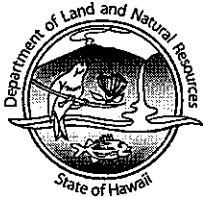


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
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, Senate Draft 1 – RELATING TO INVASIVE SPECIES**

**BEFORE THE SENATE ON  
JUDICIARY AND LABOR**

**February 22, 2008**

Senate Bill 2523, Senate Draft 1 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](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.

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

**BEFORE THE SENATE COMMITTEE ON  
JUDICIARY AND LABOR  
FRIDAY, FEBRUARY 22, 2008  
10:00 a.m.**

**SENATE BILL NO. 2523, S.D.1  
RELATING TO INVASIVE SPECIES**

Chairperson Taniguchi and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2523, S.D.1. The purpose of this bill is (1) to prohibit the sale of specific plants designated as restricted plants, (2) prohibit the sale of noxious weeds in the State, and (3) to recognize that designated restricted plants can be pests or can be hosts for pests. The department supports this bill.

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.



# Conservation Council for Hawai'i

Testimony Submitted to the Senate Judiciary Committee

Hearing: Friday, February 22, 2008  
10 am  
Room 016

Support for SB 2523 SD 1 Relating to Invasive Species

Aloha. The Conservation Council for Hawai'i strongly supports SB 2523 SD 1, 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.

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

**Testimony of The Nature Conservancy of Hawai'i  
Supporting S.B. 2523 SD 1 Relating to Invasive Species  
Senate Committee on Judiciary & Labor  
Friday, February 22, 2008, 10:00AM, Room 016**

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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 S.B. 2523 SD 1 Relating to Invasive Species.

Invasive weeds, insects, diseases, snakes, and other pests are one of the greatest threats to Hawai'i'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. This restricted list includes noxious weeds by reference. However, it's not clear in the current statute that weedy plants can be placed on the restricted plant list, and the Department of Agriculture does not have authority to limit the sale of restricted plants.

The statutory authority for the restricted plant list needs to be amended to:

1. Specifically prohibit the sale of noxious weeds;
2. Provide discretionary authority to the Department of Agriculture to limit the sale of other restricted plants; and
3. Clarify that restricted 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 loopholes in our laws and enhance our comprehensive effort to protect Hawai'i's people, economy and environment from the devastating effects of invasive species.

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# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.537.9019 hawaii.chapter@sierraclub.org

## SENATE COMMITTEE ON JUDICIARY AND LABOR February 22<sup>nd</sup>, 2008, 10:00 A.M.

(Testimony is 1 page long)

### TESTIMONY IN SUPPORT OF SB 2523 SD1

Chair Taniguchi and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports SB 2523 SD1, prohibiting the sale of plants designated as noxious weeds.

Hawai'i is losing the war on alien species. Some alien species, such as miconia, threaten to destroy watersheds and native ecosystems, jeopardizing freshwater supplies and pushing species to extinction. Invasive plants from throughout the world can wreck havoc on sensitive native ecosystems. The cost—both economic and environmental—of introduced species in Hawai'i is astronomical. Restricting the importation and sale of certain types of plants – and staying current on the latest science about which ones pose a risk to Hawai'i – is common sense. This is one area where an ounce of prevention is worth many pounds of cure.

Thank you for the opportunity to testify.