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DEPARTMENT OF LAND AND NATURAL RESOURCES
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CONSERVATION AND RESOURCES
ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Before the Senate Committees on
COMMERCE AND CONSUMER PROTECTION
and
AGRICULTURE AND ENVIRONMENT

Wednesday, February 11, 2026
10:00 AM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 2760
RELATING TO INVASIVE SPECIES

Senate Bill 2760 clarifies that the importation of any item or material infested or infected with an insect or other animal, disease, or pest is prohibited; requires the Department of Agriculture and Biosecurity (DAB) to adopt rules to designate certain restricted articles to require a compliance agreement prior to importation; clarifies that the State is not responsible for any economic loss or damages related to any actions by DAB under chapter 150A, Hawai'i Revised Statutes; authorizes DAB to administratively inspect any article imported or moved into the State from the continental United States or between the islands of the State; authorizes DAB to compel the quarantine of certain non-agricultural items or materials; allows for certain interim rules adopted by DAB to be effective for up to two years; clarifies penalties for various quarantine and import law violations; and appropriates funds to establish one full-time equivalent position within DAB to assist the Plant Industry Division Administrator in drafting, reviewing, and updating certain administrative rules. **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.**

The Department advocates expanding DAB's responsibilities to work with all parts of the University of Hawai'i (UH). While DAB currently collaborates with UH through the Hawai'i Invasive Species Council (HISC) and the "Interagency Memorandum of Understanding for the

Prevention, Rapid Response, and Control or Eradication of High Priority Pests,” the Department endorses formal inclusion of all UH departments and colleges. This will encourage increased cooperation with other UH initiatives, including the Invasive Species Committees and the Hawai‘i Ant Lab.

The Department also advocates banning the import of any material infested with invasive species into the State, as well as the movement of such material between islands or from one location to another within the same island. The Department supports granting DAB additional authority to inspect all materials, not just agricultural ones, for invasive species and to impose a quarantine on any business or area found to be infested. This would help prevent the spread of infested materials throughout the state.

The Department supports extending the effective period of interim rules from 1 to 2 years. It also agrees with implementing civil penalties for enforcement.

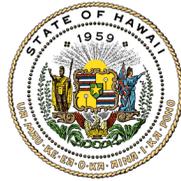
Importantly, the Department recognizes that DAB has several rules, lists, and regulations that need updating to operate at full capacity and fulfill its biosecurity mandate. The Department supports funding a position to help the DAB Plant Industry Division draft, review, and update its administrative rules.

For these reasons, the Department strongly supports this bill.

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
Deputy to the Chairperson

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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

**BEFORE THE SENATE COMMITTEES ON COMMERCE AND CONSUMER
PROTECTION AND AGRICULTURE AND ENVIRONMENT**

**WEDNESDAY, FEBRUARY 11, 2026
10:00 AM
CONFERENCE ROOM 229 & VIDEO CONFERENCE**

**SENATE BILL NO. 2760
RELATING TO INVASIVE SPECIES**

Chairs Keohokalole and Gabbard, Vice Chairs Fukunaga and Richards, and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2760 relating to invasive species. This measure clarifies that the importation of any item or material infested or infected with an insect or other animal, disease, or pest is prohibited; requires the Department of Agriculture and Biosecurity (Department) to adopt rules to designate certain restricted articles to require a compliance agreement prior to importation; clarifies that the State is not responsible for any economic loss or damages related to any actions by the Department under chapter 150A, Hawaii Revised Statutes (HRS); authorizes the Department to administratively inspect any article imported or moved into the State from the continental United States or between the islands of the State; authorizes the Department to compel the quarantine of certain non-agricultural items or materials; allows for certain interim rules adopted by the Department to be effective for up to two years; clarifies penalties for various quarantine and import law violations and; appropriates funds to establish one full-time equivalent position within the Department to assist the Plant Industry Division Administrator in drafting, reviewing, and updating certain administrative rules. The Department is in support of some provisions and offers comments.

The Department is generally supportive of the intent of this measure to clarify authority for the Department, however the Department offers some comments and suggestions, particularly as they relate to the authority to conduct inspections and inspecting articles that do not already required inspection prior to entry into the State.

Beginning on page 10, line 5, regarding the inclusion of section (a) to HRS 150A-5, while the Department is in agreement with trying to emphasize that commodities should be free of pests, insects, or diseases, if passed as written, it would remove all discretion from Inspectors and require them to treat, destroy, or refuse entry of any imported commodity found to be infested with any amount of insects, diseases, or pests. For example, if a shipment that was found to be lightly infested with an insect that was of widespread across statewide, this would require additional action and cost significantly more to rectify for the importer and ultimately the end consumer with almost no benefit towards preventing the introduction of said insect. Additionally, as HRS 150A-7 already makes it violation to import commodities with a pest and makes it a violation to import without a permit, this section should be removed.

On page 12, line 15, and page 13, lines 1-2, the Department believes that restricted articles should only be allowed under a permit as it is the importer's responsibility to obtain a permit prior to importation. A compliance agreement is normally reactive and used to manage producers of regulated commodities. While the Department has the authority to enter into Cooperative Agreements, the Department has no jurisdiction over a producer in another state, and it is unreasonable to have an importer enter into a compliance agreement with the Department and be responsible for ensuring the shipper is complying with the requirements in the compliance agreement. Because of this, the aforementioned references to compliance agreement should be removed as a permit already serves this purpose.

On page 15, beginning on line 15, regarding the changes to HRS 150A-5(4), the Department has concerns about the ability to conduct and administratively search without any form of good cause or reasonable suspicion. While the Department believes that the intent of this is to enable inspections of goods that are not considered as regulated articles pursuant to HRS 150A-5, which already require inspections, if this measure is passed as-is, it would allow an inspector to inspect anything at any time, for any reason, which is unreasonable. Additionally, this is further problematic for "persons", primarily as passengers entering the State, as they are generally not considered to be a regulated industry or a business, and realistically managing an individual's privacy or liberties against the regulatory structure will be difficult at best. The Department uses the good cause standard to conduct inspections on non-agricultural goods, as stated in HRS 150A-4(c), which states: "Whenever the inspector has good cause to believe that the provisions of this chapter are being violated, the inspector may require that any box, package, suitcase, or any other container carried as ship's stores, cargo, or otherwise by any vessel or aircraft moving between the continental United States and Hawaii or between the islands of the State, be opened for inspection to determine whether any article or pest prohibited by this chapter or by rules adopted pursuant thereto is present." As a result, the Department believes this entire section should not be changed. In the future, should the Department identify another class of goods that require inspection, the Department can seek a future change to HRS 150A-5 to include it in the list of articles requiring inspection upon entry into the State.

On page 19, lines 15-16, the Department believes the phrase “or the Department, as appropriate;” should be removed as it is unnecessary. The importation of a non-domestic animal can only occur under a permit with the conditions and use approved by the Board of Agriculture and Biosecurity (Board). There are no provisions that allow the Department to approve the importation of a non-domestic animal; therefore, this should be removed.

Beginning on page 20, line 18, through page 23, line 16; and beginning on page 30, line 8, through page 32, line 20, all references to “item” and “material” should be amended as they are very broad and make the existing authorities regarding articles that require inspection unclear. The Department believes that while these changes are intended to accommodate items that are not already subject to inspection pursuant to HRS 150A-5 or HRS 150A-8, in actuality, the Department believes it makes what requires inspection less clear. To fix this, the Department suggests removing all proposed deletions of “articles” throughout these sections and amending each reference to “items or materials” or similar, to read along the lines of: “. . . or items or materials that the inspector has good cause to believe are in violation of this chapter.”. An example of this proposed change would be on page 20, beginning on line 20, to read as:

“. . . move any of the above-mentioned articles, or any portion thereof, or any items or materials that the inspector has good cause to believe are in violation of this chapter, to a transitional facility or another place more suitable for inspection.
..”

Similar changes would be made on page 21, lines 7, 12, and 19; page 22, lines 5, 8, and 20; page 23, lines 1, 11, 13, and 16; page 30, lines 11, 16, and 19; page 31, lines 5, 10, and 20; and page 32, lines 2, 16, and 18, respectively. The Department believes this is necessary to ensure what items are subject to these provisions as implementing them is costly and time-consuming to importers and ensures they understand when these inspections occur, reducing or eliminating any form of arbitrariness.

On page 23, lines 19-20, the reference to “items or materials” should be removed as it would require the Board to designate a port of entry for items or materials that do not require inspection until good cause is made. Should this be included as it is, all items that require inspection other than the articles listed in HRS 150A-5 would be in violation of this part as there is no realistic way of the Board doing this in a timely manner on essentially case-by-case basis.

On page 22, line, 3; page 23, line 3; and page 31, line 4, the proposed changes from “inspector” to “department” should be removed as they conflict with an inspector’s existing authority to make timely decisions as is already required in HRS 150A-7.

On page 24, beginning on line 3, relating to economic loss or damage, the Department suggests that it be revised to read as follows:

“(c) Economic loss or damage. The State shall not be responsible for any economic loss or damages related to any official actions by the department or board pursuant to this chapter. For the purposes of this subsection, “actions” includes any delay or loss of value due to quarantine or exclusion activities, treatment, [~~quarantine~~] refusal of entry, or destruction of any item.”

The Department believes that the inclusion of the Board is necessary because they direct and/or guide the Department in many of the regulatory functions. The inclusion of commodity value is suggested because many regulated commodities are live, highly perishable, or high value and depending on the delay and/or treatment used, could have major impacts to the final value of the commodity.

On page 25, line 8, the term “including” should be replaced with “or”. The Department believes this clarification is needed because both a permit and a compliance agreement for movement would not be issued for a specific commodity, particularly regarding movement within an island. As is currently drafted, it would seem to enable both.

On page 25, line 14, regarding quarantining ability, the Department suggests that “prohibited or restricted organism” be removed as this could allow the Department to quarantine properties for a number of widespread prohibited or restricted organisms such as bulbuls or mynahs. Additionally, on line 16, “materials” should be replaced with “pest.” While the “material” is what the restriction is being upon, the intent is to prevent the spread of the pest. The Department believes this change should be made for clarity.

On page 28, beginning on line 6, regarding the “Authority to Inspect”, the Department believes that this section remains as it currently stands in the HRS. The Department reiterates its prior concerns regarding the same changes that are proposed to HRS 150A-5(4) on page 15, beginning on line 15. Additionally, this section removes the inspector’s ability to enter areas to conduct inspection, among other things, and while it appears to allow for use of the proposed procedure in HRS 150A-5(b)(4), the Department believes that the inspection authority should be explicit in each section as HRS 150A-5 is regarding importation whereas HRS 150A-8 is for intra-state movement. Additionally, the Department believes page 30, line 7, “105A-5(b)(4)” was inadvertently listed and should be “150A-5(b)(4).

On page 31, beginning on line 6, the phrase “or at the time the infestation or infection is detected” should be removed as it is unnecessary as the inspector already has the ability to make that determination if deemed necessary and feasible.

Regarding the proposed changes to HRS 150A-9.5, regarding interim rules, the Department suggests including a clarifying statement to the end to the phrase “any other item or material” found on page 33, lines 7 and 10, to read as “any other item or material that is known to harbor or transport a pest”. The Department believes that this clarifying statement is necessary to ensure that only those items or materials that have been shown to harbor or transport pests are subject to proposed restrictions through interim rulemaking.

The Department is appreciative of seeking to streamline the penalties and offers some suggestions. The Department suggests HRS 150A-14-(b), beginning on page 35, line 3, should read as follows:

(b) Any person who violates one of the following shall be guilty of a misdemeanor and subject to a fine of not less than \$5,000, but not more than \$20,000. Each day of violation shall constitute a separate offense.

- (1) Recklessly violates section 150A-6(3) or (4); or
- (2) Knowingly owns; transports, including through interisland or intransland movement; possesses; harbors; transfers; or imports, or causes the importation of any snake without a permit or other prohibited animal seized under section 150A-7(b)~~];~~ or
- (3) Knowingly violates any provision of this chapter, ~~other than a violation detected by an inspection pursuant to section 150A-5(b)(4),~~ or any rule adopted under this chapter, involving an animal that is prohibited, restricted, or unlisted; a plant that is restricted; or ~~[an animal or]~~ a microorganism that is restricted or unlisted; without a permit~~, shall be guilty of a misdemeanor and subject to a fine of not less than \$5,000, but not more than \$20,000. Each day of violation shall constitute a separate offense].~~

The Department believes that the proposed change more clearly conveys what acts are subject to penalties under this section. Additionally, the Department believes that removal of the phrase exempting violations detected pursuant to inspection is necessary because the inspection process could detect smuggling and could not seek a criminal penalty for it.

The Department suggests HRS 150A-14(c), beginning on page 36, line 1, should read as follows for clarity. The inclusion of the permit provision is necessary because there are instances where permits are allowed for restricted organism propagation, such as the municipal zoos.

(c) Any person who knowingly owns; transports, including through interisland or intransland movement~~];~~ transfers~~];~~ possesses~~];~~ harbors~~];~~ or imports, or causes the importation of; with the intent to propagate, sell, or release; any pest designated by statute or rule, animal that is prohibited, plant, animal, or microorganism that is restricted, or animal or microorganism that is unlisted, without a permit, ~~[in violation of~~

Testimony of Sharon Hurd

February 11, 2026

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~~any provision of this chapter, or any rule adopted under this chapter, unless otherwise authorized by law or rule,]~~ shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000.

The Department is supportive of Section 9 of this measure. However, because this position is detailed to the Plant Industry Division, the Department believes that the position should not be tasked with only assisting the Plant Quarantine and Plant Pest Control Branches. As the Pesticides Branch is also in the Division, this position should also be able to support them with the drafting, review, and updating of their administrative rules as well.

Thank you for the opportunity to testify to this measure.



The Senate
Committee on Commerce and Consumer Protection
Committee on Agriculture and Environment
Wednesday, February 11, 2026
10:00 am Conference Room 229 & Videoconference
State Capitol

Testimony in Support of SB 2760

Aloha Chairs Keohokalole and Gabbard, Vice Chairs Fukunaga and Richards, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) is **in strong support of SB 2760** *Relating to Invasive Species*. This bill provides the Hawaii Department of Agriculture and Biosecurity (DAB) with new authorities and tools that could be used within DAB's existing capacity to prevent the introduction and spread of invasive species in Hawaii. We highlight below the language in the bill that, if enacted, will help improve Hawaii's biosecurity:

Cooperation with UH Colleges, Departments, and Others. Currently, section 141-1(2) Hawaii Revised Statutes (HRS) requires DAB to cooperate with the "agricultural extension service" and "agricultural experiment station" of the University of Hawaii (UH) and "all private persons and organizations ... to avoid, as far as practicable, duplicating work...." This language unnecessarily limits DAB to working with two departments/units within the College of Tropical Agriculture and Human Resilience. It does not include the other CTAHR departments, such as the Plant and Environmental Protection Sciences or Natural Resources and Environmental Management. Further, it also excludes entire schools and research units outside of these two departments of CTAHR, many of which contain researchers and offices that conduct applied research and work on biosecurity issues. Examples include the School of Ocean and Earth Sciences and Technology (SOEST), the Social Science Research Institute within the College of Social Sciences, and others. Section 2 of SB 2760 adds "and other colleges and departments" of UH to section 141-1(2) HRS, which will encourage DAB to coordinate with the broader invasive species community at UH to avoid duplication of efforts and use resources efficiently.

Authority to address any infested material, not just the pests and agricultural material. The amendment on page 10, lines 5 through 9, provides that pests and any material infested with an insect, disease, or pest is prohibited from being imported into Hawaii without DAB approval. This amendment codifies and provides a statutory basis for DAB's current practice of refusing or

treating items found to be infested with any insect or pests and clarifies that this prohibition extends to any item, not just plants, animals, and agricultural commodities. This amendment does not require DAB to change its current inspection practices and is scalable depending on the resources available to DAB, providing authority for DAB to address the highest-risk materials and pathways.

For example, this amendment could help DAB prevent spotted lanternfly from entering Hawaii. Spotted lanternfly is a serious agricultural and forest pest. In addition to directly feeding on a wide range of host plants, it excretes a sticky, sugary fluid that causes sooty mold, further damaging crops and native plants. Originally from Asia, it has established populations in 19 U.S. states and the District of Columbia, and other states and the Federal government are working to prevent further spread. The United States Department of Agriculture (USDA) describes it as a “hitchhiking pest” that can spread by eggs laid on hard surfaces, including toys, outdoor furniture, and vehicles. (<https://www.aphis.usda.gov/plant-pests-diseases/slf>) The proposed amendment clarifies that the importation of any item found to carry spotted lanternfly eggs is prohibited, and that DAB may take action on the non-agricultural material carrying the eggs. This is one example of many pests that move on non-agricultural items.

Authority to administratively inspect all imports. The amendment beginning on page 15, line 15, through page 18, line 15, expands DAB’s inspection authority so that it corresponds to the language of the USDA program that authorizes inspection of passengers and material leaving Hawaii to protect other parts of the United States.¹ That federal program does not provide similar inspections to protect Hawaii from mainland pests. This provision will authorize DAB to carry out that function for Hawaii. The amendments clearly grant DAB the authority to administratively inspect all material, not just agricultural commodities, authorizing DAB to inspect high-risk materials, such as outdoor furniture imported from a state heavily infested with spotted lanternfly. Again, this amendment does not require DAB to make any changes to its current inspections, but provides DAB the authority to address high-risk material and pathways, as its resources permit.²

As part of this enhanced inspection authority, the amendment removes the current “good cause” standard as the inspection standard. “Good cause” is an unusual inspection standard and is usually a burden placed on a litigant.³

¹ See section 10811 of the Farm Security and Rural Investment Act of 2002 ([7 U.S.C. 8307](#) note).

² Hawaii would not be alone in adopting a State authority to inspect all incoming material. For example, California maintains plant quarantine inspection stations to inspect “all conveyances which might carry plants or other things which are, or are liable to be, infested or infected with any pest” along roads in California and a “program for the inspection of conveyances entering California through airport and maritime facilities to prevent the introduction into, or the spread within, this state of pests. (Cal. Food & Agric. Code §§ 5341 and 5350) See also https://www.cdfa.ca.gov/plant/PE/ExteriorExclusion/borders_faq.html

³ As the Hawaii Supreme Court noted in *Eckard Brandes, Inc. v. Dep’t of Lab. & Indus. Rels.*, 146 Haw. 354, 363 (2020), as corrected (Apr. 27, 2020): “Black’s Law Dictionary now defines ‘good cause’ as ‘[a]

Removing the “good cause” standard and clarifying that DAB’s inspection authority is limited to “administrative” inspections and that violators may receive only a civil fine are safeguards to protect the public and avoid constitutional challenges requiring a showing of probable cause. As drafted, DAB’s inspection appears permissible under the Fourth and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Hawaii as they are “part of a general regulatory scheme, done in furtherance of administrative goals rather than to secure evidence of a crime.”⁴ Here, the administrative goal is to prevent the introduction or spread of pests and violators are not subject to criminal penalties.

Regulation of pest host material. Currently, administrative rules to prevent the spread of pests within the State are limited to regulating the movement of “flora and fauna.”⁵ As noted above, pests can infest and move on many types of materials and items, including gravel, landscaping equipment, and more. These are considered “pest host material.” The amendments proposed on page 25, lines 4 through 9, and page 33, lines 6 and 7, allow DAB to include pest host material, other than “flora and fauna,” in administrative rules. These amendments do not require DAB to make any changes to its rules; instead, they clarify that DAB may adopt rules that restrict all items infested with a pest from moving within the State.

Quarantine authority. DAB does not have the authority to quarantine an infested location to allow for a rapid response to prevent a new pest or new infestation of a pest from spreading. The amendment on page 25, lines 10 through 16, provides DAB with quarantine authority. 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. Having the authority to quarantine any infested 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 the 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 pests⁶

legally sufficient reason. Good cause is often the burden placed on a litigant (usu. by court rule or order) to show why a request should be granted or an action excused. Accordingly, we clarify that ‘good cause’ is ‘a sufficient reason, depending upon the circumstances of the individual case, and that a finding of its existence lies largely in the discretion of the court.’” (internal citations omitted)

⁴ See United States v. Bulacan, 156 F.3d 963, 967 (9th Cir. 1998), as amended (Nov. 16, 1998). See also State v. Hanson, 97 Haw. 71, 76-77 (2001), as amended (Nov. 7, 2001) (internal citations omitted)

⁵ See HRS 150A-8(a) and 150A-9.5.

⁶ 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,

and granting the authority to DAB is critical to stopping the spread of a newly detected pest or the spread of existing high-priority pests to new locations in the State.

Removal of inconsistent inspection authorities. Act 236 (2025) amended section 150A-8 HRS significantly, including adding a new inspection authority in section 150A-8(b)(3) HRS. Unfortunately, this new inspection authority overlaps with and is similar to, but not the same as the inspection authority currently set out in section 150A-5(4) HRS. For instance, some inspections are authorized by current section 150A-5(4) HRS, and those same inspections are required by section 150A-8(b)(3) HRS. The amendments in SB 2760, beginning on page 28, line 6, through page 30, line 7, remove the duplicative provision and clarify that section 150A-5(b)(4), as amended by section 4 of SB 2760, sets out the requirements for all inspections by DAB to detect pests on material imported into or moving within the State.

Extension of interim rule effective period. The Legislature has granted DAB unique authority to make interim rules to restrict the transportation of certain materials to prevent the spread of a pest, without going through chapter 91 rulemaking.⁷ The interim rule process requires a finding from the Advisory Committee on Plants and Animals that the absence of effective rules creates an emergency situation dangerous to public health and safety, or to the ecological health of flora and fauna. Interim rules can be in effect for up to one year. During this time, DAB can endeavour to make a permanent rule to address the situation. However, it often takes longer than one year to go through the rulemaking process. Recently, members of the public have petitioned the Board of Agriculture and Biosecurity for interim rules to protect islands from CRB. Those petitioners will have to work with DAB to create more permanent solutions. This process takes time. The amendment on page 34, line 4, extends the effective period for interim rules from one year to two years, allowing an interim rule to remain in effect while a permanent rule or other solution is sought.

Removal of strict liability criminal penalties and establishment of civil penalties. Section 8 of SB 2760, beginning on page 34, line 5, amends the system of penalties for invasive species-related violations to remove criminal penalties for violations that do not involve criminal intent. We support these amendments and hope they will increase enforcement by DAB and provide fair and reasonable guidelines for penalties. Nobody wants to slap an individual or a business with a criminal charge and a massive fine for a violation where there was no knowledge that a violation was occurring. In the past, DAB was able to issue civil citations for violations and DAB staff have stated this was routinely done. Once all the penalties were made criminal and the fines were increased, DAB stopped issuing fines and the associated criminal penalties. We believe authorizing DAB to issue civil fines for strict liability offenses and violations discovered by administrative inspections will actually increase enforcement and provide a fair framework for assessing penalties for invasive species-related offenses.

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)

⁷ See HRS 150A-9.5.

SB 2760 contains important new authorities and clarifications to strengthen Hawai'i's biosecurity. Mahalo for the opportunity to support SB 2760 and for your consideration of our testimony.

Aloha,

A handwritten signature in blue ink, appearing to read "Christy Martin".

Christy Martin
CGAPS Program Manager

A handwritten signature in blue ink, appearing to read "Stephanie Easley".

Stephanie Easley
CGAPS Legal Fellow



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February 11, 2026

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

TESTIMONY ON SB 2760
RELATING TO INVASIVE SPECIES

Conference Room 229 & Videoconference
10:00 AM

Aloha Chairs Gabbard and Keohokalole, Vice-Chairs Richards and Fukunaga, and Members of the Committees:

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 supports the intent of SB 2760, which seeks to strengthen the State's invasive species prevention framework by clarifying and expanding authority to address pest risks across both agricultural and non-agricultural pathways.

Invasive species impose direct and long-term costs on Hawai'i's farmers, ranchers, and rural communities through increased production expenses, lost productivity, and land impacts that are often difficult or impossible to reverse. Prevention at points of entry and early containment remain the most effective and cost-efficient tools available to limit these impacts.

HFB recognizes that invasive species are introduced and spread through multiple pathways, many of which are unrelated to agricultural production. Addressing these pathways comprehensively is critical to reducing the burden placed on producers who must manage the downstream consequences of pest establishment.

As this measure moves forward, HFB encourages the development of clear, science-based rules and consistent enforcement practices. Effective implementation will depend on transparent standards, practical compliance expectations, and ongoing communication with affected stakeholders to ensure that prevention efforts are both effective and workable.

HFB appreciates the Legislature's continued focus on strengthening Hawai'i's biosecurity system and supports the intent of SB 2760 as part of a broader, coordinated approach to invasive species prevention.

Thank you for the opportunity to provide testimony.



SIERRA CLUB OF HAWAII

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

February 11, 2026

10:00 AM

Conference Room 229

In **SUPPORT** of
SB2760: RELATING TO INVASIVE SPECIES
SB2048: RELATING TO INVASIVE SPECIES

Aloha Chair Gabbard, Chair Keohokālole, Vice Chair Richards, Vice Chair Fukunaga, and Members of the Committees,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB2760 and SB2048**, which will help to mitigate the ongoing and future impacts of invasive species on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

Hawai'i's history provides us with a host of lessons regarding the wide-ranging and potentially irreversible damage that invasive species can inflict on our islands and ways of life. Invasive plants and wildlife have overtaken entire watersheds, impacting not just native habitat but also reducing aquifer recharge, increasing our vulnerability to floods and wildfires, and smothering our nearshore reefs and waters with runoff. Parasites and diseases carried by invasive and introduced species have impacted local food production and increased the use of toxic pesticides on farms and in home gardens, risking both public health as well as threatening stream and nearshore species critical to our aquatic ecosystems. Invasive pests can also crowd out, displace, and extirpate native species, undermining the biodiversity that defines our islands, culture, and unique ways of life.

Accordingly, the Sierra Club strongly supports these measures, which would systemically mitigate the threats posed by invasive species to our islands and our future.

SB2760 proposes a range of common-sense and much-needed fixes to numerous gaps in the Department of Agriculture and Biosecurity's (DAB's) statutory authorities, and our biosecurity framework in general. This includes a clarification and expansion of the entities that DAB should work with, to meet our biosecurity challenges more comprehensively. It also expands the types of materials whose movement DAB can regulate – a major need, especially considering the various ways that invasive species might be introduced to or spread across our islands. Moreover, it allows interim biosecurity rules to be valid for two years, rather than one – an appropriate time extension, given the amount of time it takes to adopt permanent administrative rules to replace “temporary” interim rule provisions.

Meanwhile, SB2048 is another common-sense measure to prohibit the sale of invasive pests or products that are infested with pests. There is no reason not to pass this measure, especially as the knowing sale of infested plants and mulch products have

undoubtedly contributed to if not driven the spread of little fire ants and coconut rhinoceros beetles across multiple islands. This bill will make clear that DAB has the authority and responsibility to intervene in such situations, before the unscrupulous sale of pests and infested products creates yet another invasive species crisis.

Therefore, the Sierra Club of Hawai'i respectfully urges the Committees to **PASS** these bills. Mahalo nui for the opportunity to testify.



February 9, 2026

To: Chair Mike Gabbard, Vice Chair Tim Richards, Chair Jarrett Keohokalole, Vice Chair Carol Fukunaga, and the members of the Senate Committees on Agriculture and Environment, and Commerce and Consumer Protection

Subject: **SB2760**, Relating to Invasive Species

Aloha,

I am writing in **support** of **SB2760**, which aims to prevent the introduction and spread of invasive species and clarifies any penalties if invasive species laws are violated.

Due to our isolated geographical location, Hawai'i has fostered highly biodiverse and unique ecosystems full of plant and animal species that are not found anywhere else in the world. These endemic species are essential for ecosystem function and ultimately our human health¹. Invasive species threaten the integrity of our native ecosystems and the species that inhabit them.

Invasive species have been easily introduced from imports and the traveling of goods and people around the islands. Allowing DAB more authority in inspecting for and preventing the spread of such invasive species at the port of entry is essential. Learning from our past mistakes, we should be trying our best to prevent more invasive species from being introduced.

I urge this committee to pass SB2760, which will proactively prevent the introduction and spread of invasive species that threaten our native ecosystems on which we depend.

Mahalo,
Sydney Haas & 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.

¹ Hawaii Invasive Species Council. (2026). *Invasive species*. Hawaii Invasive Species Council. <https://dlnr.hawaii.gov/hisc/info/>



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 Honolulu, HI 96825
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 Email: hfia@hawaiiiforest.org

Date: 02/09/26

TO: AEN Chair Gabbard, Vice Chair Richards, CPN Chair Keohokalole, Vice Chair Fukunaga, AEN Committee members DeCoite, Rhoads, Awa, and CPN Committee members Lamosao, McKelvey, Awa

FROM: Hawaii Forest Association (HFA)

SUBJECT: In Support of SB2760 Relating to Invasive Species

Dear Chair Gabbard, Chair Keohokalole and AEN/CPN Committee members,

On behalf of the Hawaii Forest Association(HFA) Directors and members, please support SB2760 Relating to Invasive Species.

Considering that these islands we call home are known as the “endangered species capital of the world” due to the damaging effects of invasive species on our unique biodiversity, implementing rules, compliance agreements and enforcing existing penalties, as laid out in SB2760, is appropriate. The State must maintain and practice its right to inspect and quarantine materials entering the State from the continental U.S. or materials moving between islands in order to protect our unique natural resources and ecosystems.

Monitoring for and protecting against invasive pests helps to defend our agricultural lands, forested lands, ranch and pasture lands, and the economies, jobs and well-being of thousands of Hawaii residents tied to all three. Proactively protecting our islands and resources from invasive species introduction and transportation is a responsibility we have to the future generations who will rely on those resources.

For these reasons HFA hopes that you will support SB2760.

Mahalo,

Irene Sprecher, President
 Hawaii Forest Association

HFA's mission is to promote healthy and productive forests and a sustainable forest industry through management, education, planning, information exchange, and advocacy.

HFA Board of Directors

Officers: President Irene Sprecher, Vice President Taylor Coons, Secretary Nicholas Koch
 Directors: Jeremy Campbell, Doug, Michael Sowards, Aileen Yeh, Aaron Hammer, Tawn Speetjens

HFA's members include woodworkers, landowners, sawmillers, foresters, educators, researchers, arborists, students and more.	50% of HFA members are business owners, employing nearly 150 people across the State.	HFA actively manages five restoration and/or native plant demonstration sites between Hawai'i island and Oahu.
HFA members and their employees reside and work in 64 of the 76 Hawaii House and Senate districts.	HFA members reside across the Hawaiian islands, with a majority of members on Hawai'i island and Oahu, as well as members located in the continental US, Canada and Guam.	HFA, with its sister organization, the Hawaii Forest Institute, engages in regular outreach and education.

SB-2760

Submitted on: 2/10/2026 2:44:27 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Testifying for Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition supports SB2760.

Invasive insects, animals, and plants are a major threat to our islands. We need to shore up protection. This Bill does that.

Mahalo for. your time.

SB-2760

Submitted on: 2/7/2026 4:37:27 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha,

I stand in strong support.

Invasive species is a problem that will do so much damage in such a quick time and we won't even know it's coming. This is what happened with CRB, LFA, and coquis. What makes this worse is when businesses are spreading invasive species by the activities they do.

We need to prevent this. This bill is sorely needed.

Mahalo for your consideration,
Keoni Shizuma

SB-2760

Submitted on: 2/9/2026 3:33:50 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT

SB-2760

Submitted on: 2/10/2026 11:51:37 AM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jodi Rodar	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and Keohokālole, Vice Chairs Richards and Fukunaga, and members of the Committees,

My name is Jodi Rodar, I am writing in **strong support of SB2760**.

Invasive plants, animals, and diseases have already caused immense harm across Hawai‘i—damaging watersheds, threatening native species, undermining cultural practices, and impacting food security, public health, and our economy. Once invasive species become established, the damage is often irreversible, making prevention and rapid response absolutely essential.

SB2760 addresses long-standing gaps in the Department of Agriculture and Biosecurity’s authority by clarifying who the department can work with, expanding its ability to regulate high-risk materials that spread invasive species, and allowing interim biosecurity rules to remain in effect long enough to be meaningful. These are common-sense fixes that will help agencies act more quickly and effectively to stop invasive species before it is too late.

At a time when Hawai‘i is facing multiple invasive species crises, SB2760 will help ensure that our biosecurity system is proactive rather than reactive, and that agencies have the tools they need to protect our ‘āina, waters, and communities.

I respectfully urge you to **PASS SB2760**.

Thank you.

Sincerely,

Jodi Rodar

SB-2760

Submitted on: 2/10/2026 11:52:07 AM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Noelle Lindenmann	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and Keohokālōle, Vice Chairs Richards and Fukunaga, and members of the Committees,

I am writing in **strong support of SB2760**.

Invasive plants, animals, and diseases have already caused immense harm across Hawai‘i—damaging watersheds, threatening native species, undermining cultural practices, and impacting food security, public health, and our economy. Once invasive species become established, the damage is often irreversible, making prevention and rapid response absolutely essential.

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At a time when Hawai‘i is facing multiple invasive species crises, SB2760 will help ensure that our biosecurity system is proactive rather than reactive, and that agencies have the tools they need to protect our ‘āina, waters, and communities.

I respectfully urge you to **PASS SB2760**.

Mahalo nui for the opportunity to provide testimony.
Noelle Lindenmann, Kailua-Kona

SB-2760

Submitted on: 2/10/2026 11:58:30 AM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Glenn Choy	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill

SB-2760

Submitted on: 2/10/2026 2:02:08 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2760. Invasive plants, animals, and diseases have already caused immense harm across Hawai‘i. SB2760 is a common-sense fix that will help agencies act more quickly and effectively to stop invasive species before it is too late. Please pass this important measure!

SB-2760

Submitted on: 2/10/2026 2:30:41 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
penny levin	Individual	Comments	Written Testimony Only

Comments:

Aloha Committee members;

One of the critical loopholes that has not been closed by the language in this bill is the vector of escaped invasive species and crop diseases through research. This has happened numerous times in the past although it has been frequently denied over the years. If an invasive species, pest or disease is not present here in the islands currently we should not allow any opportunity for it to be here, even for controls research purposes. Our universities have the ability to collaborate with other universities and agencies outside of Hawaii. They have the ability to travel to labs, eg. in California where escapes are less likely and highly unlikely to impact tropical crops, or other parts of the Pacific where a pest or disease may already exist, such as Fiji or Guam. Such research can be carried out outside Hawaii do determine efficacy. Only academic hubris makes a researcher or institution insist it should be done here.

I urge you to close this loophole and consider additional language that would prevent the importation of any invasive plants, crop pests or diseases *not present in Hawaii as of January 2026*, for research purposes, including to research measures of control, without exception.

Mahalo for your consideration

Penny Levin

SB-2760

Submitted on: 2/10/2026 2:32:08 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kealii Pang, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and Keohokālole, Vice Chairs Richards and Fukunaga, and members of the Committees,

My name is Kealii Pang, Ph.D. I write in strong support of SB2760. I am a retired federal biologist with twenty five years of invasive species experience in Hawai‘i and the Mariana Islands.

Invasive plants, animals, and diseases have already caused severe harm across Hawai‘i. These threats damage watersheds, reduce native biodiversity, erode cultural practices, and weaken food security, public health, and local economies. Prevention and rapid response remain the only effective strategies once an invasive organism arrives, since eradication after establishment rarely succeeds.

SB2760 corrects long standing gaps in the authority of the Department of Agriculture and Biosecurity. The measure clarifies eligible partners, expands regulation of high risk materials that spread invasive species, and allows interim biosecurity rules to stay in place long enough to protect the public interest. These changes support faster action and stronger coordination during early detection and response.

During my federal service, I worked on invasive species management across island systems, including Hawai‘i and the Marianas. Delays in authority, unclear jurisdiction, and short lived rules repeatedly limited response efforts and increased long term costs. SB2760 directly addresses these operational barriers.

Hawai‘i now faces multiple invasive species emergencies. SB2760 strengthens a proactive biosecurity system and equips agencies with the tools needed to protect ‘āina, fresh water, nearshore ecosystems, and community well being.

I respectfully urge you to PASS SB2760.

Mahalo nui for the opportunity to provide testimony.

Sincerely,

Kealii Pang, Ph.D.

SB-2760

Submitted on: 2/10/2026 3:15:56 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jody Smith	Individual	Support	Written Testimony Only

Comments:

I am writing in **strong support of SB2760.**

Invasive plants, animals, and diseases have already caused significant harm across Hawai'i, including:

- Damage to watersheds
- Threats to native species
- Undermining of cultural practices
- Impacts to food security
- Risks to public health
- Economic harm

Once invasive species become established:

- The damage is often irreversible
- Prevention and rapid response are essential

SB2760 addresses long-standing gaps in the Department of Agriculture and Biosecurity's authority by:

- Clarifying who the department can work with
- Expanding the ability to regulate high-risk materials that spread invasive species
- Allowing interim biosecurity rules to remain in effect long enough to be meaningful

I respectfully urge you to **PASS SB2760.**

Mahalo nui for the opportunity to testify.

Jody Smith

Honolulu 96825

SB-2760

Submitted on: 2/10/2026 2:34:09 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Lorenzo	Individual	Support	Written Testimony Only

Comments:

Aloha e Chairs Gabbard am e Keohokālole, aloha e Vice Chairs Richards am e Fukunaga, am e members of the Committees,

My name is Anne M. Lorenzo, and I am writing in **strong support of SB2760**.

Invasive plants, animals, and diseases have already caused immense harm across Hawai‘i—damaging watersheds, threatening native species, undermining cultural practices, and impacting food security, public health, and our economy. Once invasive species become established, the damage is often irreversible, making prevention and rapid response absolutely essential.

SB2760 addresses long-standing gaps in the Department of Agriculture and Biosecurity’s authority by clarifying who the department can work with, expanding its ability to regulate high-risk materials that spread invasive species, and allowing interim biosecurity rules to remain in effect long enough to be meaningful. These are common-sense fixes that will help agencies act more quickly and effectively to stop invasive species before it is too late.

At a time when Hawai‘i is facing multiple invasive species crises, SB2760 will help ensure that our biosecurity system is proactive rather than reactive, and that agencies have the tools they need to protect our ‘āina, waters, and communities.

I respectfully urge you to **PASS SB2760**.

Mahalo nui for the opportunity to testify.

Sincerely,

Anne M. Lorenzo

SB-2760

Submitted on: 2/10/2026 3:28:34 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and Keohokālole, Vice Chairs Richards and Fukunaga, and members of the Committees,

My name is Peter Wilson, and I am writing in **strong support of SB2760**.

Invasive plants, animals, and diseases have already caused immense harm across Hawai‘i—damaging watersheds, threatening native species, undermining cultural practices, and impacting food security, public health, and our economy. Once invasive species become established, the damage is often irreversible, making prevention and rapid response absolutely essential.

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At a time when Hawai‘i is facing multiple invasive species crises, SB2760 will help ensure that our biosecurity system is proactive rather than reactive, and that agencies have the tools they need to protect our ‘āina, waters, and communities.

I respectfully urge you to **PASS SB2760**.

Mahalo nui for the opportunity to testify.

Sincerely,
Peter Wilson

SB-2760

Submitted on: 2/10/2026 5:00:47 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Patti Choy	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and Keohokālole, Vice Chairs Richards and Fukunaga, and members of the Committees,

I am in strong support of SB2760 and urge you to pass the bill for everyone's sake, including your's.

Thank you.

SB-2760

Submitted on: 2/10/2026 3:29:44 PM

Testimony for AEN on 2/11/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and Keohokālole, Vice Chairs Richards and Fukunaga, and members of the Committees,

My name is Bo Breda, and I am writing in **strong support of SB2760**.

Invasive plants, animals, and diseases have already caused immense harm across Hawai‘i—damaging watersheds, threatening native species, undermining cultural practices, and impacting food security, public health, and our economy. Once invasive species become established, the damage is often irreversible, making prevention and rapid response absolutely essential.

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At a time when Hawai‘i is facing multiple invasive species crises, SB2760 will help ensure that our biosecurity system is proactive rather than reactive, and that agencies have the tools they need to protect our ‘āina, waters, and communities.

I respectfully urge you to **PASS SB2760**.

Mahalo nui for the opportunity to testify.

Sincerely,
Bo Breda