



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO  
INTERIM DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
JAN S. GOUVEIA  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:

February 14, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE COMMITTEE ON TRANSPORTATION.

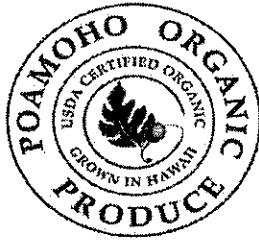
HOUSE BILL NO. 1567

The Department of Transportation (DOT) understands and appreciates the need for agricultural inspection at ports-of-entry to Hawaii. We have also exhaustively evaluated any ability to use revenue from airport activities to supports agricultural inspections at state airports. In that regard, we have been advised that Federal Aviation Administration laws, rules, and regulations, expressly prohibit the use of airport revenue to be used for agriculture inspection purposes, which include any inspection activities or facilities. As such, the DOT does not support House Bill 1567, which requires the DOT to provide biosecurity inspection facilities at Honolulu International Airport, Kona International Airport at Keahole, and Hilo International Airport, for the inspection, consolidation, deconsolidation, and treatment of air cargo.

Federal law prohibits the use of airport revenue for expenses unrelated to the capital and operating costs of the airport, the airport system, or facilities devoted to air transportation. Agricultural inspection functions are inherently a state function that fall outside the scope of permitted airport activities. Therefore, any costs and expenses associated with agricultural inspections must fall under the purview of other State of Hawaii fund sources since the State of Hawaii created these programs and functions; DOT is prohibited from using airport revenue. In a similar manner, the United States Government has inspection functions at international ports-of-entry. The United States Government pays for these functions. U.S. law does not allow these costs to be transferred to the local government agencies that operate the ports-of-entry.

Additionally, the DOT-Airports division has executed grant agreements to construct airport facilities with federal funds. All grant agreements mandate that airport revenue be expended only for capital or operating costs of the airport that are directly and substantially related to the actual air transportation of passengers or property. Agricultural inspection activities do not fall within this definition. As such, the use of airport revenue for agricultural inspectors and facilities may result in the breach of this provision thereby jeopardizing the ability to receive future federal funds.

Based on the above, the DOT cannot support House Bill 1567.



Poamoho Organic Produce  
PO Box 728  
Waiialua HI 96791  
808-637-4555  
[info@poamoho-organic.com](mailto:info@poamoho-organic.com)  
February 10, 2011

To: House Committee on Transportation  
House Committee on Agriculture  
Re: Hearings on February 14<sup>th</sup>, 11:00 am, Rm 309  
Subject: Testimony regarding HB 1567 & HB 1568

Aloha Committee Chairs and Committee Members,

I am an organic farmer on the North Shore of Oahu and President of the Hawaii Center for Organic Farming. Please accept my testimony on the subject Bills.

As a farmer I have always advocated for improvements to our basic infrastructure elements that support agriculture, especially at our airports and harbors to prevent invasive species. However, the case of HBs 1567 & 1568, there is a major problem regarding both the funding for the construction of the multiple facilities and for the O&M of those personnel and processes. As written, these Bills will fund these improvements with public monies. This is wrong as it will simply increase State supported subsidies of imported food; which will further increase the disparity in costs between local and imported fresh produce; which will undermine the economic stability of our local farmers; and which will impede any improvements in our food sustainability. Our food security depends solely upon a model of our agriculture industry increasing "local food for local consumption" and none of those elements within our Ag industry that export Ag product or import food measure up under that new model. Importing food IS NOT agriculture. The burden of the costs of these facilities must be placed on directly on the platter of those using the facilities – the exporters and importers – not the local farmers.

I have also noted there is some conflict between HBs 1567 & 1568 and some other Bills such as: 1) HB 1569 which directs HDoA to develop an "Import Replacement Program"; very hard to do if the State keeps subsidizing imported foods instead of local production; and 2) HB 865 which will increase the fee for inspecting imports; which attempts to recover a portion of the public monies from subsidizing imports but does not include the major costs associated with HBs 1567 & 1568.

I recommend that the language in these Bills be adjusted so that all of the costs are identified and recovered under a "fee for use" policy. Furthermore, I believe we need a better way to identify and prioritize how to invest public monies in the Agriculture sector. There is no silver bullet; therefore, I recommend that we introduce a Resolution that will integrate all of the Agriculture Bills under a plan for an "Agriculture Architecture and Implementation Plan". Mahalo.

Al Santoro, Farmer

<http://poamoho-organic.com>

[info@poamoho-organic.com](mailto:info@poamoho-organic.com)

Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 1567 Relating to Inspections  
House Committee on Transportation  
House Committee on Agriculture  
Monday, February 14, 2011, 11:00AM, Rm. 309

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*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 native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on 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 strongly supports H.B. 1567 and its purpose to require the State Department of Transportation to provide biosecurity inspection facilities at Hawaii's international airports in Honolulu, Kona and Hilo.

Invasive weeds, insects, diseases, snakes, and other pests are one of the greatest threats to Hawaii's economy, agriculture, natural environment, and the health and lifestyle of its people. Pest risk assessments conducted by the Hawai'i Department of Agriculture have clearly shown that because of the live and fresh products flown into the state from all over the world within a matter of hours that air cargo is one of the highest risk pathways for new pest introductions. The HDOA has developed a multi-faceted Biosecurity Plan to enhance its invasive species prevention efforts at air and sea ports with more inspectors, more efficient and effective inspection services, improved inspection facilities, and agreements with importers and producers for improved sanitary protocols before items are shipped to Hawai'i.

Having proper, enclosed inspection and quarantine facilities at all major Hawai'i airports, like the one at Kahului airport, is one of the most important components of this Plan. The Legislature's ongoing policy and financial support of the Biosecurity Plan has been essential to its implementation, and supporting the Department of Agriculture with proper facilities at all of the State's major airports is one of the most highly leveraged and cost effective things that can be done to help prevent new pests from becoming established in our islands. Evidence from Hawai'i and around the world shows that preventing new pest establishment is exponentially more economical than eradicating a pest or, even worse, controlling it indefinitely once it becomes established.

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House of Representatives  
Committee on Transportation  
Committee on Agriculture  
Monday, February 14, 2011  
11:00 a.m., Conference Room 309  
State Capitol

### **Testimony in Support of HB 1567**

Aloha Chairs Souki and Tsjui, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 1567, Relating to Inspections.** All ports of entry must include inspection facilities for State and Federal agencies to conduct their inspection work, yet the online master plans for airports do not list these facilities as a need in past or future phases of work. Closer collaboration between agencies is required so that each agency's mandate can be met, while still providing a system that ensures the safe and efficient movement of goods. Taking the time and effort to ensure that Hawai'i has an effective inspection and quarantine service at all of our ports will save us millions of dollars each year as hundreds of new pests will be stopped at the port.

Mahalo for your consideration.

Aloha,

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



# Hawaii Floriculture & Nursery Association

Testimony for the Twenty Sixth Legislature, 2011  
State of Hawaii  
Conference Room 309

Monday, February 14, 2011 11:00 A.M.

A bill for an act  
HB 1567 Relating to Inspections

House Committee on Transportation  
Honorable Chairperson Rep. Joseph M Souki  
Honorable Vice Chairperson Rep. Linda Ichiyama  
and Committee Members

House Committee on Agriculture  
Honorable Chairperson Rep. Clift Tsuji  
Honorable Vice Chairperson Rep. Mark J. Hashem  
And Committee Members

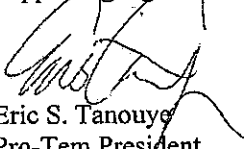
## Supporting HB 1567 Relating to Inspections

My name is Eric S. Tanouye and I am the pro-tem president for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

We **support** this bill that will require the Department of Transportation to provide biosecurity inspection facilities at Honolulu International Airport, Kona International Airport at Keahole, and Hilo International Airport. Invasive species is an important concern to Hawaii with our delicate ecosystem and our need to import products into our islands. Farms and Nurseries are well aware of the need to stop invasive species as new pests have to be controlled, which can lead to an increase in the cost of production as new controls have to be established and implemented. Then as an exporter invasive species that would threaten other areas can lead to threats of embargo and quarantines. Proper facilities are a necessity to protect the health, safety and welfare of the public. They will help to alleviate the delay of perishables being shipped by airlines.

If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email [eric@greenpointnursery.com](mailto:eric@greenpointnursery.com).

Supporting Agriculture and Hawaii,



Eric S. Tanouye  
Pro-Tem President

Hawaii Floriculture and Nursery Association

## ichiyama3 - Cu Ri

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 13, 2011 11:59 AM  
**To:** TRNtestimony  
**Cc:** clk@quixnet.net  
**Subject:** Testimony for HB1567 on 2/14/2011 11:00:00 AM

Testimony for TRN/AGR 2/14/2011 11:00:00 AM HB1567

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Carolyn Knoll  
Organization: Individual  
Address:  
Phone:  
E-mail: [clk@quixnet.net](mailto:clk@quixnet.net)  
Submitted on: 2/13/2011

Comments:



**Hawaii Farm Bureau**  
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272

Fax: (808) 848-1921; e-mail: info@hfbf.org

**LATE TESTIMONY**

**TESTIMONY**

**RE: HB1567 RELATING TO INSPECTIONS**

Chair Souki, Chair Tsuji and Members of the Committees:

Hawaii Farm Bureau Federation on behalf of commercial farm and ranch families and organizations in the State **strongly supports HB1567**, requiring HDoT to support biosecurity facilities at specified airports in the State.

Kahului Airport is not the transportation hub of the State. Yet, it has a state of the art invasive species inspection station. Why? There was a lawsuit filed in the mid 1990s as efforts were underway to expand the Kahului Airport runway. The biosecurity facility was part of the settlement agreement reached between the suing entities and the Department of Transportation. State and Federal entities were involved. HDoA had documents detailing these proceedings and Attachment A details steps involving Maui County to comply with the agreement. It also documents the participation of HDoT in the process. Lack of facilities and capacity to control invasives was a key reason to stop airstrip expansion and significant resources were spent by HDoT to address this issue. Since then, HDoT has been involved in several court actions that have cited invasive species as the cause for action(Attachment B). Attachment C illustrates the timeline of activities at Kahului Airport. It took a long time.

This measure seeks to prevent this from happening again. Lawsuits are counterproductive. Even if the final action is one that is best for the State, the monies spent in litigation is money that could be have been used for other purposes. It makes sense to preempt such actions by taking care of invasive species concerns as proposed with the Biosecurity facility. We need to stop spending money in litigation if preventive measures are obvious.

The Joint Use Inspection facility proposed in this measure to increase Hawaii's ability to protect itself against invasive species is key to our long term self sufficiency and environmental health. Introduction rate of invasives in Hawaii is high. Nationally, the Federal Government recognizes and has implemented programs to protect the nation from invasive species. Executive Order 13112 signed in 1999 by President Clinton(Attachment D) requires federal agencies to work cooperatively among themselves and with State and local agencies to this end. USDoT-FAA is under this order. There have been precedents for USDoT involvement in control of invasive species. **Attachment E** is a page out of the



Office of Environment, Maritime Administration at US DoT, specifying actions taken to prevent aquatic invasive species from being transported through ballast water. There has also been action taken authorizing Federal highway dollars to be expended assisting States control invasive species along highways. HFBF sees this as equivalent to US DoT-FAA participating in providing biosecurity facilities at critical airports to prevent the spread of invasive species.

There have been many hearings conducted, including after the reduction in force of 2009, speaking to the impacts of invasive species to agriculture and the environment. I have attached the testimony prepared by HFBF for the Invasive Species Informational Briefing in January as reference (Attachment F) I would like to highlight that **new Food Safety requirements, whether they be market driven by vendors or Federal, will look at conditions protecting the integrity of products – not only at the farm but during transport.** How food is handled at airports will be important. The biosecurity facility seeks to ensure that the cold chain is not broken and product integrity maintained.

The decision made today, on HB1567 will decide what direction the State will go as we plan our future air transportation needs. Will we:

1. bury our heads in the sand hoping someone else will take care of invasive species and spend precious resources defending ourselves against lawsuits, then finally construct the facilities OR
2. take a stand, using partnerships with the Federal government and local entities because it is the right decision for Hawaii.

We respectfully urge you to choose the latter and pass this measure as proposed. Governor Abercrombie stated “limiting introduction of alien pest species” as an important part of his New Day in Hawaii. Therefore, we expect Administration will also be in support of this initiative. Thank you for this opportunity to provide our opinion on this important matter. If there are any questions, please contact Warren Watanabe at 2819718.