

LINDA LINGLE  
Governor



SANDRA LEE KUNIMOTO  
Chairperson, Board of Agriculture

DUANE K. OKAMOTO  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE  
THURSDAY, FEBRUARY 21, 2008  
11:30 A.M.

HOUSE BILL NO. 3033  
RELATING TO AGRICULTURAL INSPECTIONS

Chairperson Oshiro and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 3033 which is an Administration bill. The purpose of this bill is to provide the department with the authority to require advance notification of transported commodities into the State or from one island to another. It also expands inspection and quarantine authority to non-agricultural commodities. The department strongly supports this measure.

Invasive species is threatening our economy, agriculture industry and environment. Preventing entry of invasive species is a primary mission of the Hawaii Department of Agriculture. The department is filling in the gaps in invasive species prevention systems by implementing our Biosecurity Program. Key to the implementation is the notification of the movement of goods and expansion of our authority. The department needs to know what is coming into the State in order to make good decisions in determining what requires inspection and to be able to take action on pests regardless of whether they appear on agricultural commodities or on other types of cargo.

Last year, the Legislature provided funds through the Department of Transportation to develop the manifest system. This system will provide a more comprehensive understanding of port activity throughout the State. It will improve workflow management and allow for more efficient scheduling of resources through advance notification of a shipment arriving and

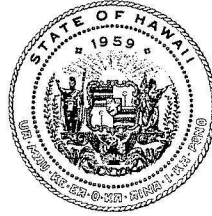
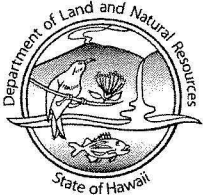
determination of the risk of that cargo ahead of time. With 500,000 containers moving into the State each year and another 500,000 containers moving from one island to another, every container cannot be inspected. However, due to the increased concern about health, environment, and economic impacts of invasive species, the department must be able to inspect the high-risk shipments and treat or destroy the pest before the pest becomes established in farms, homes, and forests.

Transportation infrastructure is critical to an island state but there must be provisions for safeguards to prevent the introduction of invasive species into the state or between islands. The passage of this measure is an important mitigation step and key to the success of the Biosecurity Program.

This past year, imported rocks from China carried spiders, and dried reeds from Africa for home construction carried weed seeds and insect pests. This experience emphasized the need for the expansion of HDOA's authority from agricultural commodities to all commodities. As the threats from Brown Tree Snake and red imported fire ant increases, we must be able to respond effectively and efficiently. Household goods from Guam are high risk for the brown tree snake. Frozen chicken and soil-moving equipment are high risk for red imported fire ant. These articles are not covered under our current authority, and therefore, that authority must be expanded to provide adequate protection.

Thank you for your continued support of our Biosecurity Program and allowing us the opportunity to testify on this very important measure.

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

**on House Bill 3033 – RELATING TO AGRICULTURAL INSPECTIONS**

**BEFORE THE HOUSE COMMITTEE ON  
FINANCE**

**February 21, 2008**

House Bill 3033 is an Administration bill that grants the Department of Agriculture (DOA) authority to require advance written notification of arrival of articles transported to the State or from one island within the State to another as freight, air freight, baggage, or otherwise, for the purpose of debarkation. This measure broadens the range of articles subject to advance notification and possible inspection to include non-agricultural articles capable of harboring pests. It corrects an error that occurred in Act 64, Session Laws of Hawaii (SLH) 2005, regarding import of restricted articles so as to be consistent with other parts of the statute. The Department of Land and Natural Resources (Department) supports this measure and defers to the DOA as to the specific language required to provide interisland inspection authority and improve import quarantine efforts.

Preventing new invasive species from establishing in Hawaii provides the greatest long term protection for Hawaii and the Department supports stronger import quarantine measures. The increase in interisland transportation without adequate inspection and quarantine has resulted in the spread of invasive species across the state once they become established on a single island. Some of the most recent and costly examples of this are the introduction of several coqui frogs each year to the islands of Maui, Molokai, Oahu and Kauai and the spread of stinging nettle caterpillar from the Big Island to Maui and Oahu.

DOA has developed and implemented key initiatives of their expanded Biosecurity Strategy to reduce the import and spread of invasive species such as coqui and nettle caterpillar. The increase in permanent inspector positions and the establishment of the user fee under Act 9, SLH 2007, has been an important incremental step in the process of supporting a modernized and functional quarantine system to protect Hawaii from invasive species that threaten agriculture, the economy, our environment and way of life.

In Hawaii, over 432,000 - 20' equivalent containers are imported annually according to 2005 numbers recorded by the Department of Transportation. A similar number of containers are transported interisland each year. Allowing DOA to review detailed descriptions of the contents of the containers and prioritize them for inspection will allow the highest risk goods to be

inspected for invasive species as the current DOA capacity allows while allowing the rest to move on to their destinations. Requiring detailed manifests will improve the State's response to future risk posed by new commodities such as increased importation of building materials that may harbor invasive plants, insects or even larger animals such as snakes.



## **Hawaii Agriculture Research Center**

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### **TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE**

#### **HOUSE BILL 3033**

#### **RELATING TO AGRICULTURAL INSPECTIONS**

**February 21, 2008**

Chairman Oshiro and Members of your Committee:

My name is Stephanie Whalen. I am President and Research Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center, our research and support staff, and our members and clients.

**HARC supports House Bill 3033, Relating to Agricultural Inspections** which corrects an error from 2005 and improves the department's ability to target cargo which has a higher probability of harboring pests.

With the increasing number of invasive species slipping into the state unnoticed legislation that helps to focus inspections on high risk cargo to and within the state must be a high priority for the sustantation of not only agriculture but our environment.

Thank you for this opportunity to testify in support of this important measure.

**HAWAII FARM BUREAU FEDERATION  
2343 ROSE STREET  
HONOLULU, HI 96819**

FEBRUARY 21, 2008

HEARING BEFORE THE  
HOUSE COMMITTEE ON FINANCE

AGENDA #3

TESTIMONY ON HB 3033  
RELATING TO AGRICULTURAL INSPECTIONS.

Chair Oshiro and Members of the Committee:

My name is Alan Takemoto, Executive Director, of the Hawaii Farm Bureau Federation, which is the largest non-profit general agriculture organization representing approximately 1,600 farm and ranch family members statewide.

The Hawaii Farm Bureau Federation supports HB 3033, which grants the DOA authority to require advance written notification of arrival of articles transported to the State or from one island within the state to another as freight for the purpose of debarkation.

Invasive species have become one of the most devastating problems impacting Hawaii's agricultural industry. Invasive species and the havoc to Hawaii's environment and economy are well noted in the demise of the native wili wili tress, the recent infestation of imported Christmas trees, coqui frog, and others pests and diseases that chronically devastates our agricultural crops.

Giving the DOA more authority to inspect all cargo and baggage improves the State's ability to inspect all potential avenues and products that may host invasive species.

Thank you for allowing us to testify on this measure.

Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 3033 Relating to Agricultural Inspections  
House Committee on Finance  
Thursday, February 21, 2008, 11:30AM, Room 308

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*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 and marine management projects.*

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The Nature Conservancy of Hawai'i supports H.B. 3033 Relating to Agricultural Inspections.

The Hawai'i Department of Agriculture is doing an admirable job to protect the State from new pest species. With additional financial and personnel support from the Legislature, the Department's implementation of a multi-faceted Biosecurity Plan will enhance this effort with more inspectors, more efficient and effective inspection services, joint state-federal inspection facilities, and agreements with importers for improved sanitary protocols before items are shipped to Hawai'i.

A critical component of this Biosecurity Plan is the Department's ability to know in advance what it being shipped into and around the state and be able to direct its resources efficiently and effectively to prevent pest introduction and movement. This bill supports that ability by giving the Department the authority to require shippers to provide advance manifests for articles being shipped into the state and between islands.

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The House of Representatives  
Committee on Finance  
Thursday, February 21, 2008  
11:30 a.m., Conference Room 308  
State Capitol

### Testimony in Support of HB 3033

Aloha Chair Oshiro, Vice Chair Lee, and Members of the Committee,  
The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 3033, Relating to Agricultural Inspections.**

HB 3033 would help the Hawai'i Department of Agriculture (HDOA) to implement an effective biosecurity program by requiring cargo carriers to provide detailed manifests of cargo shipped into the State, or between islands. This advanced notice would allow HDOA to better identify high-risk cargo that should be inspected for invasive species.

HB 3033 would also help HDOA by broadening the range of types of articles subject to advanced notification and inspection. One invasive pest, the Red Imported Fire Ant (RIFA), is a good example of the need for these measures because they are known to travel in agricultural AND non-agricultural commodities including dirt, outdoor equipment, and other ways. RIFA are aggressive stinging ants that are considered one of the top worst invasive species by the Global Invasive Species Programme, and they are not yet known to occur in Hawai'i. RIFA were first inadvertently introduced around 1930 to Alabama from South America, probably in soil used for shipping ballast. Despite federal quarantine measures, these ants spread across the entire southern U.S., Puerto Rico, the Virgin Islands, the Bahamas, Singapore, Australia, Taiwan, Hong Kong and southern China. RIFA have been known to infest plants and planting materials, soil, agricultural and earth-moving equipment and vehicles, electrical equipment, and more. Outdoor equipment and earth-moving equipment from infested areas and commodities that are palletized or loaded into containers in infested areas are all high-risk—regardless of what they are.

HDOA should have the authority and ability to identify any and all high-risk commodities (or their containers) from high-risk areas in the effort to prevent the introduction of RIFA and the multitude of other invasive species that do not yet occur in Hawai'i. CGAPS asks for your support of HB 3033. Mahalo.

CGAPS--Coordinating Group on Alien Pest Species  
Ph: (808) 722-0995



**HOUSE COMMITTEE ON FINANCE**

**THE HONORABLE MARCUS R. OSHIRO, CHAIR**  
**THE HONORABLE MARILYN B. LEE, VICE CHAIR**

**HOUSE BILL NO. 3033 scheduled for hearing on February 21, 2008**

**Testimony of Roy Catalani,**  
**Vice President of Strategic Planning and Government Affairs,**  
**Young Brothers, Limited**

Chair Oshiro, Vice Chair Lee, and Members of the House Finance Committee:

Thank you for the opportunity to testify on House Bill No. 3033 (**HB 3033**).

**Young Brothers, Limited (Young Brothers) supports the intent of the bill**, which we view as the State's continuing efforts to ensure that Hawaii is protected from invasive species (pests) regardless of their point of origin or means of transportation.

The bill proposes to expand the Department of Agriculture's current inspection and quarantine authority over certain agricultural articles to include non-agricultural articles that may harbor pests. The bill requires transporters of freight to provide the Department of Agriculture (the **Department**), prior to arrival of the transporting marine vessel, a minimum of 24-hour advance notification of the identification and point of origin of these articles, whether agricultural or non-agricultural. The bill further proposes to extend these conditions, and others currently required by law, on the *interisland* movement of such articles.

The bill poses certain operational and practical issues. Young Brothers offers an interisland carrier's perspective on these issues:

- The 24-hour advance notification requirement would change the way that small shippers deliver to Young Brothers less-than-container-load (**LCL**) cargo, such as farm produce and specialty goods. Traditionally, LCL cargo is not booked—that is, Young Brothers does not take reservations for LCL cargo. Rather, shippers drop off such cargo usually on the scheduled day of, and often only hours before, sailings. The proposed notification could affect the timely departure of LCL cargo, and may well affect the freshness of farm produce—the competitive selling point of many growers. Switching to a booking system for LCL cargo would likely impose a hardship on shippers whose businesses rely on quick turnaround of orders.

- Booked cargo may pose a similar problem. The need for 24-hour advance notification may not be obvious at booking. If, at delivery of booked cargo to our pier, the notification requirement appears in order, the shipment will likely miss its appointed sailing.
- A container holding consolidated cargo (that is, cargo from multiple shippers) would come to Young Brothers' pier under one bill of lading, which would not set forth a description of each item within the container.
- The language of HB 3033 does not clearly identify the "person" who is responsible for notifying the Department about cargo that may be infested or infected with or contain any pest.
- Without standards or guidelines, Young Brothers would not know how to and would have difficulty training its employees to identify a "non-agricultural article capable of harboring pests, including but not limited to, rocks, building material, or furniture."
- The requirement to identify point-of-origin of articles in interisland movement may be virtually impossible for Young Brothers' customers to fulfill. This requirement, unless better clarified, may stymie many of our customers in shipping goods from one island to another.

Young Brothers fully supports the prevention of the introduction and spread of invasive species in our island state. However, as an alternative to this bill, we believe that the operational and practical problems associated with the bill could best be addressed by giving the Department broad authority to inspect and quarantine cargo with high risk of carrying pests and leaving the specific details of implementation to rule-making by the Department so that the complex problems associated with implementation can be worked out. Young Brothers would be very willing to work with the Department and other cargo carriers to accomplish this and then work to hammer out administrative rules that are both effective and workable.

Thank you for the opportunity to testify.



A I R L I N E S

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February 21, 2008

Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice-chair  
Committee on Finance

**RE: HB 3033 Relating to Agricultural Inspections**

Chair Oshiro, Vice-Chair Lee and Members of the Committee:

My name is Stephanie Ackerman and I am Senior Vice President, Public Relations and Government Affairs, for Aloha Airlines. Thank you for this opportunity to offer comments on HB3033.

As currently written, HB3033 will place a tremendous and difficult burden on Hawaii's interisland carriers. It would impose the same notification requirements on the interisland movement of the articles listed in the law as now exists for overseas and foreign carriers. In addition, it would require interisland airlines to give four hours' notice prior to the arrival of an aircraft carrying air freight or baggage between islands.

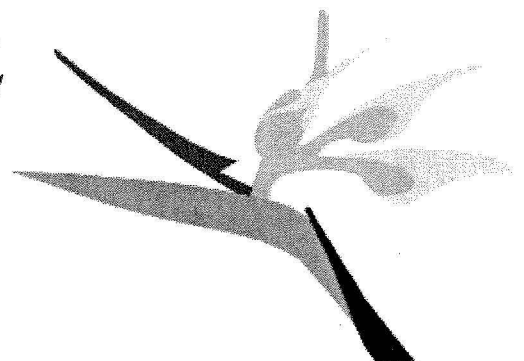
When it comes to baggage carried by air, four-hour notice is impossible. In the case of interisland air freight, most bookings are made in the morning of the day of the flight, and carriers often do not know the contents of the shipment until the booking is made.

We recognize that issues involving invasive species have arisen because of the Hawaii Superferry.

To make this work for air freight, the requirement for notification should be put on the importer, consignor, or person making the shipment. At the time of booking, the shipper can be required to submit in writing or by electronic means, the information required by the Department of Agriculture for its quarantine purposes.

HB 3033 should be amended to require the person making the shipment to report the information required by the Department.

We respectfully ask that you consider amending the bill to reflect these concerns and to maintain the smooth flow of interisland air shipments. Thank you for the opportunity to offer these comments.



## **AIRLINES COMMITTEE OF HAWAII**



Honolulu International Airport  
300 Rodgers Blvd., #62  
Honolulu, Hawaii 96819-1832  
Phone (808) 838-0011  
Fax (808) 838-0231

### **AIRLINES COMMITTEE OF HAWAII TESTIMONY SUBMITTED BEFORE THE HOUSE COMMITTEE ON FINANCE HAWAII STATE CAPITOL ROOM 308 February 21, 2008**

#### **HB 3033 Relating to Agricultural Inspections - COMMENT**

Chair Oshiro and Members of the Committee:

My name is Rodrick Aoki. I am with the Hawaii Airline Liaison Office testifying on behalf of the Airlines Committee of Hawaii (ACH), which is comprised of 24 signatory airlines that underwrite Hawaii's 15-airport system.

While we agree that preventing the introduction of new invasive species is critical to protecting Hawaii's unique environment, agricultural industry and economy, we have serious concerns with HB 3033 in its current form. ACH respectfully requests that the bill be revised to hold consignors—those individuals, companies or corporations—that are sending the airfreight responsible for providing the manifest information, instead of the airlines.

When a consignor contracts to airfreight goods, the airlines are simply acting as the middle-man carrier, providing a service to the consignor and to the consignee of the goods. The consignor often uses multiple carriers in the transport of the goods, that can potentially further complicate the notification process for the airline. Going directly to the consignor source eliminates the paperwork transfer from one carrier to another. As a penalty for failing the state's notification procedure, a consignor ought to face a delay in the transportation, quarantine and/or destruction of their airfreight.

Furthermore, the bill specifies that the carriers are required to notify the Department of Agriculture of all items being transported, including baggage. This requirement is particularly onerous, especially if the passenger willingly or unwittingly places additional items in their luggage not previously outlined on the manifest. In addition, it is extremely difficult for inter-island carriers to provide this notification four hours prior to arrival of an inter-island flight when passengers only check in with the carrier two to three hours before they actually arrive at their inter-island destination.

For these reasons, the ACH believes that holding the consignor responsible is the most efficient and equitable method to obtain the manifest information to provide the Department of Agriculture the means to identify the high-risk commodities in a timely manner to prevent the introduction of invasive species that could be potentially found in Hawaii.

As always, we appreciate the opportunity to share our concerns regarding HB3033.

Respectfully Submitted,

Rodrick Aoki

**HAWAII FARM BUREAU FEDERATION  
2343 ROSE STREET  
HONOLULU, HI 96819**

FEBRUARY 21, 2008

HEARING BEFORE THE  
HOUSE COMMITTEE ON FINANCE

AGENDA #3

TESTIMONY ON HB 3033  
RELATING TO AGRICULTURAL INSPECTIONS.

Chair Oshiro and Members of the Committee:

My name is Alan Takemoto, Executive Director, of the Hawaii Farm Bureau Federation, which is the largest non-profit general agriculture organization representing approximately 1,600 farm and ranch family members statewide.

The Hawaii Farm Bureau Federation supports HB 3033, which grants the DOA authority to require advance written notification of arrival of articles transported to the State or from one island within the state to another as freight for the purpose of debarkation.

Invasive species have become one of the most devastating problems impacting Hawaii's agricultural industry. Invasive species and the havoc to Hawaii's environment and economy are well noted in the demise of the native wili wili tress, the recent infestation of imported Christmas trees, coqui frog, and others pests and diseases that chronically devastates our agricultural crops.

Giving the DOA more authority to inspect all cargo and baggage improves the State's ability to inspect all potential avenues and products that may host invasive species.

Thank you for allowing us to testify on this measure.



# Food Company Hawaii

1116 Whitmore Avenue Wahiawa, Hawaii 96786

## LATE TESTIMONY

February 21, 2008

Honorable Marcus Oshiro, Committee on Finance  
Hawai'i State Capitol, Conference Room 308  
415 South Beretania Street  
Honolulu, HI 96813

**RE: HB 3033, RELATING TO AGRICULTURAL INSPECTIONS – SUPPORT  
INTENT WITH COMMENTS**

Aloha Chair Oshiro and Members of the Committee:

I am Dan Nellis, Operations Director of Dole Food Company Hawaii (“Dole”). I appreciate the opportunity to share our views on HB 3033, Relating to Agricultural Inspections. We support the intent of this bill and ask for your careful consideration of the potential impacts these changes may have on agricultural operators like Dole.

We are particularly concerned that the proposed changes may impact the already stringent tariff rules and inspection process, with which Dole present complies. These processes are governed by the U.S. Department of Agriculture as well as the Hawaii Department of Agriculture. This may result in additional administrative costs which may be difficult to pass on to the consumer.

While Dole supports the establishment of meaningful changes to help mitigate the impacts that invasive species bring to the islands, we also ask you to carefully consider their potential impacts to our industries, which now have to compete in a global market economy.

As always, we are grateful for the opportunity to share our views with you.

Sincerely,

Dan Nellis  
Operations Manager, Dole Food Company Hawaii

**TESTIMONY OF KEONI WAGNER ON BEHALF OF HAWAIIAN AIRLINES  
REGARDING H.B. NO. 3033, RELATING TO AGRICULTURAL INSPECTIONS**

February 21, 2008

To: Chairman Marcus Oshiro and Members of the House Committee on Finance:

My name is Keoni Wagner and I am the Vice President for Public Affairs for Hawaiian Airlines presenting this testimony on behalf of Hawaiian Airlines regarding H.B. No. 3033, Relating to Agricultural Inspections.

Hawaiian Airlines is very much aware of the need to prevent and reduce the spread of invasive species into and among our islands. We support the protection of our environment but want to point out some concerns and questions regarding the provisions of this bill.

The questions relate to the impacts of a four-hour notification requirement on the passenger check-in process and the efficient shipping of cargo and passenger baggage, particularly for interisland flights. With interisland flights less than one hour in duration, the proposed requirements raise questions as to how early our customers would have to check in for their flight or tender their cargo in order for us to meet the requirements. The bill also does not specify how information would be collected or reported, raising additional concerns about the logistics of meeting the proposed requirements.

The same logistical issues arise for Transpacific flights as well..

Thank you for the opportunity to comment on this measure.

**TESTIMONY OF KEONI WAGNER ON BEHALF OF HAWAIIAN AIRLINES  
REGARDING H.B. NO. 3033, RELATING TO AGRICULTURAL INSPECTIONS**

February 21, 2008

To: Chairman Marcus Oshiro and Members of the House Committee on Finance:

My name is Keoni Wagner and I am the Vice President for Public Affairs for Hawaiian Airlines presenting this testimony on behalf of Hawaiian Airlines regarding H.B. No. 3033, Relating to Agricultural Inspections.

Hawaiian Airlines is very much aware of the need to prevent and reduce the spread of invasive species into and among our islands. We support the protection of our environment but want to point out some concerns and questions regarding the provisions of this bill.

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The same logistical issues arise for Transpacific flights as well..

Thank you for the opportunity to comment on this measure.