



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2558, RELATING TO INVASIVE SPECIES.

**BEFORE THE:**

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**DATE:** Monday, February 12, 2024      **TIME:** 1:31 p.m.

**LOCATION:** State Capitol, Room 224 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Travis T. Moon or Bryan C. Yee, Deputy Attorneys General

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Chair Gabbard and Members of the Committee:

The Department of the Attorney General respectfully submits comments regarding this bill.

This bill proposes to amend chapter 150A, Hawaii Revised Statutes (HRS), by adding a new section that imposes a fine of up to \$10,000 on any person who knowingly sells invasive plants or plants containing invasive species.

The sale of invasive plants is prohibited pursuant to section 150A-6.1(d), HRS. The transportation of plants containing invasive species is prohibited pursuant to section 150A-8, HRS. Thus, this bill is not necessary because section 150A-14, HRS, currently penalizes violations of chapter 150A, HRS, by imposing a fine of up to \$10,000, or higher up to \$200,000 for some violations.

Thank you for the opportunity to comment on this bill.

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEXTER KISHIDA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
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**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

**FEBRUARY 12, 2024  
1:31 PM  
CONFERENCE ROOM 224 & VIDEOCONFERENCE**

**SENATE BILL NO. 2558  
RELATING TO INVASIVE SPECIES**

Chair Gabbard, Vice Chair Richards and Members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill No. 2558 relating to invasive species. This bill imposes a penalty for knowingly selling invasive plants or plants containing invasive species.

The Department recognizes the threats pests and invasive species pose and offers comments on this bill.

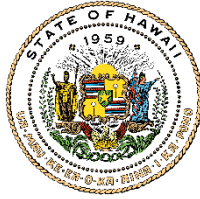
150A-14 already contains a penalty section. Currently there is no definition of "invasive plants", however, Hawaii Administrative Rules Chapter 4-68, contains a list of noxious weeds, which appear to equal the definition of "invasive plants." Hawaii Revised Statutes (HRS) 150A-6.1 already prohibits the selling or offering for sale of noxious weeds.

Thank you for the opportunity to testify on this measure.



JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

DEAN D. UYENO  
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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
AGRICULTURE & ENVIRONMENT

Monday, February 12, 2024  
1:31 PM

State Capitol, Conference Room 224 and Via Videoconference

In consideration of  
SENATE BILL 2558  
RELATING TO INVASIVE SPECIES

Senate Bill 2558 imposes a penalty for knowingly selling invasive plants or plants containing invasive species. **The Department of Land and Natural Resources (Department) supports this measure and provides the following comments.**

The Department applauds the efforts of the introducers of this measure to address the introduction and spread of pests and pest plants in the state. Current State regulations restrict the introduction of less than one percent of the world's plant biota through the list of designated noxious weeds, which has not been updated in more than 30 years. *See Section 4-6-68 Hawai'i Administrative Rules, List of Plant Species Designated as Noxious Weeds for Eradication or Control Purposes by the Hawaii Department of Agriculture, June 18, 1992.* Chapter 150A, Hawai'i Revised Statutes (HRS), not include a definition of "invasive species" or use that term.

The Department recommends that the proposed amendment in the bill reflect language in the existing Chapter 150A, HRS, by using the term "pest," which is defined in Chapter 150A-2, HRS, instead of "invasive species" and referring to "noxious weeds" and "restricted plants" instead of "invasive plants" and make conforming changes for style and clarity. Additionally, we suggest the Committee consider moving the penalty proposed in HB2537 to the existing penalty section in Chapter 150A, HRS. The resulting amendment would read as follows:

Section 1. Section 150A-14, Hawai'i Revised Statutes, is amended by adding at the end the following new subsection:

“(h) Any person who knowingly sells a plant designated by the department as a restricted plant or a noxious weed, or a plant that is infested or infected with a pest shall be fined not more than \$10,000 for each separate offense.”

Mahalo for the opportunity to provide testimony in support of this measure.



The Senate  
Committee On Agriculture and Environment  
Monday, February 12, 2024  
1:31 PM Conference Room 224  
State Capitol

### Testimony in Support of SB 2558

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) **supports SB2558**, *Relating to Invasive Species*, which establishes a penalty for knowingly selling invasive plants or plants infested with invasive species.

Unfortunately, it has become clear that there are a few “bad actor” businesses in the State that are selling nursery plants they know to be infested with little fire ants (LFA) or other high-priority pests. The Hawai'i Department of Agriculture (HDOA) does not interpret its current authorities to allow it to prevent these sales. The result is unsuspecting consumers are inadvertently spreading invasive pests to their homes and communities. We support this effort to impose a penalty on these “bad actors”.

The terms “invasive species” and “invasive plants” are not defined or used in chapter 150A Hawai'i Revised Statutes (HRS). Therefore, we suggest using the term “pest” which is defined in section 150A-2 HRS and the terms “noxious weed” and “restricted plant” to be consistent with the current language in chapter 150A HRS. We also propose making modifications to conform to these changes and respectfully suggest the Committee consider placing the amendment made by SB2558 into section 150A-14 HRS, an existing penalties section in chapter 150A HRS.

As modified by our suggestions, section 1 of SB2558 would read as follows:

Section 1. Section 150A-14, Hawaii Revised Statutes, is amended by adding at the end the following new subsection:

“(h) Any person who knowingly sells a plant designated by the department as a restricted plant or a noxious weed, or a plant that is infested or infected with a pest shall be fined not more than \$10,000 for each separate offense.”

Mahalo for the opportunity to support SB2558 and for consideration of our testimony.

Aloha,

A handwritten signature in blue ink, appearing to read "Christy Martin".

Christy Martin  
CGAPS Program Manager

A handwritten signature in blue ink, appearing to read "Stephanie Easley".

Stephanie Easley  
CGAPS Legal Fellow

**SB-2558**

Submitted on: 2/10/2024 9:07:48 AM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Redfeather	Testifying for Ka Ohana O Na Pua	Support	Written Testimony Only

Comments:

We need to take additional punitive steps to persuade the nursery industry to come along with best practices for everyone in agriculture. They can do that by erradicating invasivve pests in their nurseries and the selling or shipping plants with invasives. Mahalo



## **NORTH SHORE NEIGHBORHOOD BOARD NO. 27**

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 106 • HONOLULU, HAWAII, 96817  
TELEPHONE: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

January 27, 2024

Sharon Hurd  
Chair  
State of Hawaii, Department of Agriculture Board  
Plant Quarantine Conference Room  
1849 Auiki Street  
Honolulu, HI 96819

### North Shore Neighborhood Board Testimony in Support of Strong HDOA Invasive Species Rules

Aloha Chair Hurd,

The North Shore community on O'ahu is very concerned about the proliferation of invasive species – especially the Little Fire Ants (LFA) and Coconut Rhinoceros Beetle (CRB) and their negative impact on the foliage, animals, and residents of our area and the entire state.

The State of Hawaii Department of Agriculture (HDOA) has the sole authority to stop or regulate the movement of invasive pests or material infested with an invasive pest, yet the Department lacks clear, sensible rules that can better address the spread of invasive pests around or within an island. We are now finding that the CRB are moving from palm trees to non-palm trees in our area. Unfortunately, no one seems to have a clue on how to fight or prevent the spread of these evil pests. What will happen next? Infestations of our grass and shrubbery? What about our livestock and pets; not to mention our keiki. We need clear rules and the Department needs funding to fight and fine those who spread these invasive pests.

It should be illegal for nurseries and garden shops to knowingly sell plants infested with LFA or coqui frogs, bags of compost with Coconut Rhinoceros Beetles, or to sell any materials infested with serious pests. Further, HDOA should have the authority to require a nursery infested with a serious pest like LFA to control the infestation before selling infested plants and materials. The proposed changes to chapter 72 are vital to preventing the establishment and spread of the next serious invasive pest.

The Hawaii Department of Agriculture should also pass the rules that re-start the compliance program to manage the spread of Coconut Rhinoceros Beetles around O'ahu in greenwaste and other host material.

Mālama 'āina,

*Kathleen M. Pahinui*

Kathleen M. Pahinui  
Chair, North Shore Neighborhood Board #27

Cc: Council Member Matt Weyer, District II  
Senator Brenton Awa  
Representative Sean Quinlan  
Representative Amy Perruso





# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

February 12, 2024 1:31 PM Conference Room 224

### In **SUPPORT** of **SB2558**: RELATING TO INVASIVE SPECIES

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Aloha Chair Gabbard, Vice Chair Richards, and Committee Members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB2558**, which will help to mitigate the ongoing and future impacts of invasive pests on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

Hawai'i's history provides us with a host of lessons regarding the wide-ranging and potentially irreversible damage that invasive species can inflict on our islands and ways of life. Invasive plants and wildlife have overtaken entire watersheds, impacting not just native habitat but also reducing aquifer recharge, increasing our vulnerability to floods and wildfires, and smothering our nearshore reefs and waters with runoff. Parasites and other pests have impacted local food production and increased the use of toxic pesticides on farms and in home gardens, risking both public health as well as threatening stream and nearshore species critical to our aquatic ecosystems. Invasive animals have also extirpated native species, continue to threaten others with outright extinction, and continue to undermine public health by acting as vectors for zoonotic diseases. Most recently, the spread of invasive pests such as the little fire ant, coconut rhinoceros beetle, hala scale, two-lined spittlebug and others will require substantial and long-needed policies and investments over the long-term, to prevent additional and even greater impacts to our islands and our future generations.

Accordingly, the Sierra Club strongly supports this measure, which fills a critical gap in our regulatory toolbox – one that has allowed the knowing sale of invasive species-infested plants and other commodities, and that has likely contributed to the establishment of coconut rhinoceros beetle on O'ahu, and the ongoing spread of little fire ants across the islands.

Much remains uncertain as we continue to reckon with the consequences of Hawai'i's longstanding failure to enact critical biosecurity protections. However, it is certain that much stronger action, including but not limited to the prohibition in this, will be necessary to mitigate or prevent the worst of these and other future impacts to our lives and that of our children and future generations.

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS** this bill.



# SIERRA CLUB OF HAWAI'I

Mahalo nui for the opportunity to testify.

**SB-2558**

Submitted on: 2/10/2024 1:13:27 PM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I stand in support of SB2558.

This is a pretty simple bill and straight forward. There is no acceptable reason someone should be selling invasive plants or plants containing invasive species. I do think a possible amendment requiring the Department of Agriculture to publish on its website a list of invasive species and keep that list updated.

I applaud this bill and hope this passes. Mahalo for looking out for our fragile environment and ecosystems in Hawaii.

Mahalo for your time and consideration.

Keoni Shizuma

**SB-2558**

Submitted on: 2/9/2024 7:55:54 PM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

OMG yes. I can't believe we had to get this bill to make the nurseries do the right thing! We have invasive fire ants in our neighborhood, and we know where they came from. PASS THIS NOW

**SB-2558**

Submitted on: 2/9/2024 3:38:04 PM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ben Robinson	Individual	Support	Written Testimony Only

Comments:

Support