
HOUSE RESOLUTION

SUPPORTING CONGRESSIONAL ACTION TO EXEMPT THE STATE OF HAWAII
FROM FEDERAL PREEMPTION PROHIBITING STATE INSPECTION OF
PLANTS, PLANT PRODUCTS, AND OTHER BIOLOGICAL ORGANISMS.

1 WHEREAS, invasive species are a major problem on all
2 islands of Hawaii; and

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4 WHEREAS, Act 85, Session Laws of Hawaii 2003, which created
5 the Hawaii Invasive Species Council indicates that invasive
6 species cause "millions of dollars in crop losses, the
7 extinction of native species, the destruction of native forests,
8 and the spread of disease"; and

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10 WHEREAS, in addition, the State expends a significant
11 amount of funds to eradicate invasive species, such as the coqui
12 frog, Australian treefern, miconia, and varroa mite; and

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14 WHEREAS, to prevent the exacerbation of the invasive
15 species problem, state inspection programs should be enhanced to
16 prevent new invasive species from entering Hawaii's borders; and

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18 WHEREAS, the State's ability to establish an inspection
19 program for imported foreign plants and products, however, is
20 hampered by a federal preemption provision in the Plant
21 Protection Act of 2000, Public Law 106-224 that states:

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23 No State or political subdivision of a State may
24 regulate in foreign commerce any article, means of
25 conveyance, plant, biological control organism, plant
26 pest, noxious weed, or plant product in order--

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28 (1) to control a plant pest or noxious weed;

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30 (2) to eradicate a plant pest or noxious weed; or

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32 (3) prevent the introduction or dissemination of a
33 biological control organism, plant pest, or
34 noxious weed; and



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WHEREAS, the Legislature finds that, based on this preemption provision, the United States Department of Homeland Security refuses to notify the state Department of Agriculture when foreign shipments of plants that may carry invasive species enters Hawaii's borders; and

WHEREAS, the Legislature further finds that the United States Department of Homeland Security's uncooperativeness greatly hinders the state Department of Agriculture's ability to inspect taro coming from the South Pacific islands and other foreign locations; and

WHEREAS, foreign taro may contain diseases and beetles that could be extremely detrimental to the plant itself; and

WHEREAS, Hawaii's congressional delegation is aware of the federal preemption problem and is working toward a resolution that would enable the state Department of Agriculture to conduct necessary inspections; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, that this body supports congressional action to exempt the State of Hawaii from federal preemption prohibiting state inspection of plants, plant products, and other biological organisms; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the members of Hawaii's congressional delegation, the United States Secretary of Agriculture, the United States Secretary of Homeland Security, and the Chairperson of the state Board of Agriculture.

OFFERED BY:

[Handwritten signatures]
Kirk Caldwell
Karen Arana

[Handwritten signatures]
Tom Brown

