

JOSH GREEN, M.D.
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SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

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

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

**WEDNESDAY, FEBRUARY 4, 2026
9:00 AM
CONFERENCE ROOM 325 & VIDEOCONFERENCE**

**HOUSE BILL NO. 1931
RELATING TO AGRICULTURE**

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

Thank you for the opportunity to testify on House Bill No. 1931 relating to Agriculture. The bill seeks to institute a formal and transparent framework to update and maintain the State's noxious weed list by establishing a state noxious weed coordinator, updating the process of noxious weed designation and management, allowing public proposals to add or remove noxious weed designations, requiring notice and public reporting, clarifying the authority of the Department of Agriculture and Biosecurity (Department) and Board of Agriculture and Biosecurity (Board), authorizing the update of the noxious weed list by order, classifying noxious weeds into three categories, strengthening enforcement and penalties, and updating departmental duties for noxious weed control and eradication. The Department offers comments on this bill.

The Department agrees that the noxious weed list should be updated and maintained to be an effective tool in minimizing the introduction and spread of noxious weeds in the State. Updating and maintaining the list will require significant, dedicated effort from the state noxious weed coordinator. Existing staff do not have the capacity to

assume these additional responsibilities. Therefore, the Department is requesting an allocation of \$120,000 to fund a full-time state noxious weed coordinator. Regarding proposed HRS §152-A(c), the Department believe that this section is unnecessary because the requirements for this job description would need to in compliance with collective bargaining and other human resources-related obligations upon establishment of the position. Rulemaking after position establishment would not negate these requirements and the Department believes that the proposed requirements in HRS §152-A(b) are already sufficient.

In addition, the Department is requesting an allocation of \$120,000 to fund a full-time Biosecurity Inspector position to investigate any potentially unlawful activities described in Section 7 of the bill. The position will be responsible for collecting pertinent information to develop cases against potential violators so that relevant statutes may be enforced.

The Department seeks clarification on the proposal-submission procedure for noxious weed designation, which is scheduled to occur between January 1 and March 31 each year, as described in Section 2, HRS §152-B of the bill. The Department is concerned that this section does not have any way for the noxious weed coordinator to administratively review and/or deny proposals prior to review by the Board, particularly with change to the definition of “noxious weed” to include plants that are potentially harmful to “natural resources, cultural resources, environment, or public or animal health”. As the noxious weed coordinator is the lead reviewer, they should have the authority to administratively review and deny proposals that do not meet the requirements proposed in this section. The Board should not be reviewing proposals that are incomplete or contain insufficient information but are required to do so in HRS §152-C(a). For example, there may be situations in which proposals are submitted in late March, and the state noxious weed coordinator may not have sufficient time to conduct a preliminary review. In such cases, will these proposals be forwarded to the Board for review in April of the following year?

In section HRS §152-C(a), the Department suggests changing this section to read as follows:

"(a) No earlier than [In] April 1 of each year, the board shall accept for review the proposals submitted under section 152-B at [a] the next scheduled board meeting."

The Department believes this change is necessary to ensure that Board is not in statutory violation should there not be quorum or any other reason that the Board cannot convene in April.

In section HRS §152-C, the Department has concerns that depending on the number or requests or number of taxon proposed for review, there may not enough time for the noxious weed coordinator to adequately complete their review and provide their recommendation to the Advisory Committee on Plants and Animals (Committee) and to still be able to meet the October Board review deadline.

The Department is unsure about the process listed in HRS §152-D to collect public comments for each proposal during the three month public comment period, as it may be in violation of HRS 91 and possibly HRS 92. Generally, when collecting comments/testimony on a rule change it is done at a specific date/time/place and then provided to the reviewing body. The current proposed procedure requires the Department to issue a press release within 30 days after the Board's preliminary approval; the noxious weed coordinator would not be able to adequately review each proposal and work with the person who submitted the proposal before seeking public comment. Additionally, HRS 150A-C(b)(6) requires the noxious weed coordinator to consider all oral and written comments submitted under HRS 152-D, further exacerbating the time requirements. The 30-day press release time frame also enables the public to submit comments to the Committee and Board that the noxious weed coordinator could address during their administrative review, which would lessen the burden on the testifiers, Committee and Board. Because the comment period is three months, the number of meetings held may vary, so some proposals may get more

opportunities to submit testimony versus others. This process is also cumbersome as it requires the Committee and Board to publicly notice each of these proposals at each of their meetings to allow each testifier the same opportunity to provide comments and for the Committee and Board to be able to discuss their comments. It also fragments the submission of testimonies, so testifiers may or may not have a complete picture of what is going on leading to duplication of discussions with the Committee and/or Board.

Similarly to the comments regarding the initial submission timeframe, HRS 152-C(d) states that in October each year, the Board, after considering each recommendation of the advisory committee on plants and animals and all oral and written comments, shall vote on each proposal. If some proposals cannot be presented to the Board for a vote in October due to unforeseen circumstances, will those proposals then be presented to the Board for a vote in October of the following year?

In section HRS §152-C(d), the Department suggests changing this section to read as follows:

"(d) No earlier than [In] October 1 of each year, the board, after consideration of [each] all recommendations of the advisory committee on plants and animals required by subsection (c) and all oral and written comments submitted under section 152-D(b), shall vote on each proposal."

The Department believes this change is necessary to ensure that Board is not in statutory violation should there not be quorum or any other reason that the Board cannot convene in April.

The Department seeks clarification on HRS 152-C(e), which states that "...the board shall adopt by order the State noxious weed list for that year....". The Department believes the noxious weed list is intended to be maintained and adjusted over time, not necessarily having each taxon reviewed annually for Board approval. If

the latter is the intent, there is a large number of changes that are needed to this measure for clarity.

The Department is unclear on the intent of HRS 152-C(f). The Department does not believe that the Chair is able to “recommend” an emergency to the Board without proper notice and “petitions” are normally used for contested case hearings, to initiate rule changes, or for declaratory orders, none of which appear to be applicable. Additionally, should the Board be able to make an emergency revision to the noxious weed list and not concur, it is unclear how their recommendation would affect the Board’s order that would already have been enacted.

The Department seeks further clarification on section HRS 152-C(g). The intent of the bill is to establish a process for designating and managing noxious weeds. However, the phrase “prevent the introduction or spread of pest species” is broader than the bill’s scope and typically includes insects and pathogens, not noxious weeds. However, if the intent is to regulate movement, HRS 150A-9.5 already has a process that could be used to manage movement.

On page 13, line 6, section 5 proposes the addition of a new definition of “person” into HRS 152-1. However, this definition is already in this section, and the definition only needs to be updated, not added again as this would be duplicative. Additionally, for clarity, the Department suggests adding a definition for the “Advisory Committee on Plants and Animals” for consistency and clarity.

Lastly, the Department further seeks clarification on the phrase ‘limited distribution’ as used in Section 8 of the bill, which states that Class A noxious weeds shall not be known to occur, or are of very limited distribution, in the State. The bill also states that Class B noxious weeds are those that are known to occur in the State but are of limited distribution on one or more islands. However, the term ‘limited distribution’ is not defined in the bill, and without clear criteria or thresholds, its meaning is open to

interpretation. This lack of specificity may lead to inconsistent application of the classification system and uncertainty when determining whether a species meets the criteria for Class A or Class B designation.

Thank you for the opportunity to testify on this measure.



House of Representatives
Committee on Agriculture & Food Systems
Wednesday, February 4, 2026
9:00 AM Conference Room 325 & Videoconference
State Capitol

Testimony in Support of HB1931

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

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of HB1931, Relating to Agriculture**, which sets out a plan to revitalize noxious weed prevention and control efforts at the State level. The bill requires the noxious weed list to be updated annually by order of the Board of Agriculture and Biosecurity (the Board), establishes a process for the public to propose plant species for designation as noxious weeds, authorizes the Department of Agriculture and Biosecurity (DAB) to carry out noxious weed control actions without a contribution from the landowner/land occupier of each parcel where the actions will take place, designates a State noxious weed coordinator within DAB, and strengthens enforcement.

Noxious weeds impact agriculture, livestock, natural resources, cultural resources, and quality of life, and may require expensive management and ongoing herbicide treatments. However, noxious weed prevention and control have not been prioritized by the DAB, as other priorities have required its attention and resources. As noted in HB1931, the list of designated noxious weeds in chapter 4-68 Hawaii Administrative Rules (HAR) was last updated in 1992 and now includes many widespread species, while omitting highly invasive species, allowing them to be imported into and sold within the State. The noxious weed statute, chapter 152, Hawaii Revised Statutes (HRS), and administrative rules, chapter 4-68, HAR, are holdovers from an earlier time and do not address current noxious weed issues in the State.

HB1931 is a much-hoped-for overhaul of the noxious weed program. The process set out in the bill for annually updating the noxious weed list is similar to the effective noxious weed listing process used in Washington State¹ and to the recommendations of a working group led by DAB that met in 2020-21, comprised of experts from DAB, representatives of agricultural producers, the island-based invasive species committees, Hawaii Invasive Species Council (HISC), CGAPS, and others. The annual process set out in HB1931 to update the State's noxious weed list is as follows:

¹ <https://www.nwcb.wa.gov/get-involved>

- From January 1 to March 31, any person may submit a proposal for a noxious weed designation.
- At the Board's April meeting, the Board accepts the submitted proposals for review.
- No later than 30 days after that April Board meeting, the State noxious weed coordinator (coordinator) issues a press release and provides notices to each person who has requested a notice summarizing the changes proposed to the noxious weed list.
- During the 3 months following that April Board meeting, any person may provide oral and/or written testimony on the proposals to the Board and the coordinator.
- The coordinator will review each proposal, all received testimony, and submit a written recommendation for each proposal to the Advisory Committee on Plants and Animals (Advisory Committee).
- The Advisory Committee will review each proposal and the coordinator's recommendation and issue a written recommendation for each proposal.
- In October, the Board will: consider each recommendation of the Advisory Committee and all testimony received; vote on each proposal; and adopt, by order, the State noxious weed list for the year.

This process will keep the noxious weed list up to date, ensuring that plants that are harmful invasive species cannot be imported into or sold in the State, or transported into areas free of those species. We note that the requirements in HB1931 for public input on proposed noxious weed designations are similar to the requirements for public input set out in section 150A-6.6 HRS and section 4-71-4.2 HAR, that allow additions to, or deletions from, the lists of restricted and prohibited animal species to be made by order of the Board, instead of amending the lists through chapter 91 HRS rulemaking. We also note that the existing noxious weed statutes allow the Board to modify the list of noxious weeds without chapter 91 HRS rulemaking.

Another important update proposed in HB1931 is the removal of the requirement that DAB enter into a cooperative agreement with each landowner/land occupier of a parcel where DAB intends to control a noxious weed. (§152-6(d) HRS) Currently, DAB cannot control a noxious weed unless the landowner/land occupier contributes materials, personnel, or other resources to the control effort. The only exceptions to this requirement are cases where the landowner/occupier “will not benefit materially or financially by the control or eradication of the noxious weed; or when the noxious weed infestation is on state-owned land not leased or under control of private interest.” (§152-6(e) HRS) This requirement for a landowner/occupier contribution made sense when agriculture in Hawaii was carried out by large landowners to avoid situations in which the State was fully providing weed control for a large agricultural interest. However, now, the requirement prevents DAB from identifying an area infested with a noxious weed and carrying out a control program that will benefit the public generally, as well as agricultural, natural, and cultural resources, unless each landowner/occupier in that area enters into a cooperative agreement and provides materials, personnel, or other resources.

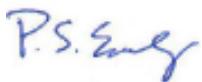
We hope this Committee will support HB1931 and the attempt to modernize the State's noxious weed laws and to revitalize noxious weed control efforts at the State level.

Thank you for the opportunity to provide testimony and our support for this bill.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow



3 February, 2026

To: Chair Cory M. Chun, Vice Chair Matthias Kusch, and the House Committee on Agriculture & Food Systems

Subject: **HB1931**, Relating to Agriculture

Aloha,

Hawai'i Food+ Policy is writing in **support of HB1931 with amendments**. Of particular interest is the language which "allows public proposals to add or remove noxious weed designations." This decision allows community members to engage in public/community education platforms and educate themselves about the benefits and/or determinants of particular plants around them.

Within bill language however, we then see "§152-B Proposals for noxious weed designations. (a) Any person may submit a proposal relating to a noxious weed designation between January 1 and March 31 of each year." I would provide suggestions to **amend the current language** to allow for year round submissions from persons and keep a public portal open in the case highly engaged community members are able to regularly document and update the impact of the proposed noxious weed over time. With this amendment I would then modify the language to read "§152-B Proposals for noxious weed designations. (a) Any person may submit a proposal relating to a noxious weed designation throughout the year between January 1 and December 31."

For consistency within the legislative language I would then propose amendment to "§152-C Procedure for changes to the State noxious weed list. (a) In April of each year, the board shall accept for review the proposals submitted under section 152-B at a scheduled board meeting." to instead read "§152-C Procedure for changes to the State noxious weed list. (a) In April of each year, the board shall accept for review the proposals submitted under section 152-B, with the last submission considered submitted by March 31, at a scheduled board meeting." This maintains a clear and explicit cutoff date for submission but allows for regular community engagement with the process. The remainder of the process language is still applicable while maintaining the heart of year round submissions and constant engagement while clearly articulating the cutoff date for annual considerations.

Within the proposed amendments we make it easier to report weeds which may only be clearly identified or physically noticed during particular seasons. Year round reporting also allows us to say something when we see something instead of having to record, store, and remember to report potentially 9 months later.

With these proposed modifications, we **support HB1931 with amendments** and appreciate your committee for taking the time to read and consider these changes.

Mahalo,
Brandon Kinard & 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 2026, 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.

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Kaua'i



Aloha Chair Chun, Vice Chair Kusch, and Members of the House Agriculture & Food Systems Committee,

The Hawai'i Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFU supports HB1931.**

HB1931 addresses the critical need to update and manage Hawaii's noxious weed policy, a pressing concern due to the ecological, agricultural, and economic threats posed by invasive plant species. Establishment of a State Noxious Weed Coordinator is a positive step for leadership and coordination to protect native species and ecosystems.

The provision for cooperative agreements with landowners for weed control is crucial. This collaborative approach should be supported by clear guidelines and incentives for participation to encourage engagement from the farming community.

Overall, HB1931 represents a significant advancement in managing invasive plant species in Hawaii. By encouraging public participation, improving regulatory processes, and enhancing enforcement mechanisms, the bill could significantly benefit local farmers and ecosystems. Continued collaboration with the farming community and other stakeholders will be essential for successful implementation.

Mahalo for the opportunity to testify.

Hunter Heaivilin
Advocacy Director
Hawai'i Farmers Union

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LATE



February 2, 2026

Hearing: House Committee on Agriculture & Food Systems

RE: HB1931

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

I would like to express BIISC's support for HB1931 which creates a State noxious weed coordinator and overhauls the existing noxious weed statutes, including provisions to allow the Board of Ag and Biosecurity to update the noxious weed list by order and requiring the Board to accept petitions from the public for the designation of plants as noxious weed species.

Hawai‘i's Noxious Weed Law was enacted in 1992, and has never been updated. The phrase “invasive species” would not even be used in statute for another 7 years, until 1999, when the Clinton administration issued the first federal invasive species legislation. Hawaii did not adopt an official definition for another two years. Our understanding of the impacts and movement of invasive organisms has grown exponentially in the decades since. Worldwide movement of goods also accelerated dramatically during that time - all while our regulatory framework remained largely static. This mismatch has left the State reactive rather than proactive, resulting in the proliferation of many harmful plant species that frustrate farmers, land managers, and residents on a daily basis.

As the primary entity on the Big Island responsible for finding and evaluating newly naturalized plants, we work hard to slow the flow of new plants onto the landscape. Sometimes, it can feel like we are chasing our tails, trying to get control of current populations while also being flooded by new species. Last year, our community alerted BIISC staff that a big-box retailer in Hilo was selling the highly invasive Australian tree fern, even as conservation programs use tax dollars to control its destructive spread into our watersheds. BIISC staff (and members of the public) contacted store managers and urged them to remove the plants from sale. The retailers declined to act, however, stating that they had checked with the HDAB and learned that the plant was not listed as a Noxious Weed, and therefore was completely legal to sell. But in 1992 we did not yet know that ATF would be an invasive plant in Hawaiian landscapes. This is a clear example of how outdated statutes limit regulatory authority and actually work against the interests of our state.

Our Invasive Plant Prevention program, working with UH researchers, actively documents escapes from cultivation, and found 24 new species last year alone. For example, BIISC is currently monitoring an incipient population of *Rosa rugosa*, a popular horticulture plant that is now listed as noxious in several U.S. states and in Canada. Despite its known invasiveness elsewhere, the species was - and is - still able to be legally imported and cultivated in Hawai‘i. The purple-flowered rubbervine (*Cryptostegia madagascariensis*) has been found twice in the last 3 years in cultivated landscaping, even as we have worked to eradicate it for nearly a decade - indicating continued importation despite BIISC having invested years of staff time and resources to control it in the wild.

The current noxious weed law relies on decades-old information, assigning status to individual islands as being “free” or “relatively free” of certain species when many of these plants are now widespread on those islands. Species such as *Anredera cordifolia* and *Bocconia frutescens* are well established across Hawai‘i Island, while *Chromolaena odorata* is widespread on O‘ahu. This muddies the waters of response and of communication to the public. Without a more nimble, regularly updated system, the noxious weed list cannot serve as an effective management tool.

HB1931 provides a practical, science-based framework to modernize Hawai‘i’s noxious weed program, improve coordination, facilitate training and collaboration, and most importantly, allow the State to act earlier—when control is still feasible and affordable.

We strongly urge this committee to support HB1931 and help align Hawai‘i’s noxious weed laws with the realities we face on the ground today.

Mahalo for your consideration.



Franny Kinslow Brewer
Program Manager
Big Island Invasive Species Committee

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
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KAHOOLAE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson**

**Before the House Committee on
AGRICULTURE AND FOOD SYSTEMS**

**Wednesday February 4, 2026
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1931
RELATING TO AGRICULTURE**

House Bill 1931 establishes a State Noxious Weed Coordinator; updates the process for designating and managing noxious weeds; allows public proposals to add or remove noxious weed designations; requires notice and public reporting; clarifies the authority of the Department and Board of Agriculture and Biosecurity; authorizes updates to the noxious weed list by order, classifies noxious weeds into three categories; strengthens enforcement and penalties; and updates departmental duties for noxious weed control and eradication. **The Department of Land and Natural Resources (Department) supports this measure provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request.**

This bill succinctly outlines the significant problem of invasive plants in Hawai'i. Hawai'i's economic, ecological, and cultural heritage are under constant threat from both established and recently introduced plants. There is great need to make the list of prohibited plant species as robust and up-to-date as possible. Except for plants on the noxious weed lists of the federal government and State of Hawai'i, all other plants from anywhere in the world are currently allowed to enter the State.

The Hawai'i Noxious Weed List (NWL) has not been updated since 1992. Since then, some of the species on the NWL have become widespread in Hawai'i, and many new invasive plants have

come into the State. This bill could help restore the effectiveness of the NWL by ensuring it is more regularly renewed.

The Department supports the establishment of a Noxious Weed Coordinator. Historically the Department of Agriculture and Biosecurity (DAB) managed the NWL and its upkeep, but a full position has not been dedicated to this function in a long time. The Department also supports both the annual update of the NWL and the provision for emergency additions to the list.

The maintenance of the NWL at DAB is integral to preventing the importation of some of the most invasive plants known to be a threat to Hawai‘i. Hawai‘i’s ecosystems, culture, and economy are all significantly impacted by invasive plants on a regular basis, and the NWL is one way the State can prevent some new threats from becoming established here.

Mahalo for the opportunity to comment on this measure.

HB-1931

Submitted on: 2/3/2026 6:50:38 AM
Testimony for AGR on 2/4/2026 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Chuck Chimera | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Chun, Vice Chair Kusch, and Members of the Committee on Agriculture & Food Systems:

Mahalo for the opportunity to provide testimony in support of HB1931, which modernizes Hawai‘i’s noxious weed law and establishes a transparent, science-based, and responsive framework for managing invasive plant threats. Invasive plants continue to pose serious ecological, agricultural, cultural, and economic risks across the State, and Hawai‘i’s current noxious weed list, unchanged since 1992, no longer reflects present-day realities or emerging threats.

HB1931 makes critical and long-overdue improvements by establishing a State Noxious Weed Coordinator, creating a clear and publicly accessible process for proposing changes to the noxious weed list, and requiring routine review and updates. The bill appropriately recognizes that invasive species impacts extend well beyond agriculture alone, affecting native ecosystems, watersheds, cultural resources, public lands, and community well-being. By aligning the noxious weed statute with Hawai‘i’s expanded biosecurity mission, this measure strengthens the State’s ability to respond early and effectively to new and spreading plant invasions.

The bill’s structured, science-based proposal and review process, with opportunities for public participation, expert input, and transparent decision-making, will improve trust, coordination, and efficiency across agencies, land managers, and communities. The classification of noxious weeds into Classes A, B, and C further supports prioritization of limited resources, focusing rapid response efforts where they are most effective and cost-efficient. Importantly, the authority to adopt emergency revisions provides a necessary tool to address urgent biosecurity threats before they become unmanageable.

HB1931 represents a proactive investment in prevention, early detection, and informed decision-making, approaches that are far more effective and less costly than long-term control after invasive plants become widespread. For these reasons, passage of this bill will significantly strengthen Hawai‘i’s biosecurity framework and help safeguard the State’s unique natural and agricultural resources for future generations.

For these reasons, I respectfully urge your support of HB1931.

Mahalo for the opportunity to submit testimony,

Chuck Chimera

Honokaa, Hawai‘i