

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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LAND  
STATE PARKS

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

Before the Senate Committee on  
JUDICIARY

Friday, February 27, 2026  
10:30 AM

State Capitol, Conference Room 16

In consideration of  
SENATE BILL 2174, SENATE DRAFT 1  
RELATING TO AGRICULTURE

Senate Bill 2174, Senate Draft 1 authorizes the Department of Agriculture and Biosecurity (DAB) to declare an emergency quarantine when it has been reasonably determined that there is a threat to the environment in the State; authorizes DAB to halt operations related to or within the affected area for 96 hours, subject to extension by vote of the Board of Agriculture and Biosecurity; authorizes DAB to quarantine any business or other area that is known or reasonably suspected to be infested or infected with any pest or any other prohibited, restricted, or unlisted organism; and authorizes DAB to establish interim rules governing the transportation of any material into and within the state that creates a situation dangerous to public or ecological health. **Department of Land and Natural Resources (Department) strongly supports this measure, provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request.**

The Department supports the amended authority of DAB to declare an emergency quarantine in response to environmental threats. The emergency 96-hour quarantine, which may be extended by the DAB board, would allow DAB and its invasive species partners to address the threat or initiate mitigation measures. The Department recognizes the need to act quickly to contain threats from invasive species. Threats detected early are significantly easier and less costly to mitigate when confined to a single area. Quarantines, although at times disruptive, can, when initiated early and quickly, neutralize and eradicate an invasive species threat more quickly than if no quarantine were initiated.

The Department further supports this measure's amendments to DAB's authority to regulate the transportation of goods within the State. DAB's expanded authority to quarantine a business or area known or suspected to harbor an invasive species infestation is key to preventing the movement and human-caused spread of invasive species threats. Early containment of invasive species can significantly reduce the time, effort, and cost required to resolve such threats.

Mahalo for the opportunity to comment on this measure.

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

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson  
Board of Agriculture & Biosecurity

**DEAN M. MATSUKAWA**  
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**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

**BEFORE THE SENATE COMMITTEE ON JUDICIARY**

**FRIDAY, FEBRUARY 27, 2026  
10:30 AM  
CONFERENCE ROOM 016 & VIDEOCONFERENCE**

**SENATE BILL NO. 2174, SD1  
RELATING TO AGRICULTURE**

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

Thank you for the opportunity to testify on Senate Bill No. 2174, SD1, relating to agriculture. This measure Authorizes the Department of Agriculture and Biosecurity (Department) to declare an emergency quarantine when it has been reasonably determined that there is a threat to agriculture or the environment in the State; authorizes the Department to halt operations related to or within the affected area for ninety-six hours, subject to extension by vote of the Board of Agriculture and Biosecurity; authorizes the Department to quarantine any business or other area that is known or reasonably suspected to be infested or infected with any pest; requires the Department to provide certain notices to affected farmers and provide compensation; and authorizes the Department to establish interim rules governing the transportation of any material into and within the State known to harbor or transport a high-impact invasive species or pest. The Department supports this measure and offers comments.

The Department believes that a time-limited quarantine may be a useful tool in certain circumstances and is appreciative of the inclusion to threats to agriculture as a trigger of an emergency quarantine in section (d) to HRS 141-3. The Department agrees that providing information about a quarantine is necessary for successfully ensuring compliance, supports the options to mitigate losses, recognizing the need for further research to define alternative markets and storage solutions.

The Department agrees with the measure's intent seeking to provide compensation for significant losses due to an emergency quarantine through subsection

(e), the Department is unsure as to how to implement this without a funding mechanism or other form of emergency quarantine fund that could house the necessary monies to reimburse farmers to allow the Department to compensate for the defined significant losses.

While the Department supports allowing the Board of Agriculture and Biosecurity (Board) to vote on extending the quarantine, HRS 92-7 does not appear to allow the Board to convene within the 96 hour timeframe and while HRS 92-8 Emergency Meetings, appears to provide a method for the Board to initiate a meeting within the 96 hour timeframe, an emergency meeting can only be held if a board finds there is “. . . an imminent peril to the public health, safety, or welfare. . .”, which does not appear to apply here. Amending HRS 92-8(a) to allow the Board to convene an emergency meeting for the extension of an emergency quarantine would appear to address this issue.

The Department is appreciative of the inclusion of its suggested changes to HRS 150A-8(b) in section 2 and HRS 150A-9.5(a) in section 3, which better clarify how these sections are to be implemented.

Thank you for the opportunity to testify to this measure.



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

The Hawaii 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 offers comments on SB2174.**

HFU supports the intent of SB2174, which provides the Department of Agriculture and Biosecurity (DAB) critical emergency tools to manage biosecurity threats. However, HFU proposes two additional amendments to ensure that these emergency powers, particularly the 96-hour operational halts, are implemented with transparency, community coordination, and accountability for the economic impacts on small-scale producers.

While SD1 introduces essential notification requirements, the following additions are necessary to protect the livelihoods of Hawaii's farming families:

### **Amendment 1: Collaborative Communication Outreach**

A 96-hour halt can result in total crop loss for many perishable products. To ensure that every affected farmer, including those in remote areas or with limited digital access, receives immediate guidance and support, the HDOA should be mandated to leverage existing agricultural networks. Amend Section 2 on HRS §150A-9.5 to insert a new subsection (e) after the notification requirements:

“(e) To ensure the timely dissemination of quarantine orders and support resources, the department shall coordinate with recognized non-profit agricultural organizations and local cooperatives to facilitate outreach to all affected agricultural operations within the quarantine area.”

### **Amendment 2: Post-Quarantine Accountability and Evaluation**

Emergency quarantines are an extraordinary exercise of state power over private business. A "lessons learned" review is essential to assess whether the 96-hour halt successfully contained the pest and to quantify the economic burden placed on the farming community. This data is vital for refining future protocols and justifying compensation or relief efforts. Amend Section 2 on HRS §150A-9.5) to insert a new subsection (f):

“(f) Within ninety days following the termination of an emergency quarantine or halt of operations under this section, the department shall conduct a post-quarantine evaluation. The evaluation shall include consultation with affected stakeholders to assess the effectiveness of the containment and the economic impact on the affected businesses. The department shall submit a summary of this

evaluation to the board of agriculture and biosecurity.”

The amendments in SB2174 SD1 address some previous concerns regarding notification, but incorporating these mechanisms for farmer engagement and evidence-based review will strengthen the efficacy of this significant quarantine power. HFU respectfully requests that the Committee pass SB2174 SD1 with these clarifying amendments to ensure our farmers are partners, not just subjects, in the fight against invasive species.

Mahalo for the opportunity to testify.

Hunter Heavilin  
Advocacy Director  
Hawai'i Farmers Union



Date of Hearing: February 27, 2026

To: Chair Rhoads, Vice Chair Gabbard, and the Senate Committee on Judiciary

Subject: **SB 2174 SD1**, Relating to Agriculture

Aloha,

Hawai'i Food+ Policy is writing **in support of SB 2174 SD1**. This measure explicitly defines when the department may declare an emergency quarantine; expands emergency powers for rapid pest response, including emergency rules (up to 180 days) and quarantines; strengthens inter island transport rules for plants, animals, soil, and related materials; increases inspection, labeling, treatment, quarantine, and destruction authority for infested goods; and allows interim emergency transport.

We would like to acknowledge and support the amended bill language that requires the Department of Agriculture and Biosecurity to provide detailed information to farmers who would be impacted by a quarantine in addition to stipulating compensation be provided for farmers who incur losses. The language in assisting farmers find alternative markets or storage options is considerate. We do however, also acknowledge that the implementation of this bill could have potential adverse economic effects on farmers despite steps to mitigate impact but, the mitigation of damage and spread of pests on one farm may prevent damage to other farm properties or the larger forested spaces.

Weak biosecurity is a large threat to Hawai'i's food system. Regarding coqui frogs, the organism's voracious appetite has put insects, spiders, birds, and other native fauna at risk<sup>1</sup>. Alongside the coqui, many other invasive species have been introduced to Hawai'i, including 200 plants that aggressively outcompete native flora<sup>2</sup>. If no action is taken, the ecosystem will continue to shift, creating a fragility that threatens food security for all residents.

One in three families in Hawai'i already face food insecurity<sup>3</sup>. By creating a proactive protocol to manage invasive species, we can better protect our ecosystem and food system from harm. Therefore, I **urge this committee to pass SB 2174 SD1**.

Mahalo,

Brandon Kinard and The Food+ Policy Team

#fixourfoodsystem

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[1] University of Hawai'i at Mānoa, College of Tropical Agriculture and Human Resources. (n.d.). Control of coqui frog in Hawai'i: Why are coqui frogs a problem in Hawai'i? <https://www.ctahr.hawaii.edu/coqui/background.asp>

[2] Nāhelehele Dryland Forest Restoration. (2018). Invasives threat – Invasive species and pests. <https://www.drylandforest.org/about-dry-forests/invasives-threat>

[3] Pirkle, C. M. (2025). The state of food insecurity in Hawai'i 2024–2025. Hawai'i Foodbank.

**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.



## IN OPPOSITION TO SB2174

The Libertarian Party of Hawaii vehemently opposes this measure in the strongest possible terms. This bill is a blatant, unnecessary power grab that hands the Department of Agriculture and Biosecurity (DAB) sweeping emergency authority to shut down private businesses, halt operations, quarantine properties, and dictate movements on the flimsiest of subjective "reasonable determinations." It is government overreach at its most arrogant and destructive.

The threat of a pest does not justify shredding property rights, due process, and economic freedom for small farmers and entrepreneurs. This bill reeks of bureaucratic hubris: bureaucrats get to play judge, jury, and executioner with minimal oversight, while the people who actually produce food and sustain communities bear the immediate, crippling costs.

Even the committee's amendments fail to fix the core problems:

- The "*reasonable determination*" for declaring an emergency quarantine remains laughably vague and ripe for abuse. Such an arbitrary determination could trigger a 96-hour extendable shutdown of operations? That's not protection. It's sabotage.
- Mandated "*detailed notifications*" to affected farmers? It's literally the least you can do. Telling someone their livelihood is frozen after the fact doesn't prevent bankruptcy, lost harvests, or ruined livestock. It's cold comfort for families facing ruin.
- The promise of compensation for "*significant losses*" via yet another Chapter 91 rulemaking process? This is insulting. It forces taxpayers to bail out the government's recklessness and creates endless bureaucratic delays (rulings take months or years). It also leaves "*significant*" undefined, meaning many small producers could be left with nothing. It punishes the productive class twice: first with shutdowns, then with higher taxes to fund payouts.
- Narrowing some quarantine language and adding advisory committee findings for interim rules? These tweaks do nothing to impose real checks. Interim rules still bypass standard procedures under "emergency" pretexts, inviting arbitrary enforcement without public input.

The committee report admits concerns from the Hawaii Farmers Union United about economic harm to small producers, yet responds with half-measures that preserve the Department's unchecked power. This isn't compromise; it's capitulation to big-government. In a truly free Hawaii, we fight invasive species through targeted incentives, voluntary cooperation, private innovation, and accountable enforcement, not by empowering unelected officials to declare "emergencies" and trample rights on a whim. This bill is inappropriate, disproportionate, and dangerous. It expands the state's coercive apparatus under the guise of necessity, while small farmers (the backbone of local agriculture) get sacrificed on the altar of bureaucratic expediency.

**Reject SB2174 SD1 outright.** Do not advance this assault on liberty. Hawaii deserves less government meddling, not more excuses for it.

For freedom,

Abbra Green | LPHI Secretary | [LibertarianHawaii.com](http://LibertarianHawaii.com) | (808)824-LPHI



The Senate  
Committee on Judiciary  
Friday, February 27, 2026  
10:30 AM Conference Room 016 & Videoconference  
State Capitol

### Testimony in Support of SB 2174 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 2174 SD1, Relating to Agriculture**. This bill provides the Department of Agriculture and Biosecurity (DAB) authority to quarantine an area when it has been reasonably determined that there is a threat to the agriculture or the environment in the State and to halt operations within the area under certain conditions. However, we offer amendments to ensure the bill operates as intended.

DAB does not have the authority to quarantine an infested location to enable a rapid response to prevent the spread of a pest, animal disease, or high-impact invasive species. We are grateful for the Legislature's efforts to provide DAB this much-needed authority in this bill. However, we believe the amendments made to the SD1 version of SB 2174 inadvertently change SB 2174 so that it does not provide DAB this authority, even for designated "pests."

DAB maintains two main lists of "pests" - a list of pests for control and eradication in chapter 69A, Hawaii Administrative Rules (HAR), and examples of regulated pests in section 4-72-15 HAR. Page 2, lines 14 -19 of SB 2174 SD1, authorizes DAB to declare an emergency quarantine pursuant to chapter 150A when it has been reasonably determined that an "animal disease," "high-impact invasive species," or "pest" threatens the State's agriculture or environment. Unfortunately, as written on page 4, lines 1 through 6, chapter 150A HRS does not actually provide that authority. First, the language does not include "high-impact invasive species" or "animal diseases." The next devastating invasive species may not be on a designated "pest" list, as DAB's "pest" lists are updated infrequently and do not include many species causing devastating impacts in other areas. For example, the two-lined spittlebug (*Prosapia bincta*), a serious pest of range grasses that is heavily impacting pasture lands and other grass areas on Hawaii Island, was not designated by DAB as a "pest" until 2025, nine years after it was first detected in the State.<sup>1</sup> The next two-line spittle bug level invasive species may not be on a DAB list of designated pests, preventing DAB from utilizing the proposed quarantine authority when it is most needed. We note that other changes made to the SD1 version of SB 2174 require DAB to provide compensation to farmers who incur significant losses due to a quarantine order. (Page 3, lines 9-14 ) This compensation requirement, along with DAB's long history of

<sup>1</sup> HAR §4-72-15 HAR; <https://dlnr.hawaii.gov/hisc/two-lined-spittlebug/>

supporting agricultural producers, ensures that DAB will not utilize the quarantine authority in non-emergency situations or to address widespread species.

Further, page 4, lines 4-6, authorize DAB to impose a quarantine to address a “pest” only if the pest is “in violation of [chapter 150A HRS] or any rule adopted under chapter [150A HRS].” Chapter 150A HRS and the rules adopted under that chapter prohibit the importation or transportation of a pest, but do not address the mere presence of a pest. Just detecting a pest is not a violation of chapter 150A or its rules, so a detection would not trigger the quarantine authority. To address these issues, we respectfully suggest the Committee amend the language on page 4, lines 1-6, to clarify that DAB may utilize the new emergency quarantine authority to respond to an animal disease, high-impact invasive species, or pest, as follows:

(b) The department may quarantine any business or other area that is known or reasonably suspected to be, based on the results of systematic surveys or reports, or proximity to known populations, [or] infested or infected with an animal disease, high-impact invasive species, or pest ~~[in violation of this chapter or any rule adopted under this chapter]~~ to prevent the movement of ~~[a]~~ the animal disease, high-impact invasive species, or pest to or from the infested location.

We support the procedures the bill for the Board of Agriculture and Biosecurity (Board) to review the utilization of DAB’s quarantine authority. We respectfully suggest that the Committee consider expanding the time for Board review from 96 hours to a longer period to ensure compliance with the sunshine laws for Board meetings and to address logistical scheduling concerns. Perhaps page 3, line 1, could be amended by striking “ninety-six hours” and inserting “not longer than 30 days”.

Finally, we support and are grateful for the expansion of DAB’s authority to make rules to regulate items other than “flora” or “fauna” moving within the State that could move an invasive species or other pest on page 3, lines 17-18.

Thank you for the opportunity to provide testimony on SB 2174 SD1.

Aloha,



Christy Martin  
CGAPS Program Manager



Stephanie Easley  
CGAPS Legal Fellow



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February 27, 2026

HEARING BEFORE THE  
SENATE COMMITTEE ON JUDICIARY

**TESTIMONY ON SB 2174, SD1**  
RELATING TO AGRICULTURE

Conference Room 016 & Videoconference  
10:30 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 provides comments on SB 2174, SD1**, which strengthens the Department of Agriculture and Biosecurity's authority to respond to invasive species threats, clarifies enforcement tools, and formally designates the coqui frog as a pest under statute.

Strong and effective biosecurity is essential to protecting Hawai'i's agricultural industry, natural resources, and communities across the State. Invasive species continue to pose one of the most serious long-term threats to local food production, and prevention and rapid response remain far more cost-effective than mitigation after establishment.

HFB supports providing DAB with the authority to act quickly in response to emerging threats, including emergency quarantine measures and enhanced interisland inspection requirements. Rapid containment is critical when addressing highly mobile or fast-spreading pests.

We appreciate that SB 2174, SD1 clarifies that emergency quarantine authority may be exercised when there is a threat to agriculture and requires detailed notice to affected farmers, as well as compensation for significant losses resulting from a quarantine order. These amendments reflect important recognition of the economic realities faced by agricultural producers.

At the same time, the measure grants significant emergency authority, including the ability to declare an emergency quarantine, halt operations within an affected area for up to

ninety-six hours, extend that halt by board action, and adopt interim rules governing the transportation of materials known to harbor or transport a high-impact invasive species. For agricultural operations that depend on perishable goods, interisland shipments, livestock movement, and time-sensitive harvest schedules, even short-term interruptions can result in substantial economic losses.

If this authority is implemented, HFB respectfully encourages clear operational standards and guardrails to ensure that emergency powers are exercised in a predictable, transparent, and proportionate manner. Clarifying the criteria for determining when an emergency quarantine is warranted, defining the scope of affected operations, and ensuring consistent communication with impacted producers will help minimize unintended disruption to compliant agricultural businesses.

In addition, the compensation mechanism contemplated in the measure will be critical to maintaining industry cooperation. We encourage the establishment of clear timelines, defined eligibility standards, and identified funding sources to ensure that farmers who incur significant losses due to quarantine orders are made whole in a timely and practical manner.

Mahalo for the opportunity to provide testimony.

**SB-2174-SD-1**

Submitted on: 2/23/2026 9:21:37 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nicholas Zehr	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Members of the Committee,

I respectfully oppose SB2174. Hawai‘i’s fragile ecosystems and agricultural industries deserve serious, science-based protection from invasive species. The coqui frog and other high-impact pests present real challenges for farmers, residents, and native ecosystems. The State should respond effectively and decisively where necessary.

However, SB2174 significantly expands emergency and quarantine powers in ways that risk undermining due process, economic stability, and public trust.

First, the bill authorizes the Department to halt “any operations” within an affected area for ninety-six hours, with the possibility of extension by board vote. This authority is broad and undefined, potentially affecting farms, nurseries, transport companies, small retailers, and interisland commerce without clear procedural safeguards or compensation standards. For many small agricultural businesses operating on tight margins, even a short operational shutdown can cause substantial and unrecoverable losses.

Second, the expansion of interim rulemaking authority not subject to chapter 91 reduces transparency and public participation. While emergencies require flexibility, bypassing standard rulemaking processes as a routine tool risks normalizing governance without adequate stakeholder input. Hawai‘i’s farmers, ranchers, and small businesses should have meaningful notice and opportunity to be heard before sweeping regulatory changes take effect.

Third, the bill further increases inspection, quarantine, and destruction authority while explicitly shielding the department from claims for damage or loss. When the State exercises extraordinary

powers over private property, particularly destruction of goods or forced quarantine, it should also uphold clear accountability standards and consider fair compensation mechanisms when actions are later found to be mistaken or overly broad.

Finally, agriculture in Hawai'i already faces high costs, strict regulations, and logistical barriers. Additional layers of permitting, inspection, and movement restrictions, especially when backed by emergency powers, may unintentionally discourage local food production and interisland trade, undermining the very resilience the bill seeks to protect.

Protecting our environment and food systems is essential. But durable solutions should prioritize transparency, narrowly tailored authority, clear guardrails on emergency powers, and safeguards for small producers.

For these reasons, I respectfully urge the Committee to defer SB2174 or substantially amend it to better balance biosecurity with due process, accountability, and economic vitality. Mahalo for the opportunity to testify.