

House of Representatives
Twenty-Fourth Legislature
Regular Session of 2008

COMMITTEE ON AGRICULTURE
COMMITTEE ON CONSUMER PROTECTION & COMMERCE
COMMITTEE ON TRANSPORTATION

Hearing
Friday, February 8, 2008
9:15 a.m.

Testimony by: Ralph C. Boyea, Legislative Advocate, Hawai'i County Council

Testimony in favor of HB 2843 RELATING TO INVASIVE SPECIES

Chairpersons Tsuji, Herkes and Souki
Vice Chairs Brower, McKelvey and Nishimoto
Honored Representatives,

On behalf of the Hawai'i County Council, I ask that you to pass House Bill 2843. House Bill 2843 imposes an invasive species fee for all incoming non-containerized freight and it requires the Department of Agriculture to assess fines for violations of HRS Section 150A-5.3.

The Hawai'i County Council is very supportive of any efforts by the State Legislature to control invasive species. In recent years Hawai'i County has been subjected invasion by coqui frogs, fire ants and apple snails, to name just a few invasive species. All of these species have created significant impact financially, emotionally and culturally. We are also very concerned about a possible future invasion of honey bee mites which could be devastating to our bee farmers and our agricultural industry..

We are well aware that the Department of Agriculture needs additional financial support to increase it's efforts to control invasive species. We applaud the State Legislature for looking for creative ways to combat these problems.

We urge you to pass HB2843.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on House Bill 2843 – RELATING TO INVASIVE SPECIES

**BEFORE THE HOUSE COMMITTEES ON
AGRICULTURE
and
TRANSPORTATION**

February 8, 2008

House Bill 2843 authorizes the Department of Agriculture (DOA) to impose a service fee for the inspection of all incoming non-containerized freight in to the State. This bill proposes a solution to the loophole created by the establishment of a cargo service fee that only addressed containerized marine cargo. The Department of Land and Natural Resources (Department) supports the intent of this measure, but defers to DOA as to the magnitude, structure and mechanism of the funding necessary to carry out their vital quarantine functions as outlined in their Biosecurity Plan.

Preventing new invasive species from establishing in Hawaii provides the greatest long term protection for Hawaii and the Department supports strong import quarantine measures. Invasive species inspections and quarantine are needed for all types of commercial freight. Providing an equitable and comprehensive system for inspection of all commercial freight, enforcement authority and having the staff and needed airport and harbor facilities to allow for efficient cargo quarantine inspections and processing will protect Hawaii's economy and environment from invasive species.



Maui County Farm Bureau

*An Affiliate of the American Farm Bureau Federation and Hawaii Farm Bureau Federation
Serving Maui's Farmers and Ranchers*

TESTIMONY

HB 2843

RELATING TO INVASIVE SPECIES

HEARING BEFORE THE COMMITTEE ON AGRICULTURE AND COMMITTEE ON TRANSPORTATION

Chair Tsuji, Chair Souki and Committee Members:

My name is Warren Watanabe, Executive Director of the Maui County Farm Bureau, a non-profit general agriculture organization and an affiliate of the Hawaii Farm Bureau Federation.

MCFB strongly requests your SUPPORT of HB 2843 imposing fees on all types of cargo entering the State.

Last year's legislature imposed a fee on marine containers. This measure includes all other types of cargo that are equally subject to carrying invasive species. Subjecting all types of cargo to this fee requirement brings fairness into the system.

As we look to address invasive species, our farmers and ranchers are facing a near crisis situation in the area of transportation. Improvements in Harbor infrastructure will be critical for expansion of Hawaii's agriculture. Recent experiences with the Hawaii Superferry and now the Kahului Harbor 2030 Draft EIS gives strong testament to the delay tactics that will be used by some to slow down the improvement process. This measure is an important piece to help fund the programs needed to ensure that concern of invasive species does not get used to slow down the much needed harbor improvement plans.

MCFB respectfully requests passage of this measure. The viability of our farmers and ranchers is at stake. Thank you.

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Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 2843 Relating to Invasive Species
House Committee on Agriculture
House Committee on Transportation
Friday, February 8, 2008, 9:15AM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawai'i's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for rare and endangered native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i and also work closely with government agencies and private landowners on cooperative land management projects.

The Nature Conservancy of Hawai'i strongly supports H.B. 2843 Relating to Invasive Species.

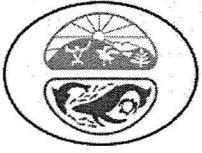
Invasive insects, diseases, snakes, weeds, and other pests are one of the greatest threats to Hawai'i's economy, natural environment, and the health and lifestyle of its people.

The Hawai'i Department of Agriculture (HDOA) is responsible for the inspection of domestic cargo and passengers arriving at Hawai'i's ports to protect the state from introduction of unwanted plant and animal pests and diseases. The HDOA also inspects interisland shipments to prevent movement of pests between islands. Pest risk assessments conducted by the Department at ports of entry across the state have helped the Department identify high-risk pathways for pest introductions and prioritize the allocation of departmental resources. The Department has also developed a multi-faceted Biosecurity Plan to enhance its efforts with more inspectors, more efficient and effective inspection services, joint state-federal inspection facilities, and agreements with importers and producers for improved sanitary protocols before items are shipped to Hawai'i. The financial and personnel support provided by the Legislature, has been essential to implementing this plan.

Providing the HDOA with authority to assess a reasonable service charge on its invasive species inspection, quarantine and eradication activities provides an appropriate and useful source of funds to achieve the goal of enhanced prevention systems at ports of entry for the state. This bill appropriately expands the authority of the Department to assess a reasonable fee on all incoming cargo into the state, including containerized and non-containerized, and both sea and air cargo.

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Conservation Council for Hawai'i

Testimony Submitted to House Committee on Agriculture
and House Committee on Transportation

Hearing: Friday, February 8, 2008
9:15 am
Room 325

Support for HB 2843 Relating to Invasive Species

Aloha. The Conservation Council for Hawai'i strongly supports HB 2843, which imposes a invasive species fee for all incoming non-containerized freight into the State and adding air freight to the inspection fee provision.

We recommend that the fee be increased from \$1 to \$10. The \$1 fee is not enough to provide adequate inspections at our ports of entry in order to keep invasive species from entering Hawai'i.

We also ask you to consider dedicating 50% of the fees collected to the Invasive Species Committees. This important program needs adequate dedicated funding, and we are open to any other potential sources of funding for the Committees.

Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Working Today for the Nature of Tomorrow!

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Hawai'i Affiliate of the National Wildlife Federation

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**TESTIMONY OF KU`UHAKU PARK
GOVERNMENT AFFAIRS MANAGER
HORIZON LINES**

**IN REGARDS TO
HB 2843 – RELATING TO INVASIVE SPECIES**

FEBRUARY 8, 2008

Chair Souki, Chair Tsuji and Members of the House Committees on
Transportation and Agriculture.

I am Ku`uhaku Park, testifying in regards to HB 2843, “A BILL FOR AN
ACT RELATING TO INVASIVE SPECIES” on behalf of Horizon Lines, LLC., in
support of this bill.

We would like to request one change; the bill as written leaves the \$1 fee
for marine commercial containers as part of the statute, while the fees of other
freight will be determined by rules. For the sake of consistency and fairness, we
would like to see all fees either listed in the statute, or determined by rules.

Due to the aforementioned reason Horizon Lines respectfully requests that
this bill, with our suggested change, be passed by this committee.

Thank you for your kind and serious consideration of our testimony in this
matter of HB 2843.

**HB 2843
RELATING TO INVASIVE SPECIES**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

FEBRUARY 8, 2008

Chair Tsuji, Chair Souki, and Members of the House Committees on Agriculture and Transportation:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and Matson Navigation Company, Inc. (a subsidiary of A&B) on HB 2843, "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES." We support this bill with amendments.

While we strongly support programs to control the spread of invasive species in Hawaii, we are very concerned that the present scope of the marine commercial container fee unfairly discriminates against the marine containerized cargo industry. In particular, we have concerns with the following aspects of the fee as presently contained in statute:

1. The fee is only imposed on marine container shipments that are brought into the State. No fee is imposed on other means by which invasive species can enter our State, such as via non-containerized marine cargo, non-containerized automobiles, and cargo brought into the State by air transportation.
2. Funds derived from this fee (imposed only on marine container shipments) may be used for invasive species programs that are unrelated to marine

container shipments, such as the inspection of other modes of cargo transportation into the State.

PRESENT FEE IS ONLY APPLICABLE TO MARINE CONTAINER SHIPMENTS

Invasive species can enter Hawaii through several different means or pathways, including but not limited to ocean transportation (container, non-container, and automobile shipments; passenger baggage), air transportation (cargo shipments; passenger baggage), and the mail.

The present fee is imposed only on marine container shipments, despite several other possible invasive species entry modes into our State. In the cargo transportation marketplace, this directly increases the cost of marine container shipments while having no direct financial impact on any of the other modes of cargo transportation into the State of Hawaii despite the fact that they, too, could harbor invasive species. Not only is there the cost of the fee itself, but the affected marine companies also shoulder additional administrative costs to implement the fee system.

We believe that by assessing the present statutorily imposed fee only on marine container shipments, that this fee is discriminatory and results in an unfair burden and competitive disadvantage on entities that transport cargo to Hawaii via marine container shipments as opposed to entities that transport cargo to Hawaii via other modes of shipment and other modes of transportation.

PRESENT FEE MAY BE UTILIZED FOR OTHER MODES OF CARGO SHIPMENT

Use of funds derived from the present fee is targeted for the operation of pest inspection, quarantine, eradication, and monitoring programs, related facilities, and the execution of emergency remedial measures when pests are detected in the course of

inspection and quarantine by the Department of Agriculture. However, the present law does not restrict the use of funds collected from this new marine container shipment fee to only marine container related invasive species programs. Thus, these fees, derived solely from the transport of marine containers, could be used, for example, for the inspection and other invasive species programs for non-containerized marine cargo, non-containerized automobiles, and cargo/baggage shipped by air transportation--for which no fee is imposed. Thus, we do not believe that the present fee represents a comprehensive, fair, and equitable means of financing invasive species programs.

This bill proposes to expand the scope of the present invasive species fee to include cargo transported into the State by air freight or by any other means of freight transportation. While the fee for the transportation of marine commercial cargo containers will continue to be imposed by statute, this bill requires that the fees for all other modes of transportation be determined by rules.

While we support the general intent of this bill to broaden the applicability of the invasive species fee to include all modes by which commercial cargo is transported into the State, we believe that the fee assessed for the transportation of all commercial cargo should either be entirely set by statute or by rules. Your consideration to incorporate appropriate amendments would be greatly appreciated.

Thank you for the opportunity to testify.