S.B. NO. <sup>330</sup> S.D. 1 H.D. 2

C.D. 1

# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES PREVENTION.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 The legislature finds that diversifying and SECTION 1. 2 strengthening the State's agricultural sector is a high 3 priority. Citrus, including oranges, limes, tangelos, and 4 grapefruit, is increasingly being planted in the State, 5 particularly on Maui. According to the United States Department 6 of Agriculture (USDA) National Agricultural Statistics Service, 7 the production of citrus crops in the State increased from 8 347,610 pounds in 2018 to 940,770 pounds in 2021. The 9 legislature wants to protect and promote citrus crops as 10 production continues to increase and as pest and disease 11 pressure in major citrus-producing states hamper production.

12 The legislature further finds that the federal and state 13 governments must work cooperatively to prevent the spread of 14 pests and diseases that impact crops, including citrus. When a 15 pest or disease of high concern is discovered infesting a crop 16 or is being moved with a particular commodity, the USDA may 17 establish a guarantine on that infested crop or commodity to

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prevent the movement of invasive pests or diseases from an
 infested area to a non-infested area.

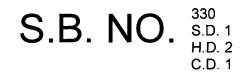
3 The legislature also finds that citrus crops around the 4 world are threatened by serious diseases and pests, including 5 huanglongbing (citrus greening), citrus canker, citrus black spot, and many species of fruit flies. Citrus greening is the 6 7 most serious citrus disease as there is no cure, the fruit of infected trees never mature, and infected trees die within a few 8 9 years. The disease has devastated millions of acres of citrus 10 crops around the world. In the United States, it is currently 11 found in Alabama, California, Florida, Georgia, Louisiana, 12 Mississippi, Puerto Rico, South Carolina, Texas, and the United States Virgin Islands. Hawaii is one of the very few 13 14 citrus-producing states that remains free of citrus greening.

15 The legislature additionally finds that the USDA 16 establishes and updates areas and items that are quarantined and 17 not allowed to be moved interstate to prevent the spread of 18 diseases and pests, including those affecting citrus.

19 The legislature further finds that the Hawaii department of 20 agriculture restricts the importation of many citrus species 21 from Puerto Rico and parts of south Florida to protect against



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Caribbean fruit flies. However, these restrictions were last
 updated in 1981 and are not sufficient to protect citrus crops
 in the State today.

4 The legislature also finds that federal USDA inspectors do 5 not inspect items coming into Hawaii from other states, and when 6 commodities from guarantined areas arrive in the State, the 7 department of agriculture does not have the legal authority to 8 enforce federal guarantines. Therefore, while the USDA 9 quarantines are established to protect the State from 10 potentially devastating invasive pests and diseases, there is no 11 mechanism to enforce them in the State.

12 The legislature finds that authorizing inspectors of the 13 department of agriculture to enforce federal pest and disease 14 quarantines will close this gap in the State's biosecurity.

15 Therefore, the purpose of this Act is to authorize the 16 department of agriculture to enforce federal quarantines to 17 prevent the introduction of invasive pests and diseases into the 18 State.

19 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:

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1	" <u>§</u> 15	0A- Federal and state quarantines; enforcement;	
2	cooperati	ve agreements. (a) The department may enter into	
3	cooperative agreements with the United States Department of		
4	Agricultu	re and other federal, state, or county agencies to	
5	<u>assist in</u>	the enforcement of federal quarantines. The	
6	department may seize, destroy, or require treatment of articles		
7	moved fro	m a federally regulated area if the articles were not	
8	moved in	accordance with the federal quarantine rules or, if	
9	certified	, the articles were found to be infested with the pest.	
10	(b)	Interstate shipments for entry into this State shall	
11	be subject to the following:		
12	(1)	A regulated or restricted article shall not enter this	
13		State if it is prohibited from interstate movement	
14		pursuant to a federal quarantine; or	
15	(2)	The owner or carrier of regulated or restricted	
16		articles that are reportedly originating in	
17		nonregulated areas of a quarantined state shall	
18		provide proof of origin of the regulated or restricted	
19		articles through a waybill, or other shipping	
20		document, unless otherwise required in title 7 Code of	
21		Federal Regulations part 301.	

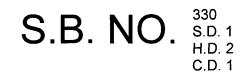
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(c) As used in this section:		
"Federal quarantine" means a regulatory action imposed by		
the federal government, including the United States Department		
of Agriculture or the Animal and Plant Health Inspection		
Service, to prevent the introduction, spread, or dissemination		
of pests in the United States.		
"Quarantined state" means any state or any portion thereof,		
designated as a quarantined area in accordance with any federal		
regulation or order of the United States Secretary of		
Agriculture or the Administrator of the Animal and Plant Health		
Inspection Service.		
"Regulated or restricted article" means any article		
identified as a regulated article by the Secretary of the United		
States Department of Agriculture or the Administrator of the		
Animal and Plant Health Inspection Service.		
"State" means any of the several states of the United		
States, the District of Columbia, American Samoa, the		
Commonwealth of the Northern Mariana Islands, the Commonwealth		
of Puerto Rico, Guam, the Virgin Islands of the United States,		
or any other territory or possession of the United States."		



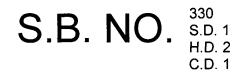


SECTION 3. This Act does not affect rights and duties that
 matured, penalties that were incurred, and proceedings that were
 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.





#### Report Title:

DOA; USDA; Invasive Species Prevention; Federal Quarantines; Enforcement

#### Description:

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Authorizes the Department of Agriculture to enforce federal quarantines. (CD1)

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