

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

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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  
WAYS AND MEANS

Friday, February 23, 2024  
10:30 AM

State Capitol, Conference Room 211 & Via Videoconference

In consideration of  
SENATE BILL 572 SENATE DRAFT 1  
RELATING TO AGRICULTURE

Senate Bill 572 Senate Draft 1 amends Chapter 150A, Hawai'i Revised Statutes (HRS), by authorizing the Hawai'i Department of Agriculture (HDOA) to declare a biosecurity emergency in certain circumstances with the approval of the Governor and outlines terms to carry out this authority. **The Department of Land and Natural Resources (Department) supports this measure and provides the following comments.**

The Department recognizes the importance of including language that would direct emergency resources for rapid response efforts to new pests. In 2002, HDOA conducted a series of inspection "blitzes" at the Kahului Airport to perform a risk assessment on the movement of invasive alien species. The results of that assessment determined that on average one new insect or plant disease arrives every day. That assessment took place over twenty years ago and in that time Hawai'i has succumbed to the arrival of Coconut Rhinoceros Beetle, Coffee Leaf Rust, Varroa Mite, and the devastating impacts of Rapid 'Ōhi'a Death. With these major pest arrivals, there was no State mechanism in place that would allow the Department of Agriculture to rapidly respond and address new detections.

Currently, the ability to declare an emergency with regard to invasive species does exist with the inclusion of the added term "environment" in Chapter 127A, Hawaii Revised Statutes, (HRS), so that threats or damage to the environment may be one of the criteria for declaring an emergency or disaster. Since the inclusion of this language there have been twelve emergency proclamations related to axis deer on Maui. This measure could provide clearer authorities for HDOA and the Governor to declare and act on a new pest incursion to the State, but these authorities could be carried out by amending Section 141-

3, HRS. The Department refers to the recommendation proposed by the Coordinating Group on Alien Pest Species in their testimony from the February 12th Agriculture and Environment Committee hearing to amend subsection (c) of Section 141-3, HRS, so that it could be used in emergency circumstances immediately and without the time-consuming pest designation process.

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

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

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEXTER KISHIDA**  
Deputy to the Chairperson

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**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS**

**FEBRUARY 23, 2024**  
**10:30 AM**  
**CONFERENCE ROOM 211 & VIDEOCONFERENCE**

**SENATE BILL NO. 572, SD1**  
**RELATING TO AGRICULTURE**

Chair Dela Cruz, Vice Chair Moriwaki and Members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill No. 572, SD1 relating to agriculture. This bill allows the Department of Agriculture (Department) to declare a biosecurity emergency in certain circumstances and with the approval of the Governor. Outlines the terms of a declared biosecurity emergency. Requires the Department to implement certain requirements for agricultural commodity importers. Allows the Department to fine agricultural commodity importers who fail to comply with the requirements. Allows the Department to subpoena necessary documentation from agricultural commodity importers relating to a known or suspected infestation of pests. Allows the Department to quarantine any farm, facility, or business that is known to be infested with pests.

The Department supports this measure and offers comments.



While HRS 91-3 contains provisions for emergency rulemaking, the Department believes that the ability to declare a biosecurity emergency, with the Governor's approval is a substantial step in being able to acquire the necessary resources to rapidly respond to new pest introductions while being mindful of the Department's limited resources.

Regarding the proposed change to HRS 150A-52(1), the Department suggests the following to clarify the intent for pest surveys: "(1) Establish a multi-dimensional system to survey for and prevent the entry into the State and interisland movement of, pests and prohibited or restricted organisms without a permit;"

Regarding the proposed addition HRS 150A-53(6), the Department agrees with the intent of incentivizing pest reporting and seeking ways for importers and transporters of goods that may have pests, to do their part to minimize the risk of introduction and spread of pests in the State. The Department suggests that this section be incorporated within the public education component of this section. As the Department is the primary agency tasked with biosecurity, importers and transporters need robust education about how to report and minimize pest infestations. Section (C) can be removed as the Department will be notified immediately and can take regulatory action of prevent further sale or distribution. Upon regulatory action, subsequently selling or movement of a quarantined item for would subject the importer or transporter to penalties in HRS 150-14. As a penalty already exists, the proposed change to HRS 150A-53(b)(2) should be removed.

Thank you for the opportunity to testify on this measure.



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February 23, 2024

HEARING BEFORE THE  
SENATE COMMITTEE ON WAYS AND MEANS

**TESTIMONY ON SB 572, SD1**  
RELATING TO AGRICULTURE

Conference Room 211 & Videoconference  
10:30 AM

Aloha Chair Dela Cruz, Vice-Chair Moriwaki, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

**The Hawai'i Farm Bureau strongly supports SB 572, SD1**, which allows the Department of Agriculture to declare a biosecurity emergency in certain circumstances and with the approval of the Governor, outlines the terms of a declared biosecurity emergency, requires the Department to implement certain requirements for agricultural commodity importers, allows the Department to fine agricultural commodity importers who fail to comply with the requirements, allows the Department to subpoena necessary documentation from agricultural commodity importers relating to a known or suspected infestation of pests, and allows the Department to quarantine any farm, facility, or business that is known to be infested with pests.

Invasive species have become one of the most devastating problems impacting Hawai'i. Many invasive species are damaging Hawai'i'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 varroa 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 for HDOA is critical for the protection of Hawai'i's environment and economy and the health and lifestyle of its people through the support of invasive species prevention, control, research, outreach, and planning. HDOA's Biosecurity Program is essential to fully execute a comprehensive strategy to address the increasing amount of

invasive species entering the state. HDOA needs to be provided the necessary resources to help prevent new invasive species from entering Hawai'i and to control and hopefully eradicate invasive species that are already established in Hawai'i so we don't ever have to declare a Biosecurity emergency.

Thank you for the opportunity to testify on this important matter.



**Hawaii Cattlemen's Council, Inc.**

COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

**SB572 SD1**  
RELATING TO AGRICULTURE

Friday, February 23, 2024, 10:30am  
Conference Room 211 & Videoconference

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee,

The Hawaii Cattlemen's Council **supports SB572 SD1** which allows the Department of Agriculture to declare a biosecurity emergency in certain circumstances and with the approval of the Governor and outlines the terms of a declared biosecurity emergency. It requires the Department to implement certain requirements for agricultural commodity importers. It allows the Department to fine agricultural commodity importers who fail to comply with the requirements. It allows the Department to subpoena necessary documentation from agricultural commodity importers relating to a known or suspected infestation of pests, and it allows the Department to quarantine any farm, facility, or business that is known to be infested with pests.

We are aware that there are many pressing issues that need funding, but invasive species directly affects food production and natural resource conservation. For example, Hawaii Island is responsible for 80% of the state's cattle production, so an outbreak of twolined spittlebug will be devastating not only to cattle ranchers, but to our endeavor for food security.

As a vulnerable island state, we must take measures to secure ports-of-entry and prevent the negative effects of invasive species on the environment. We support the investment in invasive species preventative measures, and efforts to implement requirements for importers and follow up with fines. This effort will help the economy and the health of the land in the long run, and curb added expenses for agricultural entities to address invasive species after they arrive and spread.

Thank you for the opportunity to testify on this matter. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director

