

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
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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 SENATE COMMITTEES ON AGRICULTURE & ENVIRONMENT AND
LABOR

FEBRUARY 5, 2018
1:25 P.M.
CONFERENCE ROOM 224

SENATE BILL NO. 3085
RELATING TO AQUACULTURE

Chairperson Gabbard, Chairperson Tokuda, and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 3085 relating to aquaculture. This bill will, among other things, transfer the responsibility for inspection, quarantine, and approval from the Plant Quarantine Branch (PQB) within the Division of Plant Industry of the Hawaii Department of Agriculture (HDOA) to the Division of Animal Industry (DAI), HDOA. The Department opposes this bill.

Section 1 of this bill identifies a lack of support for new species or genetic lines and the procedures used by the PQB cause unnecessary and avoidable delays. In the last five years, there have been no requests to import new species that are not currently on Lists or Non-Domestic animals in 4-71, HAR, therefore, there is no way to determine lack of support. With the exception of a single case involving Nile Tilapia, *Oreochromis niloticus*, all other requests for new genetic lines have been processed, submitted to the Board of Agriculture (Board) for review, or were withdrawn by the applicants.

The procedures used by the PQB are mandated by HRS 150A and there is a clear pathway for all applicants to apply for aquaculture species. The PQB review process is well aware of the economic benefits that aquaculture can provide, however, PQB is also tasked with regulating the importation of all non-domestic animals, including



those used for aquaculture, to protect the environment from the introduction of pests and invasive species and to ensure that the non-domestic animals that are imported do not become pests or invasive species themselves. Additionally, staff from DAI are an integral part of the review process of aquatic organisms.

Section 1 also lists a number of reasons for DAI to manage importation and development of aquaculture livestock, including working in conjunction with the U.S. Department of Agriculture (USDA), utilization of veterinary expertise, and pre- and post-arrival inspections. DAI is equipped to support the development of aquaculture through the Aquaculture and Livestock Support Services, however, they are not equipped or capable to inspect all the aquaculture livestock imported into the State. PQB already has inspectors statewide to conduct inspections of non-domestic animals and currently assists the DAI with enforcement of their regulations by routinely forwarding non-domestic animals for disease and parasite inspections. PQB currently works with a variety of federal agencies for a number of biosecurity issues including the USDA, National Oceanographic and Atmospheric Administration, Customs and Border Protection, and the U.S. Fish and Wildlife Service, and a number of these agencies, including the DAI are consulted during the review process to ensure that disease issues of aquaculture livestock are addressed.

Section 2 of the bill inserts language into HRS 150A to transfer the inspection, quarantine, and approval of aquaculture livestock animals to DAI. The language "aquaculture livestock animals" is very ambiguous. Pursuant to HRS 141-2 and HRS 142, DAI already regulates "domestic animals," which are generally considered to be domestic animals are normally considered to be tamed animals that are kept by humans and through selective breeding have become notably different from their wild ancestors, and PQB regulates non-domestic animals, which are all other animals except those that are considered to be "domestic animals." There are a number of references to "domestic animal" in HRS 141, 150A and HAR 4-71 that show which agency conducts the regulatory enforcement on what animals and this amendment would create regulatory confusion by essentially deeming aquaculture livestock as "domestic animals" if regulated by DAI, but not completely remove them from the remainder of the HRS and HAR. Additionally, as there are no specific species defined as "aquaculture

livestock,” what species are going to be regulated by what agency would create regulatory confusion for the agencies and the public, and could open the State to liability.

The current regulatory framework for DAI is focused on examining the imported animals to prevent the introduction and spread of animal diseases and associated vectors that will impact industry, public health and global trade. The PQB's review process reviews the species import for the potential effects the importation would have on the environment, agriculture or public health. There are also a number of fish (barramundi, pongee, snakeheads, arapaima, drums, and many species of catfishes) that may be desired by the aquaculture industry as “aquaculture livestock,” and are known to be invasive or highly invasive, or having the potential to seriously impact Hawaii’s native environment and native species. These fish are currently found on the Department’s List of Restricted Animals Part B, List of Restricted Animals Part A, and List of Prohibited Animals in 4-71, HAR. Under the proposed revisions of HRS 150A, these species could be considered “aquaculture livestock.” This bill also references “food-based aquaculture” which can also be misconstrued for other restricted and prohibited fish such as piranha, which are known to be a viable food source and are easy to propagate, and could subsequently be allowed for aquaculture. Moving one step further, potentially any fish species could be imported under the guise of importation for “food based aquaculture” and could therefore be a considered “aquaculture livestock.”

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
AGRICULTURE AND ENVIRONMENT
and
LABOR

Monday, February 5, 2018
1:25 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 3085
RELATING TO AQUACULTURE

House Bill 3085 proposes to transfer responsibility for inspection, quarantine, and approval of aquaculture livestock from the Plant Quarantine Branch within the Division of Plant Industry of the Department of Agriculture (DOA) to the Division of Animal Industry of DOA. **The Department of Land and Natural Resources (“Department”) opposes this measure and offers the following comments.**

The Department recommends that aquaculture remains under the responsibility of the Division of Plant Industry where an established advisory committee evaluates aquaculture importation permits. Plant quarantine has a long history of protecting agriculture and the environment from invasive species. Moving aquaculture to the Division of Animal Industry would raise many questions as to how aquaculture importation permits would be evaluated, what ecological expertise lies in the animal industry, and if the prevention of invasive species to Hawai‘i would remain a priority.

The Department’s Division of Aquatic Resources was pleased to be part of the effort to develop the Hawai‘i Interagency Biosecurity Plan for 2017-2027, led by DOA. However, the Department feels that this measure could potentially undermine goals, objectives, and tasks laid out in the Biosecurity Plan. It’s a great challenge to manage invasive species in Hawai‘i and prevent further introductions. The first step in reaching Hawai‘i’s biosecurity goals should be a

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

willingness to stop the import of high-risk species to the State, when given the choice, through sound policy decisions that align with the State's newly established Biosecurity Plan.

The Department has strong concerns that transfer of aquaculture to the Division for Animal Industry, where there's little precedent or protocols set-up for evaluating ecological impacts and potential for invasiveness, would lead to further introductions of invasive species to Hawai'i and could be devastating to our already imperiled native species and ecosystems.

Thank you for the opportunity to comment on this measure.



The Senate
Committee on Agriculture and Environment
Committee on Labor
February 5, 2018
1:25 p.m., Conference Room 224
State Capitol

Testimony Opposing SB 3085

Aloha Chairs Gabbard and Tokuda, Vice Chairs Riviere and English, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) **is in opposition to SB 3085, *Relating to Aquaculture***. The aim of this measure is to transfer responsibility for import approval, inspection, and quarantine of aquaculture species from Plant Quarantine Branch to the Animal Industry Division.

The Plant Quarantine Branch (PQ) is charged with protecting Hawaii's agriculture and the environment from the entry of terrestrial and aquatic invasive plants, non-domestic animals, pests, and microbes. Inspectors are at the air and sea ports conducting inspections of incoming conveyances, and they also administer the permits for the importation of regulated plants and non-domestic animals.

Regarding non-domestic animals, PQ's rules prohibit the importation of non-domestic animals (such as aquaculture species) unless they are specifically named on a list, which is done via public process and Board of Agriculture action. These rules were created this way in order to protect Hawai'i from the possible importation of the millions of species of animals on Earth—instead, non-domestic animal species are prohibited from entry until importers can provide a favorable cost-benefit analysis for import. PQ works with the importer on proposing mitigations that greatly reduce the chances of that animal species from escaping, being released, becoming invasive, or otherwise causing harm. The import application is then reviewed by a panel of experts on plants and animals, and their recommendation on whether or not to approve the importation of that species is provided to the Board. Public testimony is also given for Board consideration.

I provide this information because I believe that PQ is doing a good job in its prevention role, and also in working with import applicants on proposed mitigations. While I do not agree with all of the Board of Agriculture's decisions, I think the process is a good one. I am supportive of aquaculture and I appreciate the staff of Animal Industry, but recent import proposals regarding notorious invasive species such as Nile tilapia are cause for concern. Mahalo for your consideration.

Aloha,
Christy Martin
CGAPS



MARI'S GARDENS

growing in balance

February 3, 2018

Senator Mike Gabbard
Chair, Senate Committee on Agriculture
Hawaii State Capitol
Honolulu, HI 96813

Senator Gabbard,

Thank you for the opportunity to testify on SB3085. I support the bill to transfer the responsibility for inspection, quarantine, and approval of aquaculture livestock from the plant quarantine branch within the division of plant industry of the department of agriculture to the division of animal industry of the department of agriculture.

I have long list of complaints with Plant Quarantine but the two main ones are: 1) the lack of aquaculture knowledge and 2) completely unprofessional behavior with processing permits.

1. Plant Quarantine is made up of people with plant backgrounds. How can an agency with no expertise be responsible for understanding and processing permits for a topic that they know nothing about? Would you allow veterinarians to process plant permits or plant experts process cattle permits? I don't think so. The industry has spent years educating the specialist on aquaculture topics and he still does not understand so we have given up. Get the permits out of Plant Quarantine.
2. My company had submitted and paid for an import permit application for niloticus tilapia on November 8, 2013. Today, there **no decision** on the permit. Plant Quarantine gives us excuses on why this has happened, assurances that the process is improving and now silence. Any business that relies on importing aquaculture species to improve its operation would go out of business. The industry has been forced to develop work arounds but they are not as good as getting the proper stock. Get the permits out of Plant Quarantine.

I can go on but those are the main topics. I hope you feel my frustration. I'd be glad to have you visit our farm where you can see our operation and learn more about us and the potential for aquaculture to provide food for the state. Like all livestock, aquaculture needs good genetics and we have hit a stone wall with Plant Quarantine.

Please support local food production and get the permits out of plant quarantine. Support SB3085.

Sincerely,


Fred Lau
Mari's Gardens



February 4, 2018

Senator Mike Gabbard
Chair, Senate Committee on Agriculture
Hawaii State Capitol
Honolulu, HI 96813

Senator Gabbard,

We are writing in strong support of SB3085. We have a fish farm in Kapaau and are on track to produce 2.5 million pounds of fish in our first year, worth \$5 million dollars. However, we have had nothing but problems with the Division of Plants and Quarantine making arbitrary and capricious decisions that have significantly impacted our business. It is very important for the future of fish farming and Aqua Culture in Hawaii, to remove inspection and approvals of aquaculture permits, from Plants and Quarantine and transfer it to the division of animal industry of the department of agriculture. Hawaii has an important role in the future of sustainable fish farming and it is our opinion that the Division of Plants and Quarantine and its leadership is incapable of providing the management and oversight necessary for a industry that relies on proper management to succeed.

We have been waiting for over a year for a simple reason why our permit was denied, while others here in Hawaii have been given an undue advantage by the Division of Plants and Quarantine personnel and given these permits. These actions violate Federal Anti-Trust laws. The Sherman Act for one, makes these actions of a State Agency illegal and a restraint in trade.

Plants and Quarantine is so incompetent we have also been waiting for over 6 months for a permit to bring in a species of fish that we can walk into any pet store in Hawaii and buy and the response from Plants and Quarantine was they never received a request like this so they don't know what to do.

In the 100 plus years our management team has collectively been involved in fisheries management on the State, Federal and International levels, from New Zealand to Alaska, we have never seen a group of unqualified and arrogant individuals running a department that could have significant benefits to the State, yet they have been appointed to positions they have no qualifications to be in and continue to be insulated to any accountability for their actions.

Please support SB3085

Mahalo

A handwritten signature in black ink, appearing to read "Bob Endreson", written over a white background.

Bob Endreson
808-225-3571

SB-3085

Submitted on: 2/4/2018 12:19:31 AM

Testimony for AEN on 2/5/2018 1:25:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|----------------------------|---------------------------|---------------------------|
| Melodie Aduja | OCC Legislative Priorities | Support | No |

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT AND
COMMITTEE ON LABOR
THE SENATE
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Monday, February 5, 2018**

1:25 p.m.

Hawaii State Capitol, Conference Room 224

RE: Testimony in Support of SB 3085, RELATING TO AQUACULTURE

To the Honorable Mike Gabbard, Chair; the Honorable Gil Riviere, Vice-Chair and Members of the Committee on Agriculture and Environment:

To the Honorable Jill Tokuda, Chair; the Honorable J. Kalani English, Vice-Chair and Members of the Committee on Labor:

Good afternoon. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 3085, relating to transferring aquaculture livestock inspection, quarantine, and approval

from the Plant Quarantine Branch to the Animal Industry branch within the Department of Agriculture. The OCC Legislative Priorities Committee is in favor of Senate Bill No. 3085 and support its passage.

Senate Bill No. 3085, is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it transfers responsibility for inspection, quarantine, and approval of aquaculture livestock from the Plant Quarantine Branch within the Division of Plant Industry of the Department of Agriculture to the Division of Animal Industry of the Department of Agriculture.

Specifically, the DPH Platform states that "[w]e will promote the ethical and safe production of livestock, dairy products, poultry, and eggs." (Platform of the DPH, P. 7, Lines 378-380 (2016)).

Significantly, veterinarians working for the animal industry division of the department of agriculture already possess training and expertise in animal health and behavior, production systems, and disease identification and are current on animal health and development advancements, all of which are relevant to aquaculture's role as a contributing segment of Hawaii's food sustainability efforts.

Given that Senate Bill No. 3085 transfers aquaculture livestock inspection, quarantine, and approval from the Plant Quarantine Branch to the Animal Industry branch within the Department of Agriculture, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

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