

NEIL ABERCROMBIE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

**TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE
AND HIGHER EDUCATION**

**WEDNESDAY, MARCH 23, 2011
10:00 AM
STATE CAPITOL, CONFERENCE ROOM 312**

HOUSE RESOLUTION 77/HOUSE CONCURRENT RESOLUTION 84

**REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH
THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND
HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE
CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH
RISK PLANTS REQUIRING INTERVENTION**

Chairperson Tsuji, Chairperson Nishimoto, and Members of the Committees:

Thank you for the opportunity to provide testimony on House Resolution No. 77 and House Concurrent Resolution No. 84. The purpose of these resolutions is to establish a working group to evaluate the rules and regulations currently in place for adding and removing plants from the restricted plants list and include measures which will amend the existing rulemaking process. The Department recognizes the need to address invasive plant species but has concerns with this measure as written.

The Department has had several restricted plant list discussions regarding faster methods of adding plants to a list which will restrict its import into the state; and at center was the use of weed risk assessments to determine list placement. Meeting



participants included various stakeholders such as Hawaii Department of Agriculture, Hawaii Department of Land and Natural Resources, Hawaii Department of Transportation, United States Department of Agriculture, United States Forest Service, United States Geological Survey, Hawaii Farm Bureau Federation, The Nature Conservancy, University of Hawaii, The Bishop Museum, Hawaii Invasive Species Committees, Coordinating Group on Alien Pest Species and individuals representing plant importers, the landscape industry, cattlemen, and botanical gardens. The working group composed in this resolution is limited. As such, impacted agricultural industries will not have a voice in this process. In addition, it is not clear whether the Department of Agriculture, the agency authorized to restrict the importation of invasive plant species, has a role as an active participant or limited to a convener. New agricultural industries have emerged since this process has started. These include those in the fields of bio-fuel, biomass, and other bioenergy projects.

The Board of Agriculture is charged with maintaining lists of restricted plants, animals, and microorganisms where, by rule, its importation is restricted by permit conditions. Procedures for amending any of these lists, however cumbersome, are subject to Board approval following a transparent process designed to elicit public input during a series of open meetings. A working group cannot change the list process for plants without subsequent impacts to other restricted lists. For these reasons, the Department can not support the passage of this resolution.

Thank you for the opportunity to testify on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Agriculture/Higher Education
Wednesday, March 23, 2011 at 10:00am

By

Virginia Hinshaw, Chancellor

and

Sylvia Yuen

Interim Dean and Director of the College of Tropical Agriculture and Human Resources
University of Hawai'i at Mānoa

HR 77/HCR 84 Requesting the Department of Agriculture, in cooperation with the University of Hawai'i College of Tropical Agriculture and Human Resources, to convene a working group to evaluate the current laws, rules, and standards of practice regarding high risk plants requiring intervention.

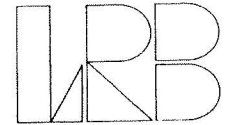
Chair Tsuji and Nishimoto, and members of the Committees on Agriculture and Higher Education: thank you for the opportunity to testify on HR 77/HCR 84, which requests the Department of Agriculture, in cooperation with the University of Hawai'i College of Tropical Agriculture and Human Resources, to convene a working group to evaluate the current laws, rules, and standards of practice regarding high risk plants requiring intervention. I am Sylvia Yuen, Interim Dean and Director of the College of Tropical Agriculture and Human Resources (CTAHR) at the University of Hawai'i at Mānoa.

While we agree with the intent of HR 77/HCR 84, there are several areas of concern in the resolution. First, although the Department of Agriculture (DOA) is tasked with convening the working group that will carry out the charges in the resolution, the DOA is not specifically identified to serve as a member of the working group. Second, although the resolution recognizes that invasive plants are a threat to Hawai'i's horticultural, aquacultural, and livestock industries, those groups and other relevant entities are not represented on the working group. And third, some of the tasks identified in the resolution may be duplicative or may be better performed by a committee presently established by the DOA. However, the DOA is in a better position to determine whether the responsibilities, membership, and activities of the aforementioned committee would be appropriate to the tasks delineated in HR 77/HCR 84.

For the reasons cited above, we cannot support these resolutions as currently written.

Charlotte A. Carter-Yamauchi
Acting Director

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol
415 S. Beretania Street, Room 446
Honolulu, Hawaii 96813

Written Comments

HCR84 REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION

Comments by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committees on Agriculture and Higher Education

Wednesday, March 23, 2011, 10:00 a.m.
Conference Room 312

Chairs Tsuji and Nishimoto and Members of the Committees:

I am Charlotte Carter-Yamauchi, Acting Director of the Legislative Reference Bureau. The Bureau appreciates this opportunity to submit the following written comments on House Concurrent Resolution No. 84:

- (1) H.C.R. No. 84, among other things, directs the Department of Agriculture in cooperation with the College of Tropical Agriculture and Human Resources of the University of Hawaii to create a task force to convene a working group to evaluate the current laws, rules, and standards of practice regarding high risk plants requiring intervention.
- (2) The sixth "Resolved" clause of the measure directs the Legislative Reference Bureau to assist the task force by "submitting a report of the working group's findings and recommendations, including problems with existing statutes or administrative rules, and any proposed legislation" to the Legislature.

The Bureau takes no position on the merits of the measure, but notes that, as the measure is presently drafted, the functions required of us appear to be manageable and we would undertake them to the best of our ability.

Honorable Clift Tsuji
Honorable Scott Y. Nishimoto
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However, to minimize interference with our heaviest bill drafting period in the run-up to the start of session and to ensure that the report can be submitted to the Legislature in a timely manner, we respectfully request that the measure be amended to direct the task force to transmit a draft of its findings, recommendations, and proposed legislation to the Bureau no later than November 1, 2011. Also, if you decide to pass the resolution, we would be happy to assist you in drafting the committee report and any changes to the resolution.

Thank you again for allowing us to comment on this measure.



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

2343 Rose Street, Honolulu, HI 96819
PH: (808)848-2074; Fax: (808) 848-1921

March 10, 2011

TESTIMONY

Re: HR77/HCR84 REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION.

Chair Tsuji, Nishimoto and Members of the Committees:

Hawaii Farm Bureau Federation on behalf of commercial farm and ranch families and organizations in the State provides the following comments on HR77/HCR84 creating a proactive means to reduce invasive species in Hawaii.

We appreciate the Legislature's continued efforts to increase Hawaii's ability to prevent an control invasive species. The Biosecurity Plan provides an excellent comprehensive roadmap to achieving this goal. The Hawaii Department of Agriculture, and more recently in partnership with the University of Hawaii, College of Tropical Agriculture are making steady progress in establishing processes towards this goal. The efforts to identify and expand production of high risk plants currently imported is a good example. The budget cuts have derailed the process, but efforts continue and they need to be supported. Both entities are doing more with less and support of their efforts is essential.

The intent of this measure is part of Plant Quarantine's jurisdiction. The high risk plants have the most direct impact on the agricultural industry. A voluntary group was convened by the HDOA including all affected parties in agriculture, regulatory entities, researchers, NGOs associated with invasive species. This effort is expected to continue and will achieve the intent of this measure.

Technical personnel at HDOA and CTAHR are strained due to decreased personnel, increased demands and reduction in financial resources. They should be encouraged to continue in the planned course of action and not burdened with unfunded mandates.

We understand and appreciate the intent of this measure but request that the capacities of HDOA and CTAHR be considered in making a decision on this measure. Critical functions need to continue. HDOA has committed to continuing their High Risk Plants discussions so that should suffice to meet the needs of this measure.

For the reasons above, HFBBF does not support this resolution as written. We appreciate this opportunity to provide our opinion on this important matter. If there are questions, please contact Warren Watanabe at 2819716. Thank you



The Nature Conservancy of Hawai'i
923 Nu'uau Avenue
Honolulu, Hawai'i 96817

Tel (808) 537-4508
Fax (808) 545-2019

nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Supporting the Intent of H.R. 77 and H.C.R. 84 Requesting the Department of Agriculture,
in Cooperation with the University of Hawai'i College of Tropical Agriculture and Human Resources,
to Convene a Working Group to Evaluate the Current Laws, Rules, and Standards of Practice
Regarding High Risk Plants Requiring Intervention
House Committee on Agriculture
House Committee on Higher Education
Wednesday, March 23, 2011, 10:00AM, Rm. 312

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.

The Nature Conservancy supports the intent of H.R. 77 and H.C.R. 84 and their purpose to evaluate and streamline the process for adding plants to the State restricted plant list. One of the greatest challenges to adding plants to the State restricted plant list is the administrative process required to add even a single plant to the list.

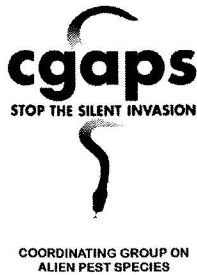
However, most of the groups identified to participate in the working group under these resolutions are also currently working with the Department of Agriculture on an import substitution program and new quarantine rules that would protect Hawaii's native forests from a major disease threat known as *Puccinia psidii* (aka, Ō'hi'a rust or Eucalyptus rust). This rust disease, originally from Brazil, has spread across the southern United States to California and was recently discovered in Australia. While one strain has reached Hawai'i, scientific research indicates that there are other potentially more virulent strains of the disease that are not here yet and important to keep out of Hawai'i.

It will difficult to meet the similar timelines associated with this priority work on Ō'hi'a rust and the important work requested by HR77/HCR84 on the restricted plant list. We request that you either defer these resolutions at this time, or extend their report deadline by an additional year until November 2012.

Thank you for your consideration.

BOARD OF TRUSTEES

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House of Representatives
Committee on Agriculture
Committee on Higher Education
Wednesday, March 23, 2011
10:00 a.m., Conference Room 312
State Capitol

Testimony in Support of HR 77 / HCR 84

Aloha Chair Tsuji, Chair Nishimoto, and Members of the Committees,

The Coordinating Group on Alien Pest Species **supports HR 77 / HCR 84**, which requests the Department of Agriculture and the University of Hawai'i CTAHR and others to convene a working group to evaluate current laws, rules and standards of practice regarding invasive plants.

We are indeed ready to participate in this working group as described in these resolutions. However, the LRB's request to have a draft of findings submitted to them by November 1, 2011, combined with the 2011 timeline for the Hawai'i Department of Agriculture's rulemaking to protect 'ōhi'ō forests by restricting the importation of myrtle family plants and plant parts (because they are known to carry a deadly plant disease known as 'ōhi'ō rust) makes the successful analysis of this issue questionable. If the submittal date for the draft findings could be changed to November 1, 2012, that may make for a better analysis. Mahalo for your time and work on this issue.

Aloha,

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

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2011 2:47 PM
To: AGRtestimony
Cc: gisdreams@yahoo.com
Subject: Testimony for HR77 on 3/23/2011 10:00:00 AM

Testimony for AGR/HED 3/23/2011 10:00:00 AM HR77

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: P Else
Organization: Individual
Address:
Phone:
E-mail:
Submitted on: 3/22/2011

Comments:

I support the bill. The number of new and damaging invasive species that have arrived in recent years show that Hawaii can take no more chances. Many invasive plants damage watershed health and threaten coral reefs through reduced water quality and groundwater supply, as well as erosion caused by shallow rooted plants sliding. The coffee borer and small hive beetle are recent industry-wrecking pest arrivals. The basil downy mildew, diagnosed just at the end of January 2011, threatens a currently \$7 million industry. We must have a concerted plan that works for industry and better protects our sustainability and economy.