

SB 1059

DAVID IGE
GOVERNOR OF HAWAII



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

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

**Before the Senate Committees on
ENERGY AND ENVIRONMENT
and
AGRICULTURE
and
TRANSPORTATION**

**Tuesday, February 17, 2015
3:15 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 1059
RELATING TO INVASIVE SPECIES**

Senate Bill 1059 proposes to enhance biosecurity by establishing restrictions on the interisland movement of pests and infested material, and prohibiting the possession, harboring, transport, rearing, breeding, distribution, or release of a pest, unless permitted by the Hawaii Department of Agriculture (HDOA). This measure also proposes to authorize the HDOA to place islands or localities within islands under quarantine if designated as infested with a pest, and describes a compliance agreement program to allow material to move out of a quarantined area. **The Department of Land and Natural Resources (Department) supports this Administration measure.**

The Department recognizes that minimizing the potential for invasive species to move within or between islands is critical to preserving Hawaii's environment, agriculture, and way of life. The Department recognizes the importance of establishing the authorities described in this measure and supports the HDOA's efforts to enhance intrastate biosecurity.

The Department appreciates the opportunity to provide these comments.

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PHYLLIS SHIMABUKURO-GEISER
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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON ENERGY AND ENVIRONMENT,
AGRICULTURE AND TRANSPORTATION**

February 17, 2015
3:15 P.M.
ROOM 225

**SENATE BILL NO. 1059
RELATING TO INVASIVE SPECIES**

Chairpersons Gabbard, Ruderman, and Nishihara and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No.1059. This bill will reduce the movement of invasive pests between islands by: authorizing inspection of goods moving between islands, prohibiting transportation of infested material, authorizing the department to designate quarantine areas, and authorizes the department to create a compliance agreement program to ensure that qualifying businesses can ship host material from infested areas. The department supports this bill.

Current regulations require the inspection of all plants and propagative plant parts moving between islands to ensure that they are free of pests. Non-propagative plant parts are also subject to periodic random inspections. The movement of any of these commodities is prohibited if they are infested with a pest. This creates a significant burden for the department and for businesses wishing to move these products between islands as it requires the visual inspection of all commodities in every shipment. A better approach would be to ensure that shipments are free of pests before they are shipped by establishing best management practices and protocols as part of a compliance agreement program. Participants in this program would significantly reduce the risk of them transporting invasive pests by following procedures, farming practices, and protocols that agreed upon in the compliance agreement. Pre-shipment inspections would not be required for participants in the compliance agreement program.



This bill also clarifies the establishment of quarantines. Currently, the department can create an interim rule to create a quarantine to restrict the movement of commodities but is not authorized to create a compliance agreement program to allow for the movement of host commodities from the quarantine area. All commodities need to undergo required prophylactic treatments. This bill will allow for the department to establish quarantine areas to prevent the movement of pests and to establish a compliance program to allow for participants in the program to move articles from quarantine areas when they meet the compliance agreement requirements.

Thank you for the opportunity to present testimony.



The Senate
Committee on Energy and Environment
Committee on Agriculture
Committee on Transportation
February 17, 2015
3:15 p.m., Conference Room 225
State Capitol

Testimony in Support of SB 1059

Aloha Chairs Gabbard, Ruderman, and Nishihara, Vice Chairs, and Members of the Committees, The Coordinating Group on Alien Pest Species (CGAPS) **supports SB 1059, *Relating to Invasive Species***, which authorizes the Hawai'i Department of Agriculture (HDOA) to inspect and act on agricultural and non-agricultural products that pose a risk for spreading pests inter-and intra-island; to set up inter- and intra-island quarantines; creates a compliance agreement program to ensure a clear and achievable path for the movement of goods; and creates penalties for entities that do not take steps to minimize pest presence and movement in their commodities.

Best management practices for controlling and mitigating pests in production areas and the transportation network have been developed by Dr. Arnold Hara of the University of Hawai'i College of Tropical Agriculture and Human Resources, yet there are producers that don't follow these practices. If enacted, this bill would clarify HDOA's authority to work with producers via a compliance program that provides best management practices, and allows participating entities the ability to ship and sell their products.

Setting up quarantines to regulate the movement of high-risk materials from infested areas has long been identified as a stumbling block, especially on commodities that are not already regulated. In November 2013, CGAPS held a tabletop exercise to practice the newly-drafted Plant Health Emergency Response Plan for Hawai'i. We used a fictitious (at the time!) discovery of coconut rhinoceros beetle as a way to discuss how we would respond. A few of the top findings were that we had no clear authority to quarantine a wide variety of commodities or materials that pose a risk, and the criteria for placing a quarantine on an area were difficult at best. In December 2013, coconut rhinoceros beetles were found on Oahu, and we put the Emergency Plan and tabletop exercise to the test. As identified in the tabletop, there are questions about HDOA's authority to regulate the movement of non-agricultural materials such as compost and greenwaste, which pose a high risk of moving coconut rhinoceros beetles and larvae across the island and interisland, and therefore this pathway remains open. In contrast, coffee already had rules in place stemming from the discovery of coffee berry borer on the Big Island, so the recent discovery of this beetle on Oahu quickly resulted in a new quarantine to contain the pest to the sites where it is known to occur. This bill clearly authorizes HDOA to act to contain pests.

There are some concerns about penalty section of the bill. HDOA and its partners work collaboratively with plant businesses to conduct comprehensive surveys for pests like coqui and little fire ant. We are working to train nursery owners and staff to survey for and control pests, but the accuracy, documentation, and data-gathering necessary to comprehensively survey a typical 5 acre nursery is quite beyond the capacities of most businesses. The business owners know that if a pest is found, that advice and even pest control assistance will be provided, along with anonymity.

The business owners assist by following up with pest treatments as directed. If there is potential for penalty, this relationship may suffer. We respectfully ask that everyone work together to preserve this sense of trust and partnership.

Even with these concerns, we support the compliance agreement program being proposed, as we absolutely need to get a handle on those businesses that do not take due care in mitigating the risk of pest movement. We also believe that such a program will protect those businesses on the receiving end that try to do everything they can to prevent becoming infested.

Lastly, this bill recognizes that inspection by Plant Quarantine officers is not, and should not be, the first or last line of defense against inter-and intra-island movement of pests, and that there are some changes that should be made to better protect the needs of the many. We respectfully ask your support SB 1059. Mahalo for your consideration.

Aloha,
Christy Martin
CGAPS



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Energy and Environment

And

Senate Committee on Agriculture

And

Senate Committee on Transportation

Tuesday, February 17, 2015 at 3:15 pm

By

Robert Bley-Vroman, Chancellor

And

Maria Gallo, Dean

And

J. Kenneth Grace, Associate Dean

University of Hawai'i at Mānoa

SB 1059 – RELATING TO INVASIVE SPECIES

Chairs Gabbard, Ruderman and Nishihara, Vice Chairs Green, Riviere and Harimoto, and members of the committees, we respectfully submit testimony in support of SB 1059, which will reduce movement of invasive species within and between islands by clarifying the authority of the Department of Agriculture with respect to movement and inspection of goods, and designation of quarantine areas; and authorize a compliance agreement program to insure that qualifying agricultural businesses in quarantine areas can transport their commodities with minimal risk of pest or disease spread.

Invasive species pose significant threats to agriculture, natural resources, and human and animal health and well-being in Hawai'i. Coqui frogs, the coffee berry borer, and coconut rhinoceros beetles all provide recent examples of the difficulty of eradication, containment, and prevention of interisland dispersal of introduced pests. Significant resources of the University of Hawai'i, particularly in the College of Tropical Agriculture and Human Resources (CTAHR) and the Pacific Cooperative Studies Unit (PCSU) at the University of Hawai'i at Mānoa, are dedicated to combating these threats.

With rapid dispersal characteristic of invasive species, and limited manpower to enforce inspections and containment, the Department of Agriculture needs the clear authority provided by SB 1059 for inspection, permitting, and designation of quarantine areas. The compliance agreement program authorized by SB 1059 deals in realistic fashion with quarantine enforcement by placing an emphasis on documentation of best pest management practices by producers and shippers prior to transportation of goods. This program should allow more efficient allocation of resources for inspections, while decreasing the overall threat of spread of pests and diseases from the quarantined area.

Testimony of The Nature Conservancy of Hawai'i
Supporting the Intent of S.B. 1059 Relating to Invasive Species
Senate Committee on Energy and Environment
Senate Committee on Agriculture
Senate Committee on Transportation
Thursday, February 17, 2015, 3:15PM, Room 225

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports the intent of S.B. 1059. In particular, we note our support for the provisions in the bill that:

- Give the Department of Agriculture clear authority to inspect the variety of pathways that can carry pests (e.g., cars, household goods, etc.) and not just agricultural products; and
- Authorize quarantine areas but also provide for inspection certificates and compliance agreements that would allow movement of local products with agreed upon pest management and treatment protocols.

We appreciate that there may be some concerns within the agriculture industry in regards to the quarantine, penalty or other provisions of the bill. We hope that the Department of Agriculture and the industry can continue to work together to address these issues and allow this measure to move forward.

Invasive weeds, insects, diseases, snakes, and other pests are one of the greatest threats to Hawaii's economy, agriculture, natural environment, and the health and lifestyle of its people. With favorable conditions and limited competition, non-native species arrive in the Hawaiian Islands to find an easy environment in which to thrive. Evidence from Hawai'i and around the world shows that preventing new pest establishment is exponentially more economical than eradicating a pest or, even worse, controlling it indefinitely once it becomes established. If agreement on the provisions of this bill can be reached, we think it is an important and useful addition to the HDOA's multi-faceted Biosecurity Program.

Thank you for the opportunity to testify on this bill.

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SB1059

Submitted on: 2/4/2015

Testimony for ENE/AGL/TRA on Feb 17, 2015 15:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
penny levin	Individual	Support	No

Comments: I strongly support this measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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