

ACT 163

H.B. NO. 1325

A Bill for an Act Relating to Biosecurity.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and may be cited as the “Clift Tsuji Act”.

SECTION 2. The unchecked spread of invasive species is one of the greatest threats to Hawaii’s economy and natural environment as well as to the health and lifestyle of Hawaii’s people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, the spread of disease, and the quarantine of exported agricultural crops.

Island ecosystems are particularly vulnerable to the destructive power of invasive pests. On Guam, the accidental introduction of the brown tree snake has resulted in widespread devastation. Without natural predators or competition for food, brown tree snake populations have grown exponentially, causing the mass extinction of endemic birds. Where there were once bird songs, the forests of Guam are now silent and home to as many as fifteen thousand snakes per square mile. The introduction of just one new pest like the brown tree snake could change the ecological character of the Hawaiian islands forever.

Despite the State’s ongoing efforts to detect and eradicate invasive species, Hawaii’s fragile island ecosystem is constantly at risk from insects, disease-bearing organisms, snakes, weeds, and other invasive pests. The coconut rhinoceros beetle, little fire ant, coffee berry borer, coqui frog, and other introduced invasive species are disrupting the delicate balance of island ecosystems, crowding out native species, and reducing the biodiversity of Hawaii.

The department of agriculture has created a biosecurity program to fight invasive species on several fronts by:

- (1) Administering pre-entry measures to minimize the risk of invasive pests entering the State;
- (2) Conducting port-of-entry inspections to detect and quarantine or destroy pests upon arrival; and
- (3) Administering post-entry measures to mitigate the establishment of pests in the State.

The department of agriculture has also supported the growth of Hawaii’s agriculture industry by attempting to reduce the State’s dependency on imported agricultural products that may contain pests. The department of agriculture’s biosecurity program is vital to the public’s health and welfare, and the department must fully execute its comprehensive strategy to control and prevent increasing invasive species threats from entering into and spreading throughout the State. Although inspections are critical, building local capacity to increase the State’s

ability to stop the entry of high-risk products would enhance Hawaii's efforts to mitigate and manage invasive species. This ability is vitally important not only to protect Hawaii's fragile environment but also to grow the State's local agricultural industry and to increase levels of self-sufficiency and sustainability.

The lack of adequate resources has seriously undermined the plant quarantine branch's functionality and has resulted in the compromise of the effectiveness and efficiency of the quarantine and biosecurity programs.

The purpose of this Act is to:

- (1) Reaffirm the legislature's finding that the implementation of the department of agriculture's biosecurity program is vital to the State;
- (2) Require the department of agriculture to establish parameters and construction requirements for biosecurity facilities; and
- (3) Appropriate moneys to enable the department of agriculture to complete the implementation of the biosecurity program to include import replacement and pest management programs.

SECTION 3. Section 150A-53, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~150A-53 **General actions to achieve objectives.** (a) To achieve the objectives of the biosecurity program, the department shall plan for and, within available legislative appropriations[,] or through funding from other sources, implement the following:

- (1) Work with government agencies and agricultural commodity exporters of other states and countries to establish pre-entry inspection programs under which inbound cargo into the State is inspected at the ports of departure or other points outside the State;
- (2) Establish, operate, or participate in operating port-of-entry facilities where multiple government agencies may inspect, quarantine, fumigate, disinfect, destroy, or exclude as appropriate, articles that may harbor pests or exclude articles that are prohibited or restricted without a permit, with the goals of:
 - (A) Performing inspections in an efficient, effective, and expeditious manner for the government agencies involved and for cargo owners, carriers, and importers; and
 - (B) Providing for the proper and safe storage and handling of cargo, especially agricultural and food commodities, awaiting inspection;
- (3) Develop, implement, and coordinate post-entry measures to eradicate, control, reduce, and suppress pests and, as appropriate, eradicate or seize and dispose of prohibited or restricted organisms without a permit that have entered the State;
- (4) Collaborate with relevant government agencies, agricultural commodity importers, and other persons to examine and develop joint integrated systems to better implement the biosecurity program;
- (5) Improve cargo inspection capabilities and methods, including enhancement of the content and submission requirements for cargo manifests and agricultural commodity ownership and movement certificates;
- (6) Promote the production of agricultural commodities in the State to reduce cargo shipments of imported commodities into the State; and

- (7) Provide public education on the negative effects of pests and prohibited or restricted organisms without a permit, to the environment and economy of the State.

(b) The department shall establish parameters and construction requirements for biosecurity facilities that provide for and ensure the safety of agricultural and food commodities consumed by Hawaii residents, including cold storage facilities established by private-public partnerships to preserve the quality and ensure the safety of the commodities arriving at the State's airports and harbors."

SECTION 4. The department of agriculture shall submit a report on its progress with respect to the biosecurity program to the legislature no later than thirty days prior to the convening of the regular session of 2018.

SECTION 5. There is appropriated out of the agricultural development and food security special fund the sum of \$1,200,000 or so much thereof as may be necessary for fiscal year 2017-2018 and the same sum or so much thereof as may be necessary for fiscal year 2018-2019 for the biosecurity program of the department of agriculture; provided that the sums appropriated shall be used for the following projects:

- (1) \$200,000 for import replacement of high-risk crops and \$500,000 for the development of systems management to enhance pest management practices in agricultural production areas in coordination with agricultural commodity organizations;
- (2) \$100,000 for the development of quarantine treatment options;
- (3) \$100,000 for the development and implementation of diagnostics to quickly and reliably identify new and evolving pests and diseases;
- (4) \$200,000 for the improvement of productivity of inspection capacity within the plant quarantine branch; and
- (5) \$100,000 for public and agriculture industry education activities in coordination with agricultural commodity organizations.

The sums appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2017.

(Approved July 11, 2017.)