

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
TRANSPORTATION**

February 13, 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. Fortunately, the Hawaii's islands provide a natural barrier and advantage that helps slow the interisland movement of invasive species. 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. Providing DOA with the authority to improve interisland and import quarantine for Hawaii, protects the State's agriculture, tourism economy and environment.

LINDA LINGLE
Governor



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 Fax: (808) 973-9613

TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
FEBRUARY 13, 2008
9:25 A.M.

HOUSE BILL NO. 3033
RELATING TO AGRICULTURAL INSPECTIONS

Chairperson Souki 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 importation 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.



Hawaii Agriculture Research Center

99-193 Aiea Heights Drive, Suite 300

Aiea, Hawaii 96701

Ph: 808-487-5561/Fax: 808-486-5020

TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION

HOUSE BILL 3033

RELATING TO AGRICULTURAL INSPECTIONS

February 13, 2008

Chairman Souki 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 sustention of not only agriculture but our environment.

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



Maui County Farm Bureau

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

TESTIMONY

3033

HB ~~2546~~

RELATING TO AGRICULTURAL INSPECTIONS

HEARING BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION

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 3033 which broadens the scope of authority provided to HDOA for inspection of imports.

Change in consumer demand and globalization have resulted in products never imported in the past now to become commonplace. Unfortunately, invasive species are hitching a ride on these goods. Watchful harbor personnel or others have voluntarily noted the presence of these new organisms resulting in their capture. This process should not be dependent on chancea systematic inspection of high risk cargo is critical. Without such a process, Hawaii will always be trying to contain invasives after they escape into our environment – often to the detriment of agriculture.

MCFB respectfully requests passage of this measure. Thank you.

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 3033 Relating to Agricultural Inspections
House Committee on Transportation
Wednesday, February 13, 2008, 9:25AM, Room 309

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 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. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

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 HONORABLE JOSEPH SOUKI, CHAIR
THE HONORABLE SCOTT Y. NISHIMOTO, VICE CHAIR**

HOUSE BILL NO. 3033 scheduled for hearing on February 13, 2008

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

Chair Souki, Vice Chair Nishimoto, and Members of the House Transportation 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. 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. 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.



February 13, 2008

Honorable Joseph Souki, Chair
Honorable Scott Nishimoto, Vice Chair
House Committee on Transportation

Hawai'i State Capitol, Conference Room 309
415 South Beretania Street
Honolulu, HI 96813

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

Aloha Chair Souki, Vice Chair Nishimoto 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 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