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State of Hawai'i
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SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY
BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

**FRIDAY, FEBRUARY 13, 2026
3:10 PM
CONFERENCE ROOM 224 & VIDEOCONFERENCE**

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

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

Thank you for the opportunity to testify on Senate Bill No. 2174 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 the environment in the State. Authorizes the Department 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 the Department 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. Authorizes the Department 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. The Department supports this measure and offers comments.

The Department believes that a time-limited quarantine may be a useful tool in certain circumstances. On page 2, beginning on line 14, related to the addition of section (d) to HRS 141-3, the Department suggests the section read as follows:

(d) Notwithstanding subsections (a) and (c), the department may declare an emergency quarantine pursuant to chapter 150A when it has been reasonably determined that there is a threat to agriculture or the environment in the State or an area of the State is discovered to be infected with an animal disease or infested with a high-impact

invasive species or pest. As part of their emergency quarantine powers, the department may order the halt of any operations related to or within the affected area for a period of ninety-six hours; provided that, during this timeframe, the board of agriculture and biosecurity may vote to extend the period to address the emergency or initiate mitigation or treatment options.

The Department believes that threats to agriculture should also trigger this provision. 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.

Regarding the proposed changes to HRS 150A-8 in section 2, the Department offers some amendments. On page 3, beginning on line 13, related to the addition of section (b) to HRS 150A-8, the Department suggests the section read 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 a pest ~~[or any other prohibited, restricted, or unlisted organism]~~ in violation of this chapter or any rule adopted under this chapter, to prevent the movement of a pest ~~[articles or materials]~~ to or from the ~~[infested]~~ quarantined location.

The Department believes the reference to “prohibited, restricted, or unlisted organism” should be removed as this could allow the Department to quarantine properties for a number of widespread prohibited, restricted, or unlisted organisms such as bulbuls or mynahs. Additionally, the reference to “articles or materials” is replaced with “pest” because the intent of the quarantine is to prevent the spread of the pest from the quarantined area and would be done through regulating the movement of articles or materials that could harbor the pest or facilitate its spread. The Department suggests the change of “infested” to “quarantined” for clarity.

Testimony of Sharon Hurd

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Regarding the proposed changes to HRS 150A-9.5(a) in section 3, located on page 10, line 20, through page 11, line 1, The Department suggest it read as follows:

“. . . interim rules governing the transporting of flora, fauna, and other materials known to harbor or transport a high impact invasive species or pest into and within the State. The rules. . .”

The Department believes that including a clarifying statement is necessary to ensure that only those materials that have been shown to harbor or transport pests or high impact invasive species are subject to proposed restrictions through interim rulemaking.

Thank you for the opportunity to testify to this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT

Friday, February 13, 2026
3:10 PM

State Capitol, Conference Room 224

In consideration of
SENATE BILL 2174
RELATING TO AGRICULTURE

Senate Bill 2174 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.



The Senate
Committee on Agriculture and Environment
Friday, February 13, 2026
3:10 PM Conference Room 224 & Videoconference
State Capitol

Testimony in Support of SB 2174

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

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of SB 2174, 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 environment in the State and to halt operations within the area under certain conditions.

DAB does not have the authority to quarantine an infested location to allow for a rapid response to prevent the spread of a newly detected pest, animal disease, or high-impact invasive species infestation. SB 2174 provides DAB with this much needed authority. Having the authority to quarantine any infested or infected area will allow DAB, for instance, to quarantine an area of Maui County if a CRB infestation is found, allowing an immediate rapid response to prevent further spread of CRB while local eradication is still possible. In that example, the quarantine could apply to prevent the movement of all green waste from a location where CRB is found, not just individual pieces of material that are found to actually have CRB on them. Quarantine authority is commonly available in other states to prevent the movement of pests¹ and granting the authority to DAB is critical to stopping the spread of a newly detected pest, disease, or high-impact invasive species.

We note that this quarantine authority is not duplicative of DAB's authority in chapter 4-72, Hawaii Administrative Rules (HAR). The authority in section 4-72-5 HAR allows the Chief of the Plant Quarantine Branch to stop the movement of pest-infested material and require treatment of the area only if the material is for sale to (or otherwise available directly to) the public. SB

¹ See, e.g., authority granted to the Tennessee Commissioner of Agriculture to: "Declare a quarantine against any area, place, nursery, forest, orchard, farm lot, or other boundary of whatever size or description, or any county or counties within this state, ... and prohibit the movement within the state or any part of the state of all plants, plant propagating material, plant products, or other articles or things including soil from quarantined places or areas that are likely to carry dangerous insect pests, pest plants, or plant diseases if the quarantine is determined, after due investigation by the commissioner to be necessary in order to protect the agricultural, horticultural, and silvicultural, or other interests of this state. In such cases, the quarantine may be made absolute, or rules and regulations may be adopted prescribing the method and manner under which the prohibited articles may be moved into or within, sold, or otherwise disposed of in this state[.]" Tenn. Code §43-6-106(9)

2174 allows DAB to implement a quarantine regardless of whether the material is for sale directly to the public or not.

We strongly support the language on page 2, lines 18-19, that allows DAB to utilize quarantine authority to contain an “animal disease” or “high-impact invasive species” in addition to a “pest.” DAB maintains lists of pests for control and eradication (ch. 69A HAR) and examples of regulated pests (§4-72-15 HAR). However, the next high-impact animal disease or invasive species detected in the State may not be on one of those lists. We respectfully suggest the Committee consider adding similar language on page 3, line 16, to clarify that an unlisted high-impact invasive species or animal disease may allow DAB to utilize the quarantine authority, 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, infested or infected with an animal disease or a high-impact invasive species or a pest or any other prohibited, restricted, or unlisted organism in violation of this chapter or any rule adopted under this chapter to prevent the movement of articles or materials 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 the Committee consider expanding the time for Board review from 96 hours to a longer period to allow compliance with the sunshine laws for a Board meeting and to address logistical concerns related to scheduling. 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 7-8.

Thank you for the opportunity to provide testimony and our support for SB 2174.

Aloha,



Christy Martin
CGAPS Program Manager



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CGAPS Legal Fellow



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February 13, 2026

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 2174
RELATING TO AGRICULTURE

Conference Room 224 & Videoconference
3:10 PM

Aloha Chair Gabbard, Vice-Chair Richards, 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, 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 the Department with the authority necessary to act quickly during emerging threats, including emergency quarantine measures and enhanced interisland inspection requirements. Rapid containment is critical when addressing highly mobile or fast-spreading pests.

At the same time, SB 2174 grants significant emergency powers, including the ability to halt operations within affected areas and to quarantine businesses based on reasonable suspicion. As this authority is implemented, HFB respectfully encourages clear operational standards, transparent communication, and coordination with affected agricultural operators to minimize unintended disruption to compliant businesses. Many agricultural operations, including nurseries, farms, and processing facilities, depend on timely shipments and perishable inventory, and even short-term interruptions can have substantial economic impacts.

HFB also encourages continued stakeholder engagement in the development and application of interim rules, particularly where emergency authority is exercised outside of standard rulemaking procedures. Maintaining clear guidance and predictable compliance expectations will strengthen both enforcement and industry cooperation.

With thoughtful implementation, SB 2174 can enhance Hawai'i's biosecurity framework while maintaining the stability of our agricultural economy.

Mahalo for the opportunity to provide testimony.



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North Shore, O'ahu

Christian Zuckerman
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Rachel LaDrig
Waimānalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Natalie Urminska
Kaua'i

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Senate Agriculture and Environment 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 offers comments on SB2174.**

SB2174 empowers the Department of Agriculture and Biosecurity to quickly address pest threats through emergency quarantine measures. However, the ability to impose quarantines with minimal notice may cause substantial economic losses for farmers. This includes crop loss if perishable goods cannot be moved, and risks of breaching contracts with buyers dependent on timely delivery.

To address these concerns, timely notification of producers and an compensation or relief fund should be considered:

Amend Section 141-3(d) to ensure that affected farmers receive detailed notifications about the quarantine and support options, such as assistance in identifying alternative markets or storage solutions, to mitigate losses.

Add a compensation mechanism or emergency relief fund for farmers who incur significant losses due to a quarantine order, to ensure compliance with mitigation measures and address potential financial harm.

The urgency addressed by SB2174 is acknowledged and appreciated, particularly in preventing pest spread that threatens Hawaii's agricultural and natural resources. However, specific safeguards are necessary to ensure that small farmers do not unfairly bear the economic burdens of such critical interventions. Adoption of the proposed amendments would help balance the need for rapid response with the protection of farmers' livelihoods.

Mahalo for the opportunity to testify.

Hunter Heavilin
Advocacy Director
Hawai'i Farmers Union



February 13, 2026

To: Chair Mike Gabbard, Vice Chair Tim Richards, and the Senate Committee on Agriculture and Environment

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

Aloha,

I am writing in support of **SB 2174**. 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.

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 risk¹. Alongside the coqui, many other invasive species have been introduced to Hawai'i, including 200 plants that aggressively outcompete native flora². 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 insecurity³. 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**.

Mahalo,

Brandon Kinard and The Food+ Policy Team
#fixourfoodsystem

[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.

SB-2174

Submitted on: 2/11/2026 10:23:51 PM

Testimony for AEN on 2/13/2026 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
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.