

LINDA LINGLE  
Governor



SANDRA LEE KUNIMOTO  
Chairperson, Board of Agriculture

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

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE  
WEDNESDAY, MARCH 17, 2010  
9:30 A.M.**

**SENATE BILL NO. 2236, S.D. 2  
RELATING TO INVASIVE SPECIES**

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2236, S.D. 2. The purpose of this bill is to establish fines for failing to pay, bill, or remit the inspection, quarantine and eradication fee. The department supports this measure and would like to provide additional supporting comments on this bill.

When Act 3 passed in the 2008 special session, it broadened the imposition of the fee for inspection, quarantine, and eradication of invasive species contained in any freight to include not only commercial maritime container shipments, but air freight, or any other means of transporting freight, whether foreign or domestic, that is brought into the State. This bill establishes accountability for the collection and remittance of said fees to the department. Therefore, the proposed provisions in this bill should assure the proper collection and deposit of the inspection, quarantine, and eradication service fee for incoming commercial freight.

The department would like to once again thank the committee on this opportunity to testify on Senate Bill No. 2236 H.D. 2.



The Nature Conservancy  
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Testimony of The Nature Conservancy of Hawai'i  
Supporting the Intent of S.B. 2236, SD2 Relating to Invasive Species  
House Committee on Agriculture  
Wednesday, March 17, 2010, 10:00am, Rm. 312

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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 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.*

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The Nature Conservancy of Hawai'i supports the intent of S.B. 2236, SD2, but prefers the overall provisions H.B. 2294, HD2 regarding fines for failure to pay invasive species inspection fees and exemptions from those fees for certain types of bulk freight. We also submit the following comments:

- **We support reasonable service fees and meaningful fines for failure to pay such fees** for the Hawai'i Department of Agriculture's (HDOA) invasive species inspection activities. This is an appropriate way to support the critical functions of the HDOA to protect our economy, environment, health, and lifestyle from the introduction of pests and diseases.
- **While we remain a bit concerned about creating a variety of exemptions to the service fees**, we understand that the Legislature may wish to provide limited exemptions for certain non-containerized bulk freight of great weight. We also appreciate the effort to craft these exemptions such that they apply only to certain processed bulk freight types that may have a reduced risk of pest introduction.

Thank you for the opportunity to comment.

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## Conservation Council for Hawai'i

Testimony Submitted to the House Committee on Agriculture

SB 2236 Relating to Invasive Species  
Hearing: Wednesday, March 17, 2010 10 am Room 312

### Support for SB 2236 SD 2

Aloha. Conservation Council for Hawai'i supports penalties for failing to pay, bill, or remit the inspections, quarantine, and eradication fee provided that the penalty is sufficient in amount to serve as a deterrent for avoiding fees. The proposed \$100 penalty for every 1000 pounds of freight may not be sufficient as a deterrent, and it may not be enough to cover inspections, enforcement, or administration of the penalty.

The fees and penalties are much needed for an important public purpose, and should be used to support inspections at ports of entry to keep invasive species out of Hawai'i. The inspection program is seriously understaffed and underfunded. Keeping invasive species out of Hawai'i is a very good thing for the people, environment, Native Hawaiian culture, and economy.

Mahalo nui loa for the opportunity to testify.

*Marjorie Ziegler*

Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

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House of Representatives  
Committee on Agriculture  
Rep. Cliff Tsuji, Chair  
Rep. Jessica Wooley, Vice Chair  
State Capitol  
415 Beretania Street  
Honolulu, HI 96815

March 15, 2010

RE: Testimony in support of <sup>SD</sup>HB 2236

I support <sup>SD</sup>HB 2236 which would establish fines for failing to pay, bill, or remit the inspection, quarantine, and eradication fee. The inspection, quarantine and eradication fee was created to support the Hawai'i's biosecurity by providing permanent funds for inspections of incoming cargo. Hawai'i's agricultural inspectors are the first line of defense from pests that can enter our state and permanently alter agriculture, the environment and our citizens' quality of life.

The fee has already saved inspector positions. Unfortunately, not everyone is paying their fair share. This bill will ensure that everyone participates and Hawai'i's defenses against new invasive species remain strong.

The Red Imported Fire Ant will invade farms, decimate seabird populations and make it impossible to play outdoors. New forest pests could wipe out our 'ōhia forests. Plant diseases will attack agricultural products; causing farmers to lose money. Prevention is the least expensive way to deal with invasive species. Companies that import cargo but are not willing to pay for it to be inspected are putting Hawai'i at risk. This bill will ensure everyone pays and that Hawai'i is better protected.

Thank you for the opportunity to testify.



Rachel Neville

**SB 2236 SD2  
RELATING TO INVASIVE SPECIES**

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

**MARCH 17, 2010**

Chair Tsuji and Members of the House Committee on Agriculture:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and Matson Navigation Company, Inc. (a subsidiary of A&B) on SB 2236 SD2, "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

In 2008, amendments were enacted to broaden the scope of the invasive species user fee from one that assessed fees only on freight brought into Hawaii by maritime containers to one that assessed fees on all modes by which commercial freight is brought into the State, including air and maritime containerized and non-containerized freight. We understand that at present this invasive species user fee is utilized to fund the agricultural inspection and biosecurity programs, which includes invasive species inspection services for both maritime and air freight entering into the State. We support the present broad based application of the invasive species user fee that requires all shippers to pay for these inspection services through the payment of this fee.

Matson has dedicated a considerable amount of time, effort, and expense to implement the assessment, collection, and disbursement of this new fee by the effective date of August 1, 2008. We were successful in starting up the collection of this new fee by the effective date and have since been diligently proceeding with its implementation.

This bill establishes fines for a transportation company who fails to bill the person responsible for paying the freight charges and for a transportation company who fails to remit the invasive species user fees collected to the State. Matson is very much aware of the importance of our role in the billing, collection, and the remittance to the State for the invasive species user fee and we have set as a priority our compliance with these statutory provisions. Matson supports the general intent of this bill to enhance and strengthen the enforcement of the invasive species user fee. We would sincerely appreciate your consideration to ensure that the fines are appropriate for the violations to which they are imposed, in particular for entities who exhibit a concerted effort to comply with these statutory provisions in a timely manner. We have attached proposed amendments to Section 1 of this bill for your consideration:

"§150A- Failure to pay or remit the inspection, quarantine, and eradication service fee; fines. (a) The following fines shall be imposed for failure to pay, bill, or remit the inspection, quarantine, and eradication service fee imposed by section 150A-5.3:

- (1) A person responsible for paying the freight charges to the transportation company who fails to pay the fee shall be assessed a fine of \$100 for every one thousand pounds of freight brought into the State, or part thereof; and or
- (2) A transportation company that fails to:
  - (A) Bill the fee, within fifteen days of the delivery of the freight, to the person responsible for paying the freight charges to the transportation company; or
  - (B) Remit the fee to the department within forty-five days of collecting the fee from the person responsible for paying the freight charges to the transportation company,

shall pay a fine of \$100 for every one thousand pounds of freight brought into the State, or part thereof two times the amount of the inspection, quarantine and eradication service fee or \$50, whichever is higher.

(b) All fines shall be paid to the department and deposited into the pest inspection, quarantine, and eradication fund under section 150A-4.5."

Thank you for the opportunity to testify.