

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

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
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**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON JUDICIARY**

**THURSDAY, FEBRUARY 20, 2025**  
**10:01 AM**  
**CONFERENCE ROOM 016 & VIDEOCONFERENCE**

**SENATE BILL NO. 330, SD1**  
**RELATING TO INVASIVE SPECIES PREVENTION**

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

Thank you for the opportunity to testify on Senate Bill 330, SD1 relating to invasive species prevention. The bill prohibits authorizes the Department of Agriculture to enforce quarantines issued by the United States Department of Agriculture or another state.

The Department agrees with the intent of this measure and offers comments regarding implementation. While this measure seeks to provide additional authority to the Department to help prevent the introduction of pests into the State, the Department notes that most of the authority that this measure seeks to create already exists and as a result, is not necessary to increase biosecurity efforts. Pursuant to HRS 141, the Department is already able to enter into cooperative agreements with Federal partners and is already actively working with the U.S. Department of Agriculture (USDA) on issues of shared concern. Additionally, HRS 141 already authorizes the Department to establish rules to regulate the importation of specific commodities regardless of whether a federal quarantine is in place or not, such as Chapter 4-70, Hawaii Administrative Rules, to help prevent the introduction of specific pests and their host commodities.



The Department has some concerns about some of the provisions contained in this measure as currently drafted. Section (b) appears to enable the State to take regulatory action even without a cooperative agreement in place. Currently, when a regulatory issue arises involving a USDA regulation, the Department works directly with USDA to achieve a resolution, but USDA utilizes their authority for regulatory action. Without a cooperative agreement, the Department is unsure if USDA would like the Department to act on its behalf and if so, the cooperative agreement would detail what the Department would be doing and define the specific standards that would need to be met for compliance. As such, this section could unknowingly conflict with the execution of a future cooperative agreement. Additionally, implementation would need the creation of a small, specialized unit to constantly look for changes in any federal quarantine; gather and synthesize this information for staff; create policies/procedures for identification of the target pest and inspection procedures for the regulated commodities; and subsequently disseminate information and train staff.

The Department has additional comments for further clarification. Section (b)(1)(B) is unnecessary as movement interstate without proper certification requirements or discovery of a pest upon inspection would be in direct contravention of a quarantine and regulatory action would be taken regardless. In section (b)(2), the use of an invoice, waybill, or shipping document are not the standard documents used for determining origin as these documents are not aligned with standard phytosanitary requirements. Certificates of origin or phytosanitary certificates are the appropriate documents and are issued by an appropriate regulatory agency as opposed to the shipper, importer, or the carrier. Section (b)(3) should be removed because the proposed revisions to section (b)(2) enabling phytosanitary certificates or certificates of origin enables the specificity to differentiate between specific areas within a state when only portions therein are quarantined, and the discovery of a pest or other prohibited article would trigger regulatory action regardless of this provision.

Thank you for the opportunity to testify on this measure.



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February 20, 2025

HEARING BEFORE THE  
SENATE COMMITTEE ON JUDICIARY

**TESTIMONY ON SB 330, SD1**  
RELATING TO INVASIVE SPECIES PREVENTION

Conference Room 016 & Videoconference  
10:01 AM

Aloha Chair Rhoads, Vice-Chair Gabbard, 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 supports SB 330, SD1**, which authorizes the Department of Agriculture (DOA) to enforce quarantines issued by the United States Department of Agriculture (USDA) or any other federal agency. Strengthening quarantine enforcement is essential to protecting Hawai'i's agricultural industry, natural environment, and overall economy from the devastating impact of invasive species.

Hawai'i's farmers and ranchers continue to face serious threats from invasive species such as the coconut rhinoceros beetle, little fire ant, coffee berry borer, two-lined spittlebug, macadamia felted coccid, and varroa mite. These pests not only damage crops and livestock but also increase production costs and threaten the long-term viability of local agriculture. Prevention and early intervention are the most effective and cost-efficient ways to manage these threats.

By authorizing DOA to enforce federal quarantines, Hawai'i will be better equipped to:

- Strengthen biosecurity measures at ports of entry to prevent the movement of restricted agricultural goods that may carry pests.
- Improve coordination with federal agricultural agencies to ensure more effective quarantine enforcement.
- Respond more quickly to new pest threats before they become widespread.

Preventing the introduction of invasive pests is far more cost-effective than attempting to control them after they have been established. Every dollar spent on biosecurity and

quarantine enforcement saves significantly more in long-term eradication and control efforts. Protecting Hawai'i's farms, ranches, and ecosystems from harmful pests and diseases is crucial to maintaining local food production, supporting agricultural sustainability, and preserving the state's biodiversity.

We urge the committee to pass SB 330, SD1, to give DOA the necessary authority to enforce federal quarantines and protect Hawai'i's agriculture and natural resources.

Thank you for the opportunity to testify on this measure.

**SB-330-SD-1**

Submitted on: 2/19/2025 7:25:36 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Beppie Shapiro	Testifying for League of Women Voters of Hawaii	Support	Written Testimony Only

Comments:

**The League of Women Voters of Hawaii strongly supports SB330 SD1**

**Our natural environment, our agriculture industry, our tourism industry, and the comfort of our residents in everyday life on every island, demand protection from destructive introduced species like the coconut rhinoceros beetle. Please pass this bill!**

**SB-330-SD-1**

Submitted on: 2/18/2025 6:54:02 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Amanda Ybanez	Testifying for NB # 15 Kalihi Palama	Support	Written Testimony Only

Comments:

Chairwoman Kalihi Palama NB # 15 is on support.



The Senate  
Committee on Judiciary  
Thursday, February 20, 2025  
10:01 am Conference Room 016 & Videoconference  
State Capitol

### **Testimony in Support of SB 330 SD1**

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

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of SB 330 SD1** *Relating to Invasive Species Prevention*. This bill allows the Hawaii Department of Agriculture (HDOA) to enforce federal domestic pest quarantines issued by the United States Department of Agriculture (USDA).

USDA issues quarantines for a variety of pests to prevent their spread. If those quarantines relate to foreign countries, enforcement is straightforward as federal entities inspect items imported into the U.S. from foreign countries. During those inspections, the federal entity has the authority to enforce the federal USDA quarantine.

However, the Hawaii Department of Agriculture (HDOA) is the agency that inspects domestic imports for pests yet they do not have the statutory authority to enforce USDA quarantines. If an HDOA inspector detects an item that is or could be prohibited from being imported into Hawaii under a USDA quarantine, the inspector does not have the legal authority to hold or refuse entry of the item.

As an example of this gap, Hawaii is one of two citrus-producing states that does not have documented cases of citrus greening, the most serious citrus disease in the world. There is no cure for this disease which has devastated millions of acres of citrus production globally.<sup>1</sup> Citrus greening is present in several U.S. states and counties and USDA has placed an interstate quarantine to prevent its spread. Citrus greening can arrive in Hawaii when infected citrus plants or fruit, or the tiny insect that carries the disease is moved here. If a citrus plant is shipped from Florida to Hawaii, HDOA can only take action if they detect a pest or if they have “good cause” to believe it contains a pest, yet infected citrus may show no symptoms. HDOA may not otherwise quarantine or refuse entry to the plant. The language in SB 330 SD1 provides

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<sup>1</sup> See <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/citrus/citrus-greening>

HDOA with the authority to enforce this and any other serious pest quarantine by USDA to better protect our State.

We appreciate the testimony of the Department of the Attorney General (AG) to the Committee on Agriculture and Environment to address any possible issues with federal pre-emption. We believe the language of SB 330 SD1 is in accord with the USDA quarantine, nothing more. Section 436(b) of the federal Plant Protection Act (PPA) restricts any state or political subdivision thereof from regulating in interstate commerce the introduction or dissemination of a biological control organism, plant pest, or noxious weed if USDA has issued a regulation to or order to prevent the dissemination of the biological control organism, plant pest, or noxious weed within the United States.<sup>2</sup> (7 USC § 7756(b))

However, there is an exception to this pre-emption that provides:

“A State or a political subdivision of a State may impose prohibitions or restrictions upon the movement in interstate commerce of articles, means of conveyance, plants, biological control organisms, plant pests, noxious weeds, or plant products that are consistent with and do not exceed the regulations or orders issued by the Secretary [of USDA].” (7 USC §7756(b)(2)(A)) (emphasis added)

The amendment made by SB 330 SD1 falls within this exception. Additionally, we note the language in SB 330 SD1 on page 4, lines 5 through 11, is very similar to section 2(1) of the Idaho Plant Pest Act of 2002<sup>3</sup> and the restrictions in SB 330 SD1 on page 4, line 12 through page 5, line 14, are very similar to the interstate shipment restrictions in section 2(4)(a) of that Idaho statute.<sup>4</sup> That statute has been in effect for more than 20 years and does not appear to have ever been challenged under PPA preemption or on any other grounds.

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<sup>2</sup> Section 436(a) of the federal PPA totally preempts any state or political subdivision thereof from regulating in foreign commerce the introduction or dissemination of a biological control organism, plant pest, or noxious weed. (7 USC 7756(a)) HDOA does not inspect items imported into Hawaii from foreign countries; those inspections are carried out by federal entities. As such, the amendments proposed by SB 330 SD1 do not violate subsection (a) of PPA section 436.

<sup>3</sup> Idaho Code § 22-2013 (1) provides: “The [Idaho Department of Agriculture] may enter into cooperative agreements with the U.S. department of agriculture, and other federal, state, city or county agencies to assist in the enforcement of federal quarantines. The department may establish a quarantine and promulgate a rule against a plant pest or an area not covered by a federal quarantine. The department may seize, destroy or require treatment of products moved from a federally regulated area if they were not moved in accordance with the federal quarantine rules or, if certified, they were found to be infested with the plant pest.”

<sup>4</sup> Idaho Code § 22-2013 (4)(a) provides: “(a) Interstate shipments:  
(i) Any regulated article that is prohibited interstate movement or is required to be certified, if moved interstate from an area regulated by a state or federal quarantine, shall be refused entry into the state.



Finally, we note that the Committee on Agriculture and Environment added a number of definitions from section 403 of the PPA (7 USC 7702) to SB330 at the AG's suggestion. **We respectfully ask this Committee to consider amending SB330 SD1 by modifying one of those definitions and by adding one more definition from PPA section 403, as follows:**

- 1. On page 5, lines 16-17, amend the definition of "article" as follows (language proposed to be inserted is underlined):**

"Article" means any material or tangible object that could harbor plant pests or noxious weeds or that is itself a plant pest or noxious weed.

The additional language is requested so that the actual plant pests or noxious weeds covered by a federal quarantine are included. This addition would allow HDOA to enforce the full quarantine issued by USDA. The federal PPA handles this issue by listing out "plant pest" and "noxious weed" along with the term "article." We suggest for simplicity just including "plant pest" and "noxious weed" in the definition of "article" here.

- 2. On page 7, between lines 4 and 5, insert**

"State" means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

This additional definition will ensure that any USDA quarantine related to a United States territory can be enforced by HDOA for items imported into Hawaii.

Thank you for the opportunity to support SB 330 SD1.

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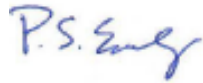
(ii) The owner or carrier of regulated articles that are reportedly originating in nonregulated areas of a quarantined state must provide proof of origin of the regulated articles through an invoice, waybill or other shipping document.

(iii) If only a portion of a state is under a state or federal quarantine, the shipment will not be refused nor a certificate required if the article originates from a nonregulated area of the shipping state, unless the article is found to be infested or prohibited."

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