

SB 2523

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

**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND HAWAIIAN AFFAIRS
AND ENERGY & ENVIRONMENT
FEBRUARY 5, 2008
2:00 P.M.**

**SENATE BILL NO. 2523
RELATING TO INVASIVE SPECIES**

Chairpersons Tokuda and Menor and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 2523. The purpose of this bill is to prohibit the sale of plants designated as restricted plants or noxious weeds. The department supports this bill with amendments.

One of the objectives of the department is to protect Hawaii's unique and fragile environment. Hawaii's climate and the absence of natural biological enemies present enormous opportunities for plants of imported origin to become naturalized and spread at explosive rates to threaten gardens, farms, pastures, watersheds, and natural ecosystems. On September 10, 2007, a meeting was held with members from state and federal agencies, conservation groups and agricultural agencies to discuss the development of restricted and prohibited plant lists as part of a long term action plan to prevent the introduction and spread of new weedy plants through the plant importation process.

One of points agreed upon at the conclusion of this meeting, was that this process move forward. There was also consensus that there needed to be statutory

changes to address importation and sale of weeds; and a separate process to add weedy plants to a restricted plant list. This measure is part of those recommendations.

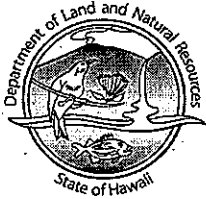
The problem is this measure is being done before the department separated the restricted plants that are regulated because they are important agricultural crops that require protection from those plants that should be restricted because they are pests themselves due to their weedy or toxic tendencies. Currently the "restricted plants" that are restricted because of their importance to agriculture include orchids, bromeliads, grasses, banana, etc. If this measure passes unamended, orchids, bromeliads, would all be prohibited from sale

As such, until the problems with the restricted lists are resolved, the department recommends that the measure be amended to only prohibit the sale of noxious weeds by amending section 150A-6.1(c) as follows:

§150A-6.1(c) no person shall import, offer for sale, or sell any plant or propagative portion thereof within the State of *Salvinia molesta*, or *Salvinia minima* [and] *Pistia stratiotes* [plants or portion thereof within the State.], or any other plant species designated by rule as noxious weeds.

With the proposed amendment to Section 150-A-6.1(c), Section 2 of this bill is not needed. The proposed change to Section 150A-6.1(c) effectively prohibits persons from selling or offering for sale a noxious weed or any portions of it, accomplishing the intent of the bill.

LINDA LINGLE
GOVERNOR OF HAWAII



LATE TESTIMONY

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DEPARTMENT OF LAND AND NATURAL RESOURCES

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

on Senate Bill 2523 – RELATING TO INVASIVE SPECIES

BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND HAWAIIAN AFFAIRS and ENERGY AND ENVIRONMENT

February 5, 2008

Senate Bill 2523 grants the Department of Agriculture (DOA) authority to develop rules to prevent the sale of State listed noxious weeds and to restrict the importation of plants and plant parts that may harbor pests and diseases. The Department of Land and Natural Resources (Department) supports this measure and defers to DOA as to the specific language required to reduce the continued introduction of invasive plants along with pests and diseases into the state.

Preventing new invasive species from establishing in Hawaii provides the greatest long term protection for Hawaii and the Department supports stronger import quarantine measures. A recent example of a new disease introduction was the discovery in April 2005 on Oahu, of a single strain (rose apple pathotype) of *Puccinia psidii* that primarily attacks rose apple and Melaleuca, and occasionally attacks 'ohi'a lehua (*Metrosideros polymorpha*) the dominant tree in our forest. It has spread throughout the State. Other strains occur in Florida and the American tropics. It is important to keep other strains of this rust out of Hawaii to prevent new or altered pathogens or hybridization and the potential increase in virulence, host and range distribution. The Board of Agriculture approved an interim rule August 28, 2007 banning the import of material that could carry this rust into the state to protect native forest and eucalyptus plantations across the state. This measure would speed that process.

Currently Section 150A-6.1(c), Hawaii Revised Statutes, prohibits the sale of only three species of recognized weeds. There is no prohibition against the sale and planting of noxious weeds. Having the ability to restrict the sale of noxious weeds will improve the efficacy of the State's invasive species programs. There are many species of plants currently being controlled to prevent their spread that are not listed as noxious weeds. The Department supports updating the list of noxious weeds as soon as possible.

It is also possible to evaluate noxious plant species by using a risk assessment. The Hawaii Invasive Species Council has funded a Hawaii Weed Risk Assessment screening process. To date, the risk assessment has been completed for 620 species

(http://www.botany.hawaii.edu/faculty/daehler/wra/full_table_d.asp). The Kauai Landscape Industry Council, the Oahu Nursery Growers Association, Lyon Arboretum and others have adopted "Codes of Conduct" to voluntarily stop selling invasive species based on information provided by this screening. The weed risk assessment can be used with other screening reviews to identify species for listing purposes.

The Department supports this measure to update statutes and administrative rule making to reduce the risk that imported plants or plant parts will introduce pests and diseases, make the sale of noxious weeds illegal, and update the official lists of noxious weeds.



The Nature Conservancy of Hawai'i
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LATE

Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 2523 Relating to Invasive Species
Senate Committees on Agriculture and Hawaiian Affairs,
and Energy and Environment
Tuesday, February 5, 2008, 2:00PM, Room 414

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii'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 supports S.B. 2523 Relating to Invasive Species.

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

While it is presently illegal to import plants that are listed on the State Department of Agriculture's noxious weed list, it is not illegal to cultivate and sell such pests if a person already has them in their possession. Also, the State maintains a restricted list of plants that require a permit for importation into the state. However, the statutory authority for the restricted plant list needs to be amended to recognize that such plants can either be a host to an unwanted pest or disease, or the plant itself can be a pest because of its weedy properties.

This measure will close these loopholes in our laws, thereby enhancing our comprehensive effort to protect Hawaii's people, economy and environment from the devastating effects of invasive species.

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**TO: Committee on Agriculture and Hawaii Affairs
Senator Jill Tokuda, Chair and Senator J. Kalani English, Vice Chair**

**Committee on Energy and Environment
Senator Ron Menor, Chair and Senator Gary Hooser, Vice Chair**

Tuesday, February 5, 2008; 2:00 P.M., Conference Rm. 414

Re: Testimony in Support of SB2523, Relating to Invasive Species

Chairs Tokuda and Menor, and members of the committees. My name is George Massengale, I a member of the Hawai'i Audubon Society and during session I serve as their Legislative Analyst. Thank you for the opportunity to submit our testimony in support of SB2523, which would prohibit the sale of plants designated as restrictive plants or noxious weeds.

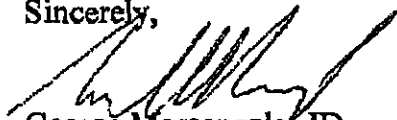
The Hawai'i Audubon Society was founded in 1939, and has over 1,500 dedicated members statewide. The Society's primary mission is the protection of Hawaii's native wildlife and habitats. This includes protecting our ecosystems from invasive species. Once established, invasive plants crowd out endemic (native) plants. The sad fact is that Hawai'i has the highest number of listed threatened and endangered species in the nation. There are 394 threatened and endangered species in the State of Hawai'i, of which 294 are plants. Invasive plants have led to the extinction of 55 species of plants in the State with another 42 possibly extinct. This extinction, along with the introduction of non-endemic animals has lead to the extinction 24 bird species and is endangering another 32.

After reviewing the provision of SB2523, we have concerns that penalty imposed, **"...and fined not less that \$100.00."** In order for this bill to be truly effective we would suggest a minimum fine of not less than \$500.00.

SB2523 is a good measure, and if passed and properly enforced it should have an impact on the spread of noxious weeds. We would urge the committee to pass this SB2523 with an amendment to increase the minimum fine to \$500.00.

Thank you for the opportunity testify here today.

Sincerely,



George Massengale, JD
Legislative Analyst



Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Agriculture and Hawaiian Affairs
and Senate Committee on Energy and Environment

Hearing: Tuesday, February 5, 2008
2 pm
Room 415

Support for SB 2523 Relating to Invasive Species

Aloha. The Conservation Council for Hawai'i strongly supports SB 2523, which prohibits the sale of plants designated as restricted plants or noxious weeds. We recommend that the Hawai'i Department of Agriculture also be required to update the list of restricted plants and the list of noxious weeds at regular and reasonable intervals. We understand that these lists have not been updated in over 10 years. It might be easier to restrict or control the flow of invasive species to Hawai'i if these lists were updated more frequently.

Also, we are not sure why the provision for sale of such plants would be allowed with a permit. We cannot think of any circumstances where the sale of a restricted plant or noxious plant would be justified.

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

President: Julie Leialoha * Vice-President: Nelson Ho * Secretary/Treasurer: Kim Ramos * Directors: Fred Kraus, Ph.D. * Douglas Lamerson, George Robertson * Claire Shimabukuro * Helene Takemoto * Mashuri Waite * Executive Director: Marjorie Ziegler



The Senate
Committee on Agriculture and Hawaiian Affairs
Committee on Energy and Environment
2:00 p.m., Conference Room 414
State Capitol

Testimony in Support of SB 2523

Aloha Chairs Tokuda and Menor, Vice Chairs English and Hooser, and Members of the Committees,
The Coordinating Group on Alien Pest Species (CGAPS) **supports SB 2523, Relating to Invasive Species.**

In Hawai'i, the spread of invasive plant species is easy to see. From ivy gourd smothering other plants along our roads and highways, to fireweed blooming yellow and poisoning pastures on the Big Island, to fountain grass in West Hawai'i and Diamond Head, these invasive plants are disturbingly obvious once you learn to identify them. They are everywhere, and despite the money and efforts expended to control these listed State Noxious Weeds, it is still legal to sell these invasive plants.

SB 2523 would correct this by making it illegal to sell plants listed as State Noxious Weeds.

SB 2523 also works to address the Plant Import Rules to include plants that are or have the high probability of becoming invasive if allowed to be imported and planted in Hawai'i. This wording allows HDOA to consider the potential of a plant to become invasive in agriculture or natural areas when adding plants to the Restricted Plant List—current wording is limited to listing plants that have a potential to carry an invasive insect or disease.

We understand that there may be some concern with restricting the sale of plants on the Restricted Plants list, because they may already occur here, yet they are restricted from import due from outside Hawai'i due to the pests or diseases they may carry. CGAPS is confident that this can be resolved over the course of this Legislative session so that folks like the orchid growers are not impacted, while still providing the framework for identifying and restricting the import of new invasive plants. CGAPS asks for your support of SB 2523. Mahalo.

CGAPS--Coordinating Group on Alien Pest Species
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