

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

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

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

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
WEDNESDAY, FEBRUARY 16, 2011
9:00 AM
ROOM 312**

**HOUSE BILL NO. 633
RELATING TO AGRICULTURE**

Chair Tsuji and Members of the Committee:

Thank you for this opportunity to provide testimony on House Bill No. 633. The purpose of this Act is to authorize the Board of Agriculture to maintain a list of restricted plants, by rule or board order, that may be detrimental or potentially harmful to agriculture, horticulture, the environment, or animal or public health, or that spread or may be likely to spread an infestation or infection of an insect, pest, or disease that is detrimental or potentially harmful to agriculture, horticulture, the environment, or animal or public health.

The Department supports the intent of the measure which is to minimize the importation of plants that pose a danger to agriculture, environment, and our natural resources, but does not have the personnel resources to undertake a comprehensive risk assessment on all plants species that are imported into the State that have no previous presence in the State and that are not designated as restricted plants at the present time. This task will be monumental for the Department at a time when the department is vastly under staffed at air and sea ports statewide to carry out inspection programs. Therefore, the Department supports the intent of this measure but can not support the passage of this bill at this time.

Thank you for the opportunity to testify on this measure.



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
AGRICULTURE**

**Wednesday, February 16, 2011
9:00 AM
State Capitol, House Conference Room 312**

**In consideration of
HOUSE BILL 633
RELATING TO AGRICULTURE**

House Bill 633 grants the Board of Agriculture the ability to designate certain plant species as restricted and regulate or prohibit the sale of specific plants on the restricted list.

The Department of Land and Natural Resources supports this bill, acknowledging that the Department of Agriculture needs an increase in resources in order to carry out related activities such as inspections for and identification of restricted plants. Placing plants on the restricted list is currently a difficult process, and allowing the Board of Agriculture to designate plants would expedite regulation of plants harmful to Hawaii's natural environment, economy, and public health.



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

February 14, 2011

TESTIMONY

Re: HB633 RELATING TO NOXIOUS WEEDS

Chair Tsuji and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of our commercial farm and ranch families and organizations on the island **supports the intent BUT OPPOSES PASSAGE OF HB633**, authorizing the Board of Agriculture to designate plants as noxious weeds as restricted by order.

HFBF agrees with the authors of this measure that good risk assessments will greatly reduce the unintended introduction of invasive species into the State. However, it requires that the evaluation be a careful balance between benefit and risk and it be done by people with qualified backgrounds. Requiring the Board of Agriculture to undertake this at this time is unreasonable. Designation of plants will require a risk assessment to be conducted to determine whether a plant should be listed. Recent budgetary shortfalls have derailed the State Biosecurity Plan and many other critical programs need priority.

Additionally, many in the industry have voluntarily developed a code of conduct and are policing themselves to control the spread of invasive species. A sample is attached.

We respectfully request that this measure be HELD at this time.

Thank you for this opportunity to provide our opinion on this important matter. If there are questions, please contact Warren Watanabe, at 2819718.

Voluntary Codes of Conduct For Plant Industry

Date: _____

Participating Business: _____

Contact Name: _____

Phone: _____

Preferred Contact Method

Mailing/FAX/Email address/number: _____

Voluntary Codes of Conduct for the Plant Industry

Codes adapted from *The St. Louis Declaration on Invasive Plant Species*

(<http://www.centerforplantconservation.org/invasives/cbqN.html>). Questions or comments, email or call Christy Martin at christym@rocketmail.com (808) 722-0995, or Joylynn Paman at miscpr@hawaii.edu (573-6472).

- Presented discussion draft to the Maui Association of Landscape Professionals (MALP) on 3/28/06
 - Revised with comments 6/27/06
 - Final revisions made resulting from additional comments 3/23/07
1. Ensure that invasive potential is assessed prior to introducing and marketing plant species new to Hawaii. Invasive potential should be assessed by the introducer or qualified experts using emerging risk assessment methods that consider plant characteristics and prior observations or experience with the plant elsewhere in the world. Additional insights may be gained through extensive monitoring on the nursery site prior to further distribution.

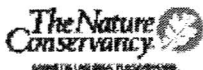
MALP will support this code by making a good faith effort to use the Hawaii Pacific Weed Risk Assessment (HPWRA) system to screen new plant introductions.

*Note: UH Botany PhD student Shahin Ansari is the WRA screener, she worked for Dr. Daehler as the WRA screener in the past, so has a lot of experience screening plants. Shahin works under the supervision of Lyon Arboretum Interim Director Dr. Cliff Morden. All new plants submitted by Codes of Conduct participants will be screened as a first priority. Submit plant names to Shahin via email at shahin@hawaii.edu, or feel free to call her at (808) 988-2971.

2. Work with regional experts and stakeholders to determine which species in your region are either currently invasive or will become invasive. Identify plants that could be suitable alternatives in your region.



Missouri Botanical Garden



Voluntary Codes of Conduct

For Plant Industry

MALP will support this code by including the Maui Invasive Species Committee in MALP events and the webpage. We will distribute information on invasive plants to our members.

3. Develop and promote alternative plant material through plant selection and breeding.

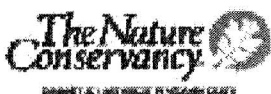
MALP will support this code by identifying and promoting suitable non-invasive alternatives. We will work with Maui County Department of Water Supply, the Maui Arborists Committee and others to encourage other plant industry professionals to use non-invasive plants.

4. Where agreement has been reached among nursery associations, government, academia and ecology and conservation organizations, phase-out existing stocks of those specific invasive species in regions where they are considered to be a threat.

MALP will discontinue the ordering, growing, and selling of the following plants as soon as possible:

1. Mule's foot fern (*Angiopteris evecta*)
2. Giant reed (*Arundo donax*)
3. Butterfly bush (*Buddleia davidii*)
4. Smoke bush (*Buddleia madagascariensis*)
5. Cat's claw (*Caesalpinia decapetala*)
6. Fiddlewood (*Citharexylum spinosum*)
7. Pampas grass (*Cortaderia selloana* and *C. jubata***)
8. Rubbervine (*Cryptostegia grandiflora* and *C. madagascariensis*)
9. Australian tree fern (*Cyathea cooperi*)
11. Water hyacinth (*Eichornia crassipes* and *E. azurea***)
13. Kahili ginger (*Hedychium gardnerianum*)
14. Hiptage (*Hiptage benghalensis*)
15. St. John's wort (*Hypericum canariensis*)
16. Chinese privet (*Ligustrum sinense*)
17. Bingabing/Macaranga (*Macaranga mappa* and *M. tanarius*)
18. Medinilla (*Medinilla cumingii* and *M. venosa***)
19. Indian rhododendron (*Melastoma candidum* and *M. sanguineum***)
20. Tree daisy (*Montanoa hibiscifolia***)
21. Fountain grass (*Pennisetum setaceum***)
22. New Zealand flax (*Phormium tenax*)
23. Cape pittosporum (*Pittosporum viridiflorum*)
24. Downy rose myrtle (*Rhodomyrtus tomentosa***)
25. Glorybush (*Tibuchina urvilleana***)

**denotes plants that are State Noxious Weeds, but are sold at times.



Voluntary Codes of Conduct

For Plant Industry

5. Follow all laws on importation and quarantine of plant materials across political boundaries.

MALP will support this code by making an effort to learn the laws and follow them.

6. Encourage customers to use, and garden writers to promote, non-invasive plants.

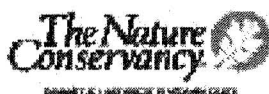
MALP agrees to do this wherever possible by promoting education about invasive plants and non-invasive alternatives through our web page, newsletter and annual garden fair.

These codes are voluntary and are agreed upon by the honor of the individual MALP member/business listed on page 1. MALP will try to promote these codes to other businesses as a way to establish an industry standard. The Codes of Conduct will be up for review and revisions on an as needed basis.

Please fill out contact information on page 1 and FAX to Christy Martin at (808) 956-4710, or mail to P.O. Box 61441, Honolulu, Hawaii 96839. MAHALO for your participation.



Missouri Botanical Garden



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House of Representatives
Committee on Agriculture
Wednesday, February 16, 2011
9:00 a.m., Conference Room 312
State Capitol

Testimony in Support of HB 633

Aloha Chair Tsjudi, Vice Chair Hashem, and Members of the Committee,

The O'ahu Invasive Species Committee **supports HB 633, Relating to Agriculture.** OISC's early detection botanists have recently completed an island-wide botanical survey and found several species of invasive plants that are known to be weeds, but have been brought to O'ahu because there are no restrictions on them. These include a smothering vine called Cape Ivy and ornamental grasses that may pose a wildfire threat. Unfortunately, although these plants have a weed history elsewhere and research shows they are likely to cause harm to Hawai'i's environment and agriculture, there are no regulations to restrict the introduction or sale of these weedy plants.

The early detection botanists also found species of *Metrosideros* that are so closely related to Hawai'i's own 'ohia that they are difficult to tell apart. These are the types of species that may bring in pests that will attack 'ohia and cause the sort of die-off the state witnessed with wili-wili trees and the Erythrina gall wasp.

Although the Hawai'i Department of Agriculture (HDOA) is able to regulate the import of plants on the Restricted Plant List, the list of plants does not include many high-risk plants, it is costly to update, and cannot be updated quickly. In its current form, it is inadequate for preventing the import, sale, and movement of invasive plants or the pests that travel with them.

OISC understands that this legislation would increase the workload of HDOA inspectors. However, OISC has found that people are more likely to allow invasive species to be removed from their property if the species have an official designation as being invasive. Organizations like OISC, who do not have any enforcement authority, need this tool in order to convince the public to avoid cultivating invasive plants.

OISC echoes many of the points offered in the testimony of the Coordinating Group of Alien Pest Species.

OISC agrees that there may be more than one list necessary as indicated in pg. 1 line 4. Plants that are restricted such as pineapple and sugarcane because they are agricultural commodities, but are not in themselves invasive should be differentiated from plants that are invasive species themselves.

We also support CGAPS suggestion that a procedure for proposing restricted plants for listing be included in future drafts, and should include data from risk/benefit assessments and recommendations from industry and conservation leaders. (e.g., A study and evaluation of potential restricted plant species may be initiated by any board member or upon request by other governmental agencies of private organizations. Any board member may recommend the designation of a plant species as a restricted plant when sufficient data has been accumulated, etc.).

We also support CGAPS suggestion that a procedure for designating a plant as restricted be included in future drafts. (e.g., The board shall issue an order designating a plant species as a restricted plant upon the recommendation of a board member, based on risk/benefit data and industry/conservation input, and a two-thirds majority vote of the board members present and voting at a meeting at which there is a quorum).

OISC also urges an evaluation of the fees to process requests for importation of restricted species, as the time and risks appear to be greater than the amount charged.

Although the intention is to allow HDOA the ability to list plants in a timely and more efficient manner, it may limit public input. We strongly advocate for a process that brings risk assessment and benefit information, industry and conservation together to advise the board along the lines of the New Zealand National Pest Plant Accord (NPPA, <http://www.biosecurity.govt.nz/nppa>).

Sincerely,

Rachel Neville

Operations Manager
O'ahu Invasive Species Committee

Testimony of The Nature Conservancy of Hawai'i
Supporting the Intent of H.B. 633 Relating to Agriculture
House Committee on Agriculture
Wednesday, February 16, 2011, 9:00AM, 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.B. 633 and its purpose to streamline the process for adding plants to the State restricted plant list.

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. 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. Because of the time and cost associated with the administrative process, new plant species are almost never added to the list. This is the case even with the provisions of HRS §150A-6.6 that attempt to mitigate some of the burdens of the Chapter 91 rulemaking process.

It is indeed important to have an up-to-date list of restricted plants so that the Department of Agriculture (DOA), importers, and the general public can be aware of and responsive to protecting against the introduction and spread of weeds. However, it is also important to have a fair process for public input and risk and benefit assessment for plants being proposed for addition to the list.

While we absolutely agree that we need to head in the direction proposed by H.B. 633, we hope that we can work with the Department of Agriculture and other stakeholders to ensure that any changes by legislation or otherwise are manageable and fair.

BOARD OF TRUSTEES

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LANDSCAPE INDUSTRY COUNCIL OF HAWAII

FEBRUARY 14, 2011

TESTIMONY FOR HOUSE BILL 633

HOUSE COMMITTEE ON AGRICULTURE/
HOUSE COMMITTEE ON FINANCE

Landscape Industry Council of Hawaii supports House Bill 633 relating to Agriculture and the Department of Agriculture Restricted Plant List.

The restricted plant list's purpose is to restrict the importation of plants that be potentially harmful to agriculture, horticulture, the environment or animal or public health which carry an invasive insect, pest or disease.

Very few plants have been added due to the overly cumbersome and expensive process to add plants to the restricted list. House Bill 633 streamlines the restricted plant listing process and will provide the Department of Agriculture the means to meet the intent of the Restricted Plant List.

The landscape industry wants to add popular plants to the restricted list to prevent a pest from devastating the landscape like the Wiliwili gall wasp (*Quadrastichus erythrinae*) that eliminated a popular native tree. Public trees in Honolulu provide great benefits, improving air quality, sequestering carbon dioxide, reducing stormwater runoff and beautifying the city. The ten most popular and beneficial trees in Honolulu according to City Of Honolulu Hawaii Municipal Forest Resource Analysis by USDA in 2007 are the Monkeypod Tree, Rainbow Shower Tree, Pink Tecoma Tree, Coconut Palm, Giant Crapemyrtle, Fern Tree, Satinleaf Tree, Royal Poinciana Tree, Geiger Tree, and Manila Palm. While the two palms are protected by the restricted plant list, the other eight trees are not and should be discussed for protection.

The landscape industry is passionate about protecting our landscape and taking a proactive stance on invasive species. In 2008, LICH enacted the most aggressive sustainability position in the nation with the LICH Invasive Species Initiative. The LICH Invasive Species Initiative was a collaborative, inclusive and transparent initiative to develop an invasive species policy and invasive plant list. It was the first statewide effort in the nation to weigh the benefit versus risk of invasive species. The end result was a position statement and an invasive list containing 134 invasive plants.

In 2009, a survey showed that over 75% of landscape professionals were aware of the LICH Invasive Species effort. Since 2008, the LICH Invasive Species list and policy have been adopted by the Hawaii Department of Transportation and is being used by the City & County of Honolulu High-Capacity Transit Corridor Project.

LICH suggest amending the bill to include risk and benefit information from industry and conservation leaders to advise the board in making decisions on the noxious plant list and the restricted plant list. LICH developed its invasive plant policy and invasive plant list on benefit versus risk basis similar to an effort of risk versus benefit by the New Zealand National Pest Plant Accord (NPPA), which can be found online at <http://www.biosecurity.govt.nz/nppa>.

LICH supports a risk versus benefit analysis for importation of plants and protecting our popular and beneficial plants. If you would like to discuss this further feel free to contact me at 927-3503 or email at chris.dacus@gmail.com.

Chris Dacus
President
Landscape Industry Council of Hawai'i
P. O. Box 22938, Honolulu, Hawai'i 96823-2938

Landscape Industry Council of Hawai'i

Hawaii's landscape industry is one of the fastest growing and largest segments of the green industry with an economic impact of over \$520 million annually and full time employment of over 11,000 landscape professionals.

Celebrating 25 years, LICH was formed in June 1986, the Landscape Industry Council of Hawai'i is a state wide alliance representing Hawaii's landscape trade associations: Aloha Arborist Association, American Society of Landscape Architects Hawaii Chapter, Hawaii Association of Nurserymen, Hawaii Island Landscape Association, Hawaii Landscape and Irrigation Contractors, Hawaii Society of Urban Forestry Professionals, Kauai Landscape Industry Council, Maui Association of Landscape Professionals, Professional Grounds Management Society, Big Island Association of Nurserymen, and the Hawaii Professional Gardeners Association.

Online at www.landscapenhawaii.org



P.O. Box 893953
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(808) 381-1342 Fax (808) 625-4287

February 15, 2011

House Committee on Agriculture and
House Committee on Finance

Subject: Testimony on HB 633

The Aloha Arborist Association (AAA) supports HB 633 relating to the Department of Agriculture Restricted Plant List. We are an organization of 80 individuals and companies who work in the tree care industry.

Please refer to the Landscape Industry Council of Hawaii's (LICH's) testimony on HB 633 for further information as to why we support this bill.

Respectfully submitted,

Steven Connolly
President



House of Representatives
Committee on Agriculture
Wednesday, February 16, 2011
9:00 a.m., Conference Room 312
State Capitol

Testimony in Support of HB 633

Aloha Chair Tsuji, Vice Chair Hashem, and Members of the Committee,

The Coordinating Group on Alien Pest Species **supports HB 633, Relating to Agriculture**. One of the biggest loopholes in the laws protecting Hawai'i is that it is legal to import 99.99% of the 250,000+ species of plants on Earth. Some of these may carry invasive pests, and others may be invasive themselves. Although the Hawai'i Department of Agriculture (HDOA) is able to regulate the import of plants on the Restricted Plant List, the list of plants does not include many high-risk plants, it is costly to update, and cannot be updated quickly. In its current form, it is inadequate for preventing the import, sale, and movement of invasive plants, or the pests that travel with them. With this bill, HDOA could use the option to legally restrict certain high-risk plants (because they are particularly harmful or because they are known to carry costly pests) by board order in addition to the regular rulemaking process. It is another tool in the toolbox, for use when necessary/viable.

The following points are offered for consideration:

1. The idea of multiple Restricted Plant Lists (pg. 1, line 4) may help differentiate between plants (like pineapple and sugarcane) that are restricted from entry (except under certain conditions), yet may be moved around within the state, and plants that are restricted from entry, movement and sale (like Salvinia).
2. We suggest that a procedure for proposing restricted plants for listing be included in future drafts, and should include data from risk/benefit assessments and recommendations from industry and conservation leaders. (e.g., A study and evaluation of potential restricted plant species may be initiated by any board member or upon request by other governmental agencies or private organizations. Any board member may recommend the designation of a plant species as a restricted plant when sufficient data has been accumulated, etc.).
3. We suggest that a procedure for designating a plant as restricted be included in future drafts. (e.g., The board shall issue an order designating a plant species as a restricted plant upon the recommendation of a board member, based on risk/benefit data and industry/conservation input, and a two-thirds majority vote of the board members present and voting at a meeting at which there is a quorum).
4. CGAPS agrees that by adding plants to the Restricted Plant List, it may increase the workload of inspectors. However, giving HDOA the ability, by rule or order, to regulate or prohibit sales of specific plants on the list could serve as a deterrent for importing these plants in the first place.

5. CGAPS urges an evaluation of the fees to process requests for importation of restricted species, as the time and risks appear to be greater than the amount charged.
 6. Although the intention is to allow HDOA the ability to list plants in a timely and more efficient manner, it may limit public input. We strongly advocate for a process that brings risk assessment and benefit information, industry and conservation together to advise the board. If this bill passes, CGAPS will work with agency personnel, plant industry and conservation groups to form a list of proposed restricted plants using a process similar to the New Zealand National Pest Plant Accord (NPPA, <http://www.biosecurity.govt.nz/nppa>).
- Mahalo for your time and consideration.

Aloha,

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

TO: Rep. Clift Tsuji, Chair
Rep. Mark J. Hashem, Vice Chair
Committee On Agriculture

FROM: Mary Ikagawa, Kailua, Oahu HI

RE: SUPPORT for HB 633, Relating to restricted plants, scheduled to be heard Wed.,
Feb. 16 at 9:00 a.m. in Conference Room 312

Hawaii's taxpayers fund several important initiatives to reduce the impacts of harmful invasive species on our agricultural areas and watersheds. Organizations doing this work—including the watershed partnerships, invasive species committees, Department of Land and Natural Resources, the Department of Agriculture, and various NGOs—have limited resources that could be used to much greater effect if there was a better policy foundation at the prevention end.

In pest management, the proactive approach is always the money-saving approach. This bill gives the Department of Agriculture a key authority to act quickly to control the influx and movement of high-risk plants. Supporting tools and programs such as the Weed Risk Assessment, Invasive Species Committees and Early Detection initiatives stand ready and waiting to assist the DOA to identify and respond to the highest-priority threats.

Without the authority to act quickly that is provided to the Department of Agriculture by this bill, plants that are already known to be high-threat pests will continue to be brought to the islands and spread around, and the Department will lack a critical rapid intervention tool. Plants come in via internet orders, nurseries, and markets of all kinds. Many new plants are not known to be in the islands until a botanist or biologist spots them in someone's yard. Without an official declaration that a plant is a restricted or noxious pest, it can be very difficult to achieve the goal of removing all occurrences of a landscape-altering weed before it can naturalize. While most people are cooperative and helpful, there will always be some who will not allow a pest to be removed from their property unless it is the law. It is very expensive to control invasive species after they are widely established, and without the policy tools to expedite rapid response, irreversible harm may be done before any action is taken.

For these reasons, HB 632 deserves legislative support.