

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 1:42 PM
To: AGRtestimony
Cc: nahacky@ilhawaii.net
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Ulla Carmiencke	Individual	Oppose	No

Comments: Please do not pass this bill as it is miss guided and will not improve the well being of animals being transported as intended. The requirements are based on common misconceptions rather than proven practices that are best for the animals. This bill will have unintended consequences among numerous business's in and out of Hawaii such as aqua-culture, pet shops, etc. This bill will do exactly the opposite of what it intends which is provide humane treatment to animals. Sincerely, Ulla Carmiencke

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 2:09 PM
To: AGRtestimony
Cc: Ryanr5789@gmail.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Rothwell	Individual	Oppose	No

Comments: I oppose this bill. Instituting a bill like this would not only cost the state more money to enforce, but it would be pointless!

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Sent: Tuesday, January 29, 2013 1:33 PM
To: AGRtestimony
Cc: nahacky@gmail.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Nahacky	Individual	Oppose	No

Comments: While I am sure this bill has the best of intentions it shows little understanding of how best to prepare and transport animals. For example feeding fish just before departure is not an accepted practice and results in considerable hardship and mortality for fishes being transported. I am personally sensitive to motion sickness as are many animals and would not wish to be forced to eat two hours before flying as I transport best with an empty stomach. I have not seen any peer reviewed scientific evidence that indicates these proposals would be beneficial to the animals being transported. This bill if passed could affect live lobster imports for restaurants. Further, import and export of aquarium fish from many Pacific Islands would be problematic and in some cases devastate incomes in developing nations. The point being is I do not believe the full effects of this bill has been assessed and it will have considerable negative impact beyond Hawaii and without benefit for the animals as intended. Please do not pass this bill. Anthony Nahacky

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Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
e-mail: HCattlemens@hawaii.rr.com

HOUSE COMMITTEE ON AGRICULTURE
Thursday January 31, 2013 9:00 a.m. Room 312

HB 1145 RELATING TO ANIMAL TRANSPORT

Establishes food, water, cargo hold temperature, cargo transfer, and certification requirements for air transport of live animals.

Chair Wooley, Vice Chair Onishi and Members of the Committees:

My name is Alan Gottlieb, and I am the Government Affairs Chairperson of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council OPPOSES HB 1145 unless livestock and poultry can be exempted from its provisions.

The Bill as written could negatively impact livestock shipments by air. Currently 10-15% of the beef cattle exported from the State is transported to the West Coast by air. If additional air freight space was available that percentage would likely increase due to the reduced travel time afforded by air transport.

The Bill as written requires that warm blooded animals be fed and watered up to two hours prior to shipment. It is not practical or advisable to feed certain classes of livestock up to two hours prior to transport.

Depending on their location and situation, cattle for example, may undergo several hours of gathering, sorting, loading and ground transportation prior to arrival at an airport for transport. Cattle are typically withheld from feed for up to 12 hours prior to shipment to reduce waste production and build up during the shipment. Increased waste will create a sanitation issue which in turn is detrimental to air quality during the shipment. Poor air quality is a significant contributor to respiratory disease in livestock and respiratory disease is a major illness concern in livestock, particularly those being transported.

Shipments of livestock are already examined and certified for shipment by veterinarians that are accredited to do so by USDA and the State Veterinarians. Additional certification and documentation is unnecessary, redundant, confusing and burdensome.

In the case of poultry, day-old chicks make up the majority of the poultry imported into the State. The day-old chick is reliant on its yolk sac for nutrients during its first few days of life and feeding is not necessary to sustain them.

These are the two major classes of livestock and poultry other than horses that are flown into and out of the State. Our concern is that HB 1145 will be detrimental and not beneficial to livestock and poultry as written. It is recommended that poultry and livestock be excluded from HB 1145.

We appreciate this opportunity to provide testimony on this matter.

Rep. Jessica Wooley , Chair

Rep. Richard H.K. Onishi, Vice Chair

Committee on Agriculture

Tues, January 31,2013

Testimony in Opposition to HB 1145

Hello, my name is Randy Fernley. I own Coral Fish Hawaii, in Aiea, and have been running the business with my wife for the past 35 years. As a small business, we have put a lot of blood, sweat and tears into making our store the best source of quality tropical fish in the islands. We've gone from a 1 person operation to one that employs over 15 employees- of which many are students studying biology or related sciences.

Year after year after year, the aquarium industry in Hawaii is viscosly attacked and targeted by a select few animal rights activists. Often these activists use data that is riddled with inaccurate, misleading and false statements based on unscientific resources.

Likewise, year after year after year, the industry helps introduce more information and studies that proves beyond a shadow of a doubt that the industry is sustainable in the eyes of the DLNR and many other notable marine experts. Priding itself in its quality and environmentally safe practices, the aquarium industry is currently working with the DLNR on a rules package which would further solidify itself as a responsible and sustainable industry.

HB 1145 would not only kill this relatively small industry, but would kill Coral Fish Hawaii. We at Coral Fish pride ourselves on giving school tours of our facility and talking about sustainability and environmental adaption to young adolescents- This would all be gone if this bill were to pass. This would also put a severe burden on my family as we just renegotiated our rent and if we had to shut our doors, we would be responsible for over \$500,000 in rent for the term of the lease.

Please do not allow this bill to proceed. Allow the DLNR to continue regulating this scientifically proven sustainable industry which provides pleasure and education to thousands of residents in the islands.

The DLNR is doing its job regulating the industry. **Please listen to their voices!!**

Thank you for your consideration

Randy Fernley / Owner- Coral Fish Hawaii

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 2:52 PM
To: AGRtestimony
Cc: fishtal@comcast.net
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tal Sweet	Individual	Oppose	No

Comments: HB 1145 covers live animal shipments in Hawaii, and requires that "Food and water shall be given to coldblooded animals within eight hours of delivery to the carrier". This means that it would be illegal to properly purge fishes' digestive systems before shipment. As a result, it would be impossible to ship fish in a safe and humane manner. This bill would devastate the aquarium fish industry in Hawaii, by forcing the use of cruel and inhumane practices when transporting fish that would, in turn, cause massive mortality rates during shipment. Please consider proper handling practices before taking action on this.

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To my Honorable Legislators,

Wednesday, January 29, 2013

This testimony is in regards to HB1145. As a resident of West Hawaii Island for the past 35+ years, I am much opposed to HB1145. I am president of Stockly's Aquariums, Inc.

Stockly's Aquariums was formed in January 1978 on the Kona Coast of the island of Hawaii. We are a family run business with great employees who share the same interests for which the business was formulated. Our main source of income in the early years was aquarium maintenance. In April of 1980, Stockly's Aquariums retail store opened for business. This Hawaiian Reef Fish store is well received by the people of Kona. By, 1982 Stockly's Aquariums, Inc. was incorporated and doing business throughout the state of Hawai'i. Today, Stockly's custom Hawaiian reef fish aquariums are found throughout the islands, U.S. mainland, Alaska and Japan. We sell locally caught Hawaiian Reef Fish.

In reading HB1145 it makes no sense to me and even to the layman. I have worked as a fisheries biologist upon graduation of college in fisheries management. Also, in the seventies I had the position as the Sea Grant Agent in West Hawaii through UH Manoa. I have sat on the Coastal Zone Commission in West Hawaii and was a charter member of the West Hawaii Fisheries Council. Why ignore the work that these groups have done by creating a ban on Hawaiian Reef Fish collecting for a business or as a hobbyist. This bill is being pushed by special interests and uninformed lawmakers.

HB 1145 covers live animal shipments in Hawaii, and requires that "Food and water shall be given to coldblooded animals within eight hours of delivery to the carrier". This means that it would be illegal to properly purge our fishes' digestive systems before shipment. As a result, it would be impossible to ship fish in a safe and humane manner.

This bill would devastate the aquarium fish industry in Hawaii, by forcing us to use cruel and inhumane practices when transporting fish that would, in turn, because of massive mortality rates during shipment.

If HB1145 were to pass, we would have to remove our Hawaiian Reef Fish aquariums from the Hotels, Restaurants and other businesses. Then we would mostly likely close our doors after 33 years of business.

Thus, Please I am asking for a NO Vote on HB1145

Mahalo nui Aloha,

Bill Stockly, president

Stockly's Aquariums, Inc.

Kailua Kona, Hawaii

HOUSE COMMITTEE ON AGRICULTURE
Thursday January 31, 2013 9:00 a.m. Room 312

HB 1145 RELATING TO ANIMAL TRANSPORT

Establishes food, water, cargo hold temperature, cargo transfer, and certification requirements for air transport of live animals.

Chair Wooley, Vice Chair Onishi and Members of the Committees:

The Hawaii Egg Producers Association OPPOSES HB 1145 unless livestock and poultry can be exempted from its provisions.

The Bill as written could negatively impact livestock shipments by air. Currently 100% of the chicks for future egg production are imported from the West Coast and Canada by air. There is only one hatchery in Hawaii and it does not hatch chicks for egg production.

The Bill as written requires that warm blooded animals be fed and watered up to two hours prior to shipment. It is not practical to feed all species of livestock up to two hours prior to transport. Day-old chicks make up the majority of the poultry imported into the State. These day-old chicks are transported directly from the hatchery after its first immunization to the air cargo service. A day-old chick is reliant on its yolk sac for nutrients during its first few days of life and feeding is not necessary to sustain them whether they are transported or not.

Like other livestock, the chicks may undergo several hours of ground transportation prior to arrival at an airport for transport. Shipments of poultry are accompanied by health certificates and documentation for origin from USDA APHIS and the State Veterinarians and do not require additional certification and documentation.

We share the concern expressed by the Hawaii Cattleman's Association that HB 1145 will be detrimental to livestock and poultry as written. We request that poultry and livestock be excluded from HB 1145.

Thank you for the opportunity to provide testimony on this matter.

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 11:06 AM
To: AGRtestimony
Cc: ctuttle@dorkfish.co
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Tuttle	Dork Fish Aquatics, LLC.	Oppose	No

Comments: As an end retailer of fish in the Denver, CO area. This bill will be devastating to the aquarium hobby. Feeding prior to shipping fish will cause excretion of ammonia and pollute there shipping waters causing death to fish. Fish can go a long time without food before it has a negative affect on the fish. You should re-evaluate your position on this matter in relation to the aquatic industry. This bill will have a negative impact on the Hawaiian fish collecting and shipment industry.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 8:16 PM
To: AGRtestimony
Cc: matt@cichlidrecipe.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Matt Pedersen	Individual	Oppose	No

Comments: Section 1, Paragraph B, while seemingly well-intentioned, is actually a tremendous problem for the transport of certain cold blooded animals, particularly fishes and invertebrates of the aquarium trade. Honestly, the requirement to feed cold blooded animals within 8 hours or less prior to transit is probably invalid and improper recommendation for probably all species. In the case of live aquarium fish, in order to facilitate clean transport water during transportation, fishes are generally fasted for at least 24 hours, often 48 hours, prior to transport. Failure to do so often results in the death of the fish due to exposure to excessive pollution in the bag cause by defecation. Many marine and freshwater aquarium fishes are able to fast for days (some up to 7 days) with no ill effects. As a veteran aquarist and as a lover of animals, I understand that this recommendation was probably drafted under the assumption that cold blooded animals need constant daily feeding and would suffer if shipped on an empty stomach, but in reality nothing could be further from the truth. These recommendations and proposed regulations would cause problems, not prevent them. While probably intended to mandate "humane" transport of animals, it is inhumane and irresponsible to follow the law that's being proposed - it will most certainly add to the stress and mortality of aquarium fish in transit. Therefore, the requirement to feed within the 8 hours prior to transit should be stricken.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 8:37 PM
To: AGRtestimony
Cc: takeharat001@hawaii.rr.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tyler Takehara	Individual	Oppose	No

Comments: I feel cold blooded animals such as fish, reptiles, and amphibians should be exempt from the feeding requirements proposed as these animals have slower digestive processes and the need to feed within the proposed time restraints are not necessary. In fact, feeding during transport would do more harm by polluting the water or other packing material.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 10:05 PM
To: AGRtestimony
Cc: wowhawaii@aol.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Sugiyama	Individual	Oppose	Yes

Comments: This bill will kill more animals than save them. HB1145 is just another bill intended to shut down the aquarium fish industry. It carefully avoids mentioning live tropical fish which are cold blooded animals. If tropical fish are required to be fed within 8 hours, their waste products will pollute the water in the bags which they are kept in for transport and die. I strongly oppose this sneaky bill.

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Opposed to HB 1145 1-31-13 9AM room 312 Please read all this for the animals!

I mainly oppose HB 1145 because it does not make provisions to exclude live fish. Please read the end about dogs and cats too.

I understand the need to want to make sure animals are taken care of while being transported by air freight. This bill does not take many factors into account.

First the live fish issue which would effect every shipment we do as tropical fish shippers. We catch fish and hold them for three days to clean them out. They do not starve as we do feed them daily or several times a day. They do not pig out so fish waste is not as much an issue for a closed ecosystem transport. Years of experience with fish leads to a 99% survival rate for fish as far away as Italy and Israel. 54 hour flights are not uncommon. We also use amquil a chemical which eliminates any harmful ammonia from fish poop which may occur in the bag.

Some fish eat only once a month (eels) and some only once a week (lion fish) and some many times a day. Once a fish is put in a bag with water then it will be impossible to feed them anymore. Forcing fish to be feed just before a flight would an can lead to death of that fish.

I have a degree in Nutrition research. I spent 8 years at UH studying biology and nutrition science. With holding food for a day or even several days will extend life span and allows the body time to clean out. Catabolism, the using of one's body tissue for energy, is actually a good thing. Long term excess starvation and lack of nutrition can harm the body. Short term starvation should have only a beneficial effect on all animals. There are many books and lots of research on this subject.

Short periods of no food can be beneficial especially for fish which can survive much longer without food. Fish take many nutrients directly from the water they live in. I read where fish can live for one month or longer without food. Of course It would be inhumane to do so! Once the fish arrive within normally 7 short flight hours they are feed. We do weekly health inspections and are a USDA certified facility. Care and the health of the fish is my main concern. We do not get paid for unhealthy or sick fish.

I do not ship dogs or cats or other animals but I must touch on this subject! Please read this!

Because I am at the airport daily I see dogs and cats go on flights and arrive quite often! It is a stressful time for animals and airline restrictions are many. Airlines already mandate the inclusion of water and food with all live animals except fish. Many snub nosed dog species are banned from American Airlines due to breathing issues. Crate sizes are mandated to be big enough. I have seen animals turned away until they get a bigger cage or the airlines sell them one. Zip ties are used to prevent escape from the cage and food and water are always included. I have seen airline employees calm dogs and cats and care for them behind the scenes. They care! I have heard some recommend with holding food just before a flight and as a nutritionist with 8 years of study I can safely say this should be OK for any healthy dog or cat.

I have owned dogs all my life and most of my dogs only eat once a day any way. What is the result of over feeding a dog before or during a flight is the animal having to lie down in it's own waste. It is not bad enough that it has to travel under stress but being covered in waste is not pleasant either. I care for the animals and love my dogs so had to say something about the fact with holding food before a flight is both humane and healthy.

I have studied transportation of animals and the airlines cargo holds are the same as passenger cabin pressure (10,000 feet) and temperature. Air goes through scrubbers and O2 is added just like passenger air does.

I suggest you read "Fasting" By Paavo Airola or search Dr. Roy Walfords studies on calorie restrictions and life span. Fasting one day a week for all is a great idea and can greatly increase you life span!

Thanks for your time and keep caring about the animals! HB 1145 was a good idea but not well thought out.

Ron Tubbs BS ND

RT Distributors Inc.

rtmb@hawaiiantel.net

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 6:50 PM
To: AGRtestimony
Cc: alexdillard2@aol.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Alexander Dillard	Top Shelf Aquatics	Oppose	No

Comments: By passing this Bill it will only cause higher transport losses in the saltwater aquarium fish shipping which will greatly affect the aquarium industry worldwide. Please do not pass this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 6:51 PM
To: AGRtestimony
Cc: aquamankb@gmail.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Burda	Individual	Oppose	No

Comments: This will devastate the fish industry in hawaii and the aquarium industry worldwide

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 6:54 PM
To: AGRtestimony
Cc: waldj@mac.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Wald	Individual	Oppose	No

Comments: Passing this bill will really hurt the hawaii fish industry and all saltwater fish businesses worldwide.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 7:37 AM
To: AGRtestimony
Cc: petfoodstore@gmail.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
ROBERT NOVAK	PETSWAREHOUSE	Oppose	No

Comments: FOR TROPICAL FISH BEING SHIPPED BY AIRLINES THERE WOULD BE NO BENEFIT TO FEEDING FISH 8 HRS BEFORE SHIPPING THIS WOULD CAUSE TOXIN'S TO BUILD IN THE FISH BAGS.FOR TEMPERATURE THE FISH ARE SHIPPED IN SPECIAL BOXES WITH ICE PACKS FOR WARMER TEMPS. SHIPPING LIVE FISH FOR 30YRS WITH NO PROBLEMS

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 12:45 PM
To: AGRtestimony
Cc: thefishybiz@gmail.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Yarborough	Fishy Business Aquarium	Oppose	No

Comments: This bill is clearly a "revenge bill". An attempted stab at the aquarium industry, since past restrictions have not panned out for those parties pushing the agenda. These parties claim population sustainment and proper treatment of wildlife, as their main goal. But this bill clearly dooms many more fish, before they even reach their destination. You feed a fish 8 hours before shipping, guess what all those fish are doing while in the bags for extended periods of time. So for the parties who claim this bill as "humane", it is anything but humane. It's a "screw you anyways" poke, at the aquarium industry.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 5:57 PM
To: AGRtestimony
Cc: avilamillar@hotmail.com
Subject: *Submitted testimony for HB1145 on Jan 31, 2013 09:00AM*

HB1145

Submitted on: 1/29/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jose	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 8:06 AM
To: AGRtestimony
Cc: bill@amaquatics.com
Subject: *Submitted testimony for HB1145 on Jan 31, 2013 09:00AM*

HB1145

Submitted on: 1/30/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Bill Backus	A&M Aquatics	Oppose	No

Comments:

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onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 8:35 AM
To: AGRtestimony
Cc: hawaiiifish@gmail.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Weidenbach	Hawaii Aquaculture & Aquaponics Association	Oppose	No

Comments: The HAAA strongly opposes this measure as written. While the HAAA supports appropriate animal care this measure would legislate a situation that would result in high and unnecessary mortalities of cold blooded aquatic animals by the requirements related to providing food and water. Aquatic animals (fish, crustaceans, molluscs) must be purged of feed prior to packing and shipment, and kept off of feed during the transport process, or the resulting waste products released in the transport water will become toxic to the animals and result in the harm or death of such animals.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 8:26 AM
To: AGRtestimony
Cc: schmidt@saia-online.eu
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Christiane Schmidt	ESAIA e.V.	Oppose	No

Comments: Dear Committee, we value the intent of the bill to establish best practices for live animal transport. Nevertheless we are opposing the bill, because of the request: "Food and water shall be given to coldblooded animals within eight hours of delivery to the carrier and to warmblooded animals within two hours of delivery to the carrier, unless otherwise required by law or specified by International Air Transport Association regulations." There is scientific research on the topic of best transport conditions for e.g. live fish and common agreement that the stress by fasting is a damage to be calculated, but by far exceeded by the risk of lethal damage caused by high ammonia concentrations, building up in the transport water through the excrements and products of the fish metabolism. Among others FAO recommends in a technical paper: "Ammonia (NH₃) builds up in transport water due to protein metabolism of the fish and bacterial action on the waste. Decreasing metabolic rate of the fish by lowering the water temperature, and thus lessening fish activity, reduces the production of NH₃. The production of NH₃ by bacterial action can be decreased by shipping fish only after food has been withheld long enough to void the stomach and intestine. Temperature and time of last feeding are important factors regulating ammonia excretion. For example, trout held in water at 1°C excrete 66% less ammonia than those held in 11°C water, and fish starved for 63 h before shipment produce half as much ammonia as recently fed fish. Fish larger than 10 cm should be starved at least 48 h; those 20 cm and larger should be starved 72 h (Piper et al., 1982)." see also: <http://www.fao.org/docrep/009/af000e/AF000E00.htm#TOC> The paper: Methods for reducing stressors and maintaining water quality associated with live fish transport in tanks - a Review of the basics by Todd S. Harmon, Walt Disney World, Animal Programs, Lake Buena Vista, FL, USA, in Reviews in Aquaculture (2009) 1, 58–66 also confirms: "Suspended solids from fish faeces can pollute the water as well as physically damage the gills of fish. ... Ammonia toxicity is also a concern in fish transport, especially long hauls. Ammonia is produced as a by-product from fish metabolism and is primarily excreted through the gills by diffusion (Colt & Armstrong 1981). The accumulation of ammonia can be minimized by fasting fish prior to transport and /or adding ammonia-reducing agents to the transport water. Fasting fish for at least 24 h is recommended to reduce the accumulation of faeces and ammonia in the tank (Carmichael et al. 2001). Wedemeyer (1996) found that when transporting salmonids a typical protocol is to fast the fish for 48–72 h prior to transport. Phillips and Brockway (1954) reported that trout fasted for 63 h produced half as much ammonia as recently fed fish." Therefore we urge you to review the request to feed live coldblooded animals within 8 hours as the damage might outweigh the benefits. In the current format and including this request, we oppose the bill. Many thanks for considering our input & Kind Regards, Christiane for ESAIA e.V., Germany

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directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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TESTIMONY
OF
PET INDUSTRY JOINT ADVISORY COUNCIL
BEFORE
HOUSE COMMITTEE ON AGRICULTURE
ON HOUSE BILL 1145
January 30, 2013

Madam Chair and Members of the Committee:

The following testimony is presented on behalf of the Pet Industry Joint Advisory Council (PIJAC) and its membership in opposition to House Bill 1145, governing the transport of animals by air. We appreciate the opportunity to submit our comments before your Committee.

PIJAC is the world's largest pet trade association representing the interests of all segments of the pet industry. PIJAC's membership includes member associations, organizations, and corporations as well as individuals involved in the commercial and hobby pet and aquarium trade. More specifically, we represent the interest of live animal retailers, importers/exporters/ breeders, product manufacturers, wholesale distributors, and hobbyists.

For more than 40 years, PIJAC has promoted best practices for handling and care of live animals. For many decades, PIJAC has been engaged in the movement of live animals via all modes of transport. PIJAC has actively participated in the deliberations of the International Air Transport Association's Live Animals and Perishables Board leading to the publication of the IATA Live Animals Regulations, the globally accepted transport standards for animals of all types. PIJAC's representative to the IATA Board chairs IATA's Live Animal Advisory Committee and has represented several airlines as well as animal shippers for over 40 years and is well versed in all aspects of air transportation of live animals.

A review of HR 1145 raises a number of issues which could lead to airlines embargoing services for all live animals to and from Hawaii. This would include live seafood, livestock, companion animals and all other shipments containing a member of the animal kingdom. Below are some of the issues and inconsistencies we find in HB 1145:

- For example, "Section 142 – (b)" requiring an air carrier to provide food and water to "coldblooded animals within eight hours of delivery to the carrier..." and to "warmblooded" animals within two hours is impossible for vast majority of shipments, especially fish shipments which are packed per IATA standards to survive unattended for at least 48 hours from time of acceptance by the airlines." Shippers are directed, depending on the species involved, Absent extraordinary problems, such shipments rarely take 24 hours. Moreover, the carriers do not maintain the necessary foods, equipment or expertise to accomplish such requirements. Depending on the species, IATA and/or Federal law provides varying degrees of food/watering criteria.

**PET INDUSTRY JOINT
ADVISORY COUNCIL**

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PRESIDENT and CEO

Mike Canning, Esq., C

- Subsection (d) would impose temperature standards for “cargo handling” areas more restrictive than those required by Federal law under the Animal Welfare Act.
- Subsection (e) covering “wild birds” if legally enforceable requires clarification. What is a “special farm?” Are pet birds other than those “born and bred in captivity on special farms” banned to enter or leave Hawaii? The majority of aviculturists do not operate breeding farms.
- The proposed aircraft arrival cargo hold transfer times are impractical and virtually impossible for many carriers to adhere to. The section also would require removing all animal shipments from an aircraft hold on flights transiting Hawaii and, thus, interfering with foreign commerce. There is no need for the State’s Agriculture Department to receive every international shipment transiting the State.

Finally, there is a more fundamental issue as to why the proposed Bill should not be adopted. The Federal Aviation Act preempts such state action. The terms and conditions covering domestic and foreign air transport are heavily regulated by Federal law (e.g. Federal Aviation Act, Animal Welfare Act) and one or more international treaties. Moreover, several Federal laws incorporate by reference the IATA Live Animals Regulations. And, the Federal preemption should not be ignored – the pertinent language in the Federal Aviation Act (49 USC Section 41713) is clear as follows:

(a) Definition.— In this section, “State” means a State, the District of Columbia, and a territory or possession of the United States.

(b) Preemption.—

(1) Except as provided in this subsection, a State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.

(2) Paragraphs (1) and (4) of this subsection do not apply to air transportation provided entirely in Alaska unless the transportation is air transportation (except charter air transportation) provided under a certificate issued under section [41102](#) of this title.

(3) This subsection does not limit a State, political subdivision of a State, or political authority of at least 2 States that owns or operates an airport served by an air carrier holding a certificate issued by the Secretary of Transportation from carrying out its proprietary powers and rights.

For the forgoing reasons, we urge the Committee to refrain from adopting FB 1145 and as an alternative promote education and public outreach campaigns regarding Federal and international standards. We look forward to working with your Committee on such issues.

Please do not hesitate to contact PIJAC for any additional information that might be helpful in your deliberations.

Thank you for providing us an opportunity to submit testimony.



Marshall Meyers
 PIJAC Senior Consultant and retired CEO
 Chair, IATA Live Animals Board Advisory Committee



DAVID A. BERG, ESQ.

Senior Vice President, General Counsel and Secretary
202-626-4234
dberg@airlines.org

January 30, 2013

The Honorable Jessica Wooley, Chair
House Committee on Agriculture
Hawaii State Capitol, Room 441
415 South Beretania Street
Honolulu, HI 96814

The Honorable Richard H.K. Onishi, Vice Chair
House Committee on Agriculture
Hawaii State Capitol, Room 313
415 South Beretania Street
Honolulu, HI 96814

Re: HB 1145 – Relating to Animal Transport

Dear Chair Wooley and Vice-Chair Onishi,

I write on behalf of the member airlines of Airlines for America¹ to express our concern about HB 1145 that would regulate the transport of animals by air to, from, or within the State of Hawaii. While we appreciate and support the bill's goal of fostering best practices in transporting live animals, for legal and practical reasons we urge your Committee to reject this bill.

HB 1145 prohibits the transport of an animal by air to, from, or within the State unless the air carrier meets certain State requirements. The bill incorporates by reference the International Air Transport Association (IATA) "Live Animal Regulations." State requirements include different food and water provisioning for coldblooded and warmblooded animals, along with a certification that the carrier has met these requirements by documenting when the food and water were provided. HB 1145 also regulates live animal cargo holding area temperatures, requires a shipper to complete a "live wild bird certification" for shipments of live non-domesticated wild birds that must include where the bird(s) were born and the origin and destination of the birds(s). HB 1145 also requires that within twenty minutes of arrival ("block-in"), carriers must transfer any animal from the cargo hold to the Hawaii Department of Agriculture airport office for transpacific arrivals, or to the baggage claim area for inter-island arrivals. Both certifications must be carried with the air waybill.

As proposed, the bill violates Federal law. HB 1145 is preempted and prohibited by the Airline Deregulation Act's (ADA) express preemption provision, currently codified at 49 U.S.C. § 41713(b). Congress enacted the ADA in 1978 to deregulate the airline industry.² Under the ADA "a State...may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier."³ In enacting the ADA, Congress determined that "maximum reliance on competitive market forces would best further the efficiency, innovation, and low prices as well as variety

¹ A4A airline members are Alaska Airlines, Inc., American Airlines, Inc., Atlas Air, Inc., Delta Air Lines, Inc., Federal Express Corporation, Hawaiian Airlines, JetBlue Airways Corp., Southwest Airlines Co., United Airlines, Inc., United Parcel Service Co. Air Canada is an associate airline member.

² See 49 U.S.C. § 40101(a)(6), (a)(2)(A) (formerly codified at 49 U.S.C. § 1302(a)(4), (a)(9); Gary v. The Air Group, Inc., 397 F2d 183, 186 (3rd Cir. 2005).

³ 49 USC § 41713(b)(1).

[and] quality ... of air transportation services."⁴ The Supreme Court in *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 383 (1992), stated that the use of the words "related to" in the preemption provisions of the ADA "express a broad pre-emptive purpose" and prohibits all state laws "relating to" the rates, routes or services of an air carrier, even laws that are consistent with the ADA. The Supreme Court has twice affirmed this interpretation, most recently in *Rowe v. NH. Motor Transp. Ass'n*, 552 U.S. 364 (2008).ⁿThe Court in *Rowe* also refused to read into the ADA an exception for laws that relate to public health.

Rowe is particularly instructive here. The Court in *Rowe* struck down a Maine law that directly regulated delivery service procedures. HB 1145 is similarly defective. HB 1145 directly "relates" to carrier "services" because it imposes requirements on airlines with respect to the shipment and delivery of animals. This is exactly the type of state regulation that Congress meant to prevent when it passed the ADA. We also note that airline voluntary compliance with IATA guidance does not save or impact the preempted State regulation of animal shipment services.

In addition to be preempted, several items in the bill are problematic. First, the scope of HB 1145 is very broad, applying to any animal shipment by air; seemingly this would cover all animal air shipments by passenger airlines, cargo-only carriers, and U.S. Government shipments, including shipments transiting Hawaii destined for some other location. Second, the term "animal" is not defined. Applying its general definition, it is a very broad term that can include lobster, shrimp, and other live seafood delivered for consumption. Third, HB 1145's section concerning the "Transfer of animals from cargo hold" applies to any animal, which means that all transpacific shipments of animals, alive or not, government or civilian would have to be transferred within twenty minutes of block-in to the Hawaii Department of Agriculture airport office. This sweeping application could have a significant impact on commercial and government shipments to Hawaii, not to mention raising a significant question about the ability of the Hawaii Department of Agriculture to store and process the shipments. Finally, the term "coldblooded animal" is not defined. Again, if the common definition applies, it could include poisonous spiders and snakes, which raises safety concerns for the airline employees who would have to provide food and water to these animals.

Given the statute implicates several significant practical and legal hurdles, we urge your committee to reject this bill. We would be pleased to meet with you at your convenience to discuss this matter.

Sincerely,



David A. Berg

cc: The Honorable Tom Brower
The Honorable James Kunane Tokioka
The Honorable Romy M. Cachola
The Honorable Clift Tsuji
The Honorable Isaac W. Choy
The Honorable Lauren Kealohilani Cheape
The Honorable Takashi Ohno
The Honorable Gene Ward
The Honorable Gregg Takayama

⁴ *Morales*, supra, 504 U.S. 374, 378 (1992)

Rep. Jessica Wooley, Chair
Rep. Richard Onishi, Vice Chair
Committee on Agriculture

Thursday, January 31, 2013

Testimony in Opposition to HB 1145, Relating to Animal Transport

I am a commercial fishermen on Oahu, with the majority of my income from saltwater aquarium fish. For my business to be successful, it is critical that we are able to hold and transport animals in a way that is safe, humane, and maintains them in good health. I am very strongly opposed to HB 1145, which would force us to transport animals in a way that would endanger their health and safety.

The problem with HB 1145 lies in the following section:

(b) Food and water shall be given to coldblooded animals within eight hours of delivery to the carrier and to warmblooded animals within two hours of delivery to the carrier, unless otherwise required by law or specified by International Air Transport Association regulations.

During transport, live aquarium fish produce toxic ammonia as a byproduct of their digestive process. If the fish has been recently fed, this will rapidly accumulate in the fishes' shipping water and can severely injure or kill the animal. Withholding food during this period is not harmful to the fish, many of which have slow metabolisms and do not need to be fed every day to remain healthy. Requiring exporters to feed our fish immediately before shipping would mandate a cruel, inhumane, and unnecessary practice.

At present, the number of fish lost, from the time I catch them in the ocean to the time they arrive safely on the mainland, is less than one percent. Should HB 1145 become law, it would be impossible for us to maintain these high standards and, consequently, mortality rates during transport would be astronomical. In the interests of business, conservation, and animal welfare, I ask that this bill be held in committee.

Thank you for the opportunity to testify,



Matthew Ross

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 8:55 AM
To: AGRtestimony
Cc: Chris.Buerner@qualitymarine.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Buerner	Quality Marine	Oppose	No

Comments: We oppose this bill for the unnecessary stress it prescribes to be placed on all aquatic species during transport as a result of the improper conditioning requirement of feed introduction within 8 hours of tender to air cargo carriers. Aquatic species are conditioned and fed prior to transport, but not provided additional feed immediately prior to packaging so as to ensure optimal health and survival during shipment. Historically this results in less than 1% mortality in shipments originating from Hawaii bound for the mainland, and vice versa. We believe the requirements as prescribed will cause unnecessary suffering and mortality on all aquatic species.

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onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 5:46 AM
To: AGRtestimony
Cc: watersux@hotmail.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Hardman	Individual	Oppose	No

Comments: This bill is insane. It forces the fish to be poisoned during shipment. The scientific data supporting the policies that this bill bans is irrefutable and those policies are some of the single most effective practices for ensuring the survivability of all aquatic species being shipped. To pass this bill is to ensure the suffering and increase the possibility of death in all aquatic organisms being shipped, it's sadistic and irresponsible.

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January 31, 2013

**TESTIMONY
COMMITTEE ON AGRICULTURE**

Rep. Jessica Wooley, Chair
Rep. Richard Onishi, Vice Chair

TESTIMONY ON HB 1145
RELATING TO ANIMAL TRANSPORT.
Room 312
9:00 AM

Chair Wooley, Vice Chair Onishi and Members of the Committee:

Maui County Farm Bureau on behalf of our commercial farm and ranch families and organizations working to increase Hawaii's level of self sufficiency, opposes HB1145, imposing conditions on animal transport that does not recognize the needs of Hawaii's livestock and poultry industry.

A consistent theme during the opening days of the Legislature has been self sufficiency and sustainability. Increased levels of self sufficiency cannot be achieved without a viable agricultural industry. Our livestock and poultry industry are critical sectors providing basic food for Hawaii's people.

Members of our livestock and poultry industry have submitted comments articulating their concerns about the measure. MCFB supports their request to exclude these commercial industries as the measure does not meet their individual needs.

MCFB respectfully requests your support in excluding commercial livestock and poultry operations from this measure. Thank you for this opportunity to provide our opinion on this matter. If there are questions, please contact Warren Watanabe at 2819718. Thank you.

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 6:44 AM
To: AGRtestimony
Cc: cochonlibre@gmail.com
Subject: *Submitted testimony for HB1145 on Jan 31, 2013 09:00AM*

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 12:47 PM
To: AGRtestimony
Cc: Eric@seadwelling.com
Subject: Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

HB1145

Submitted on: 1/30/2013

Testimony for AGR on Jan 31, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Cohen	Sea Dwelling Creatures, Inc	Oppose	No

Comments: It is well known throughout Aquarium Fish Experts that live Aquarium Fish need 2-4 days to purge before shipping in order to keep them safe during travel. Asking to have them fed 8 hours before shipping would be detrimental to the health of the animals. I am not sure about other cold blooded animals, but live aquarium fish should not be included in this realm of requirement. Thank you.

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