

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
KA 'OIHANA MAHI'AI
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

WEDNESDAY, MARCH 12, 2025
9:00 AM
CONFERENCE ROOM 325 & VIDEOCONFERENCE

SENATE BILL NO. 562, SD2
RELATING TO INVASIVE SPECIES

Chair Kahaloe, Vice Chair Kusch, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 562, SD2 relating to invasive species. The bill establishes a Plant Nursery Registry Program to regulate the sale of nursery stock. Requires certain plant nurseries to register with the Department of Agriculture. The Department is supportive of this measure's intent as a means of assisting in managing the spread of pests and offers comments and suggested changes.

Should this measure move forward, the Department ultimately believes that specific requirements related to a Plant Nursery Registration Program, which this measure describes in great detail, such as the inspection frequency and quarantine measures such as those in the proposed 150A-E on page 7, should be enacted via Administrative Rules so those that are directly affected can participate in the rulemaking process. The Department notes that specific parts of this section, particularly those related to quarantining of infested material and remedial measures, are already covered by HAR 4-72.



The Department is appreciative of the inclusion of pop-up sales such as craft fairs or fundraising events. However, the transient nature of these types of events does not fit within the requirements outlined in HRS 150A-B and HRS 150A-C, which are geared towards locations that are continually producing or selling nursery stock as opposed to the sellers/distributors of nursery stock. The Department believes that a new section dedicated specifically to addressing these types of events should be added. This new section should clarify that a nursery which is already registered would not need to be subject to the requirements of this new section as they would already be subjected to the requirements of this part and instead of focusing on nursery locations, be focused on the sellers themselves and managing their best management practices as opposed to their location which they would not own.

On page 5, the Department has concerns about the proposed section HRS 150A-C as a pest mitigation measure because it relies purely on the registrant's attestation of compliance. The Department believes it is necessary to require inspections at each location after a person applies for a registration, and only subsequently listing them on the Department's website after an inspection is completed and compliance can be determined. Additionally, as pest pressure is constant, semi-annual inspections are suggested to ensure compliance. By posting the registrations online without any inspection verifying the claims the registrant is attesting to, it could provide a false sense of security that any entity under this program is actively engaged in pest management practices as opposed to being registered purely under good faith. By inspecting prior to registering a location, the Department is able to determine if the registrant is even able to comply and the Department believes this is the best way to effectuate this measure. The inspections would also have an added benefit of being able to directly answer site-specific questions that the Department could not get via a registration form and simultaneously enabling staff to continually assist with addressing pest-related issues. The Department notes that there are no resources allocated to this measure for staffing or operational activities and this measure covers the buying or selling of essentially any form of plant material. As the scope of coverage is very broad, the Department cannot reliably provide an estimated number of staff or resources that would be necessary to effectuate this measure.

On Page 6, beginning on line 21, proposed section HRS 150A-E enables inspection only during reasonable business hours. Surveys for coqui frogs only occur at night due to the frogs' being nocturnal. However, the Department doesn't foresee this issue impeding implementation should this measure be passed, as the Department has never been precluded from property access for coqui.

On page 10, line 5, the creation of a new Part III relating to "Nursery registration required" is likely to have minimal impact to Plant Nursery registrants or assist in getting persons to register. First, the Department has no way of determining if a person is above the \$2,500 income threshold referenced in HRS 150A-B(c), so determining if the withholding of services is necessary will be difficult, if not impossible, particularly as it relates to smaller growers, or those that buy and resell plants intermittently. Additionally, if the person comes for inspection/certification services at a Department office or if the services are done at the port of entry or any other area besides the registered location, this provision would appear to not apply. Additionally, should inspections become a prerequisite for registration, this section would seem to preclude the inspection itself because a person could not get the registration without the inspection. Should inspections prior to registration become required, the Department believes this section should be omitted because the Department would already know who was compliant or not.

Thank you for the opportunity to testify on this measure.

JOSH GREEN
GOVERNOR OF HAWAII

SYLVIA LUKE
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL

1151 PUNCHBOWL ST, #325
HONOLULU, HAWAII 96813

VOTING MEMBERS

DAWN CHANG
DEPARTMENT OF LAND & NATURAL
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PARWINDER GREWAL, Ph.D.
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MARY ALICE EVANS
BUSINESS, ECONOMIC DEVELOPMENT &
TOURISM

DEXTER KISHIDA
DEPARTMENT OF TRANSPORTATION

House Committee on AGRICULTURE & FOOD SYSTEMS

Wednesday, March 12, 2025
9:00 AM

State Capitol, Conference Room 325 and Via Videoconference

Chelsea Arnott, HISC Coordinator on behalf of
HISC Co-Chair Sharon Hurd and Co-Chair Dawn N.S. Chang

In consideration of SENATE BILL 562 SENATE DRAFT 2 RELATING TO INVASIVE SPECIES

Senate Bill 562 Senate Draft 2 establishes a Plant Nursery Registry Program to regulate the sale of nursery stock, requires certain plant nurseries to register with the Department of Agriculture, and establishes penalties. **The Hawai'i Invasive Species Council supports this measure.**

The threat of a new, devastating pest or disease is ever-present. As global trade and travel continues to increase and expand, there are more opportunities for new pest incursions to occur. Recent statistics for Hawai'i estimate that 80% of commodities and 90% of our food is imported, and over six million people visit Hawai'i each year, making border biosecurity critical for preventing new invasive species from arriving and spreading in the state.

Drastic changes in the State's abilities to regulate and prevent new and existing invasive species from entering and spreading are necessary and addressed in the 2017-2027 Hawai'i Interagency Biosecurity Plan. SB562 SD2 addresses many of the actions identified in the plan and its passage would support continued progress on achieving the plan's goal of a more biosecure Hawai'i.

Mahalo for the opportunity to testify in support of this measure.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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TO: Representative Kirstin Kahaloa, Chair
Representative Matthias Kusch, Vice Chair
Committee on Agriculture & Food Systems

FROM: Richard T. Bissen, Jr., Mayor
Rogerene Arce, Director of Agriculture

DATE: March 10, 2025

SUBJECT: SUPPORT OF SB562 SD2, RELATING TO INVASIVE SPECIES

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The act establishes a Plant Nursery Registry Program to regulate the sale of nursery stock. Requires certain plant nurseries to register with the Department of Agriculture. Establishes penalties.

We **SUPPORT** this measure for the following reasons:

1. We as a community and government are losing the fight in protecting our endemic environment. Nearly every endemic species in Hawai'i is either endangered, critically endangered, or extinct. These native systems are invaluable because they produce our water supply. We must increase our overall biosecurity and this bill aims to help preserve and protect our 'āina and wai, while creating mechanisms of accountability within our nursery and landscape industries.
2. A Plant Nursery Registry Program is vital to mitigating and stopping the spread of various invasive species. Our nurseries are a very important industry and are on the front line for reforestation and climate adaptation efforts, food security, and the perpetuation of native, endemic, and indigineous plants. The demand for plants from our nurseries are so high that we must implement measures to protect our community because the moving of plants from these businesses are one of the primary vectors for the spread of many invasive species.
3. A program like this is far from unprecedented with many successful models across the continent, proving the effectiveness of a Plant Nursery Registry. Multiple benefits include

HDOA having updated lists and opening up consistent lines of communications with nursery businesses, while also collecting important data related to invasive species. This program can also be a tool for nursery businesses to market and advertise that they are invasive species free.

Mahalo for your consideration.



House of Representatives
Committee on Agriculture & Food Systems
Wednesday, March 12, 2025
9:00 a.m. Conference Room 325
State Capitol

Testimony in Support of SB 562 SD2

Aloha Chair Kahaloe, Vice Chair Kusch, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of SB 562 SD2**, *Relating to Invasive Species*, which establishes a registration program for persons directly engaged with the production or sale of nursery stock.

The original text of SB 562 focused on businesses that sold what is typically thought of as nursery plants – plants for planting, propagation, or ornamentation. Plant nurseries are a significant pathway for the movement of pests, as set out in section 1 of SB 562 SD2 and as we have observed with the spread of little fire ants (LFA) and coqui frogs across the State. The Committees that heard SB 562 adopted changes requested by the Hawaii Department of Agriculture (HDOA) in their testimony to include fresh fruit and vegetables and cut flowers as “nursery stock,” resulting in the scope of the bill expanding from on-line registration and self-certification for the high risk pathway of plant nurseries to now include any seller of fruits and vegetables (grocery stores) and cut flowers, which are typically a much lower risk.

As introduced, SB 562 proposed that HDOA, with input from the regulated businesses and the public, develop short, **island-specific lists** of “high-priority pests” and “non-quarantine pests.” However, SB 562 SD2 reverts this to the existing process where the Board of Agriculture (BOA) determines which species are pests. We cannot find one instance of the BOA using that process to designate a species as a pest and there is no list of pests as determined by the BOA. There is a list of pests designated for control or eradication in chapter 69A, Hawaii Administrative Rules (HAR), that was last updated in 2008, is not island-specific, and contains many low-impact, widespread pests and omits many high-impact species. Currently, SB 562 SD2 requires plant nurseries, now including grocery stores and other fruit and vegetable and cut flower sellers, to report each new occurrence of a “pest” to HDOA, wasting business time and effort by requiring reporting of common pests like the widespread Chinese rose beetle, and even honey bees.

To address this problem, we respectfully request this Committee consider re-inserting the definitions and uses of the terms “high-priority pest” and “non-quarantine pest” as used in

the original version of SB 562 and reinserting former section 150A-F “Nursery program designation of high-priority pests and non-quarantine pests” from SB 562.

The original version of SB 562 was a first step for HDOA to get a handle on the spread of pests through the sale of nursery products. The program consisted of an online form and a self-certification, with HDOA authorized to do inspections of plant nurseries as they have available resources. SB 562 did not propose a novel or onerous program. Instead, requiring persons directly engaged with the production or sale of nursery stock to register with HDOA, not sell items infested with high-impact pests, and use best management practices is sensible legislation that protects the industry and consumers while costing HDOA little.

AS Sb562 SD2 notes in section 1, many states have programs that require persons that grow, distribute, or sell nursery stock to be licensed or certified and regularly inspected. None of these state programs apply to sellers of fresh fruits and vegetables who do not also sell nursery plants, and many of these programs have extensive requirements. For example:

- (1) Alabama (Ala. Code § 2-25-6, requiring an annual inspection certificate for any seller of nursery stock with a fee between \$50 and \$230, based upon the previous year's volume of sales).
- (2) California (The California Department of Food and Agriculture has a nursery license program. According to their website, “Nursery stock is the highest risk pathway for the movement of plant pests worldwide. Maintaining a system of clean, healthy nursery stock is essential to the protection of California’s agriculture and environment.” <https://www.cdfa.ca.gov/plant/pe/nsc/nursery/>).
- (3) Delaware (Del Code tit. 3, §§ 1302, 1303, requiring a nursery license, an annual nursery inspection certificate, and authorizing unannounced inspections, as deemed necessary).
- (4) Kentucky (Ky. Rev. Stat. § 249.060, requiring each nursery or dealer in nursery stock to obtain an annual license for each location for a fee between \$25 and \$40 plus \$1.50 per acre).
- (5) Maryland (Md. Code, Agric. § 5-309, requiring a nursery inspection at least annually and a fee starting at \$10 up to a maximum of \$1000, based on nursery size, and an annual certification for a fee of \$100).
- (6) Massachusetts (Mass. Gen. Laws ch. 128, § 17, 801 CMR 4.02, requiring each nursery or place where nursery stock is grown to be inspected at least once annually and to obtain an annual certificate for a fee between \$30 and \$210).
- (7) Michigan (Mich. Comp. Laws §§ 286.206, 286.210, <https://www.michigan.gov/mdard/plant-pest/plant-health/nursery-licensing-and-inspection> requiring a person growing or desiring to sell nursery stock to have a license and certificate for each business location for a fee between \$40 and \$100 and annual inspection of each nursery in the state for hourly-based fees of \$74 per hour or acreage-based fees of \$67 for the first acre, and \$40 for each additional acre).

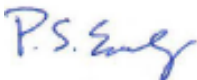
- (8) New Hampshire (N.H. Rev. Stat. §§ 433:29, 433:29-a, <https://www.agriculture.nh.gov/divisions/plant-industry/faq-nursery-plant-dealers.htm> requiring a license for each business location selling nursery stock for a fee of \$25 and authorizing inspections as determined necessary).
- (9) New Mexico (N.M. Stat. §§ 76-5-15, 76-5-16, 75-5-26 requiring every dealer or agent selling, importing, or storing nursery stock to obtain an annual license for a fee of not more than \$75 and an annual inspection certificate for a fee of not more than \$75 plus \$2 per acre).
- (10) Ohio (Ohio Rev. Code §§ 927.53, 9267.61, requiring annual inspection of nursery stock offered for sale and an annual license for a fee of \$125).
- (11) Rhode Island (R.I. Gen. Laws § 2-18.1-6, <https://dem.ri.gov/sites/g/files/xkgbur861/files/2024-01/nursfaq.pdf> requiring annual certification and inspection of all locations growing or selling nursery stock for a fee of \$50).
- (12) Tennessee (TCA §43-6-106; Tenn. Comp. R&Regs. 0080-06-01-.05 requiring greenhouse licenses, nursery licenses, plant dealer licenses, florist licenses, landscaper licenses, and other similar licenses for various fees up to \$250 and authorizing their Department of Agriculture to enter any property or location where plants are grown or kept for sale or distribution during normal business hours, as often as the department deems necessary for the prevention or mitigation of pests, pest plants, and diseases).

Mahalo for your consideration of our testimony on this bill and the Committee's efforts to protect purchasers, communities, and industries from the inadvertent spread of pests through nursery stock.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Wednesday, March 12, 2025, 9:00 A.M.

To The Honorable Kirstin Kahaloe, Chair
The Honorable Matthias Kusch, Vice Chair
Members of the committee on Agriculture & Food Systems

COMMENTS ON SB562 SD2 RELATING TO INVASIVE SPECIES

The Maui Chamber of Commerce would like to share our **COMMENTS on SB562 SD2**.

The Chamber strongly believes that one of the greatest challenges in our island state is the transfer of invasive species through the sale of plants between islands. In addition to this, the importation of plants that bypass agricultural inspections further expands opportunities for invasive species to establish themselves in new locations, where mitigation measures may no longer be effective. These species can significantly alter our environment, economy, and social well-being. We advocate for funding to focus on increasing the number of inspectors and exploring options for quarantining plants prior to interisland shipping to ensure they are not transporting invasive species.

We encourage the legislature to collaborate with the nursery, agriculture, and plant industries in the development of certain aspects of this bill prior to its passage. It is important to ensure that the list of invasive species is accompanied by appropriate actions, such as quarantines and eradication efforts. Additionally, we are concerned about the introduction of a new nursery registration process and its potential impacts on businesses. We view this as another opportunity for the legislature to engage with the industry to explore options for licenses and fees, ultimately working together to establish an effective accountability program.

For these reasons, we are providing **COMMENTS on SB562 SD2**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



Hawai'i Forest Industry Association

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Honolulu, HI 96825

Phone: 808/933/9411

Email: hfia@hawaiiiforest.org

Date: 03/10/25

TO: AGR Chair Kahaloa and AGR Committee Members

FROM: Hawai'i Forest Industry Association (HFIA)

SUBJECT: In opposition to SB562 SD2 Relating to Invasive Species with comments

Dear Chair Kahaloa and AGR Committee Members,

On behalf of the Directors of the Hawai'i Forest Industry Association (HFIA), this testimony is in opposition to SB652 SD2 Relating to Invasive Species and offers comments.

The Hawai'i Forest Industry Association (HFIA) believes that the state should enforce regulations that help to prevent the introduction and spread of invasive species to Hawaii, however we do not support the Nursery Registration program as described in SB652 SD2.

For small nurseries who may not have the staffing to meet the requirements and expectations a Nursery Registration program would demand, annual registration is a lot to ask. Many nurseries are backyard operations with only one operator and laborer. Despite their small size they provide highly valuable services and resources to their communities. Implementing the requirement to register their nursery and meet the list of criteria outlined in the bill may hinder their ability to provide their services and resources to their communities.

The HFIA does believe that nurseries need to be held to enforceable standards in order to protect Hawaii from the spread of invasive species, however we suggest that the Nursery Registration program be more stratified to accommodate nurseries of varying sizes and capacities, and that the Department of Agriculture be better resourced to help nurseries (and agricultural operations) in combating invasive species. Small scale operations do not have the time, resources and manpower to do it on their own and should not be penalized for that.

For these reasons HFIA hopes that you will oppose SB652 SD2 in its current form. The bill should be amended to make meeting Nursery Registration requirements more attainable for the numerous small nurseries across the state.

Mahalo,

Guy Cellier, President
Hawai'i Forest Industry Association

HFIA's mission is to promote healthy and productive forests and a sustainable forest industry through management, education, planning, information exchange, and advocacy. HFIA has over 100 members including woodworkers, landowners, sawyers, foundations, foresters, growers, educators, environmentalists, architects, millers, ranchers, and others interested in HFIA's mission and goals.

HFIA Board of Directors

Officers: President Guy Cellier, Vice President Irene Sprecher, Secretary Taylor Coons, Treasurer Wade Lee
Directors: Jeremy Campbell, Doug Gordon, Nicholas Koch, Michael Sowards, Aileen Yeh

SB-562-SD-2

Submitted on: 3/10/2025 1:14:48 PM

Testimony for AGR on 3/12/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

SUPPORT!

March 10, 2025

To: Chair Kahaloe, Vice Chair Kusch and the House Committee on Agriculture & Food Systems

Subject: **SB 562 SD2**, Relating to Invasive Species

Aloha,

Mahalo for the opportunity to testify. I am writing in **support of SB562 SD2 with comments**. Hawai'i Food+Policy aims to strengthen the resiliency and sustainability of Hawai'i's food system, while uplifting and advocating for the stakeholders who are also involved. Although the intention behind this bill is appreciated and can be considered in alignment with our mission, there are some parts that raise concern.

For starters, while I am in support of the Plant Nursery Stock Program, I am concerned about Page 6 line 14, which states that the Department may charge a registration fee to initiate the certification process. I have reservations about this statement because agriculture in Hawai'i is an industry that already faces financial difficulties, adding another fee would add yet another bill to the laundry list and hit small farmers the hardest. Not to mention, the total fee amount was not included in the bill, creating an element of vagueness and chances of agreement less likely.

The second area of concern is the mentioning that Nurseries/sellers of nursery stock will have to comply with pest control/eradication BMPs. Another well intentioned inclusion, however upon reviewing the bill, HDOA's website, and the administrative rules, the BMPs do not appear to be listed or mentioned. If BMPs are going to be another requirement, then they need to be made evident either by the HDOA, or in the bill itself. I would go as far as to recommend posting them on HDOA's website and listing them in HDOA's administrative rules as well, such as in chapter 69A.

Again, I **support the passage of SB562 SD2 but with amendments** to address areas of concern described above. Increasing collaboration and input from the industry may benefit this bill while addressing the concerns as well.

Mahalo,
Jeanette Burdick & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2025, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

BIISC
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March 11, 2025

Hearing: House Committee on Agriculture and Food Systems

RE: SB562 SD2

Aloha Chair Kahaloa, Vice Chair Kusch, and Members of the Committee,

I would like to express BIISC's support for SB562 SD2, Relating to Invasive Species, which establishes a registration program for persons directly engaged with the production or sale of nursery stock. These are common sense measures - requiring best management practices to avoid spreading pests, reporting new or unusual disease occurrences, prohibiting the sale of any pest-infested stock - that will serve our state and help to improve our biosecurity.

BIISC has long implemented a voluntary nursery endorsement program on the Big Island which requires many of these basic measures. Through this program, Plant Pono, we conduct inspections of more than 60 nurseries each year, and find that most nurseries are more than happy to embrace these practices because of their appreciation for our 'āina and communities. We encourage this measure to formalize the industry and provide the opportunity to recognize good citizens and focus regulatory authority on the "bad actors".

Mahalo for the opportunity to provide testimony on this proposal.



Franny Kinslow Brewer
Program Manager
Big Island Invasive Species Committee

SB-562-SD-2

Submitted on: 3/9/2025 12:31:50 PM

Testimony for AGR on 3/12/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Faccenda	Individual	Support	Written Testimony Only

Comments:

I support this measure as a common-sense regulation on an industry which has the potential to permanently alter the landscape of the islands through the spread of pests such as LFA or coqui frog contained within pots. You wouldn't want to eat at a restaraunt with a rat problem, nor would you want to buy plants from a nursery with a LFA or coqui problem. This program will protect consumers from nuseries which do not adopt best practice measures for the control of pests in the plants which they sell.

SB-562-SD-2

Submitted on: 3/10/2025 12:53:34 PM

Testimony for AGR on 3/12/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

I have been shocked many times over the years, after reading about the threat of a particular plant species, to find that very species for sale openly to the public. I support SB 562 to slow the spread of invasive species.

SB-562-SD-2

Submitted on: 3/10/2025 5:18:58 PM

Testimony for AGR on 3/12/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcia Kemble	Individual	Support	Written Testimony Only

Comments:

Greetings Committee Chair and Committee Members,

Please support SB562 SD2! I am extremely worried about the dangers presented by invasive species. We need to use all the tools at our disposal to fight the threat posed by pests including little fire ants, coconut rhinoceros beetle, coqui frogs, etc. Already three of my siblings (one in Enchanted Lake, one in Maunawili, and one in Makiki Heights) have encountered little fire ants!

Thank you.

Marcia Kemble

Makiki

SB-562-SD-2

Submitted on: 3/10/2025 3:57:28 PM

Testimony for AGR on 3/12/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

Certain plant nurseries have put profit over the health of the environment for far too long, and have caused devastating and widespread harm. This bill needs to pass.