Floriculture and Nursery Association

Testimony for the Twenty Eighth Legislature, 2015
State of Hawaii

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Y. Nishimoto, Vice Chair

TUESDAY April 7, 2015
2:30 P.M.

Conference Room 308
State Capitol
415 South Beretania Street

A bill for an act

SB 1059 SD2HD2 RELATING TO INVASIVE SPECIES

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

Chair Sylvia Luke and members of the House Finance Committee, thank you for allowing us to participate in the development of this bill, regarding the interisland movement of invasive pest species. Our Industry **Strongly SUPPORTS** SB1059SD2HD2 and HFNA members are truly concerned about the movement of pests, as these pests can destroy our crops, limit or end our ability to export our products to out-of-state destinations and/or within the state; and increase our cost of doing business.

This bill is essentially important to our industry and is critical to help our industry to grow. It is also refreshing as it provides a workable alternative to the draconian quarantine bill introduced last year.

This bill is consistent with the Hawaii Biosecurity Law and utilizes the proven success of the Systems Approach for Nursery Certification. If conducted properly, the risk assessment will allow the Plant Quarantine staff to focus their energies to those commodities that are of high risk. In addition, we do agree that preventing new pests from entering the state should remain the top priority.

In the past the Plant Quarantine Branch, UH College of Tropical Agriculture and Human Resources (UH CTAHR), and other Agriculture research organizations such as the Daniel K. Inouye Pacific Basin Agriculture Research Center (PBARC) and Hawaii Agriculture Research Center (HARC), have assisted the agricultural industries in



Hawaii Floriculture and Nursery Association

developing quarantine treatments and pest management programs for various pests and commodities. This measure provides much needed support for these endeavors.

Many of the farms, especially on the Big Island get re-infested by neighboring properties that are also infested, but are not controlling invasive species on their land. It is a continuing struggle to keep our farms free of invasive species, so we strongly support the creation of buffers.

HFNA supports the legislature's intent to keep the ports clear of invasive pests. We must all do our part to reduce the spread of invasive species. We as an Industry **SUPPORT** this bill. If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email eric@greenpointnursery.com

Supporting Agriculture and Hawaii,


Eric S. Tanouye
President

Hawaii Floriculture and Nursery Association



LATE

The House of Representatives
Committee on Finance
April 7, 2015
2:30 a.m., Conference Room 308
State Capitol

Testimony in Support of SB 1059 SD2 HD1

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) **supports SB 1059 SD2 HD1, Relating to Invasive Species**, but offers these comments on **SB 1059 SD2 HD2**.

1. Section 3 (HISC shall work through existing contracts to undertake invasive species management on non-agricultural lands, to create buffer areas between conservation zones and agricultural areas): HISC funds are available through an annual competitive grant process, the HISC Strategic Plan reflects priority areas to aid in funding decisions. Existing grant agreements are contracts for work based on the 2014 proposals, and may not be changed. 2015 HISC call for proposals (if funds are available) may reflect work described in Section 3 as a high priority for funding, although there is no guarantee that proposals to conduct the work will be submitted.

2. Part II, Section 9 (HDOA shall operate a pilot pesticide coupon project, redeemable by property owners of verified LFA infested properties for 1 year supply of pesticide). Safely and effectively treating LFA is not as easy as it seems. For example, LFA tend to live in vegetation and trees, and very few people have the equipment necessary to apply pesticide to trees over 15 ft. tall. As we have seen over and over, if the trees are not treated, they are a quick source for re-invasion. For this and reasons of public health and environmental safety, we suggest that if this program is implemented, that the coupons be provided for contracting the services of a trained and certified pesticide applicator.

Mahalo for your consideration.

Aloha,
Christy Martin
CGAPS