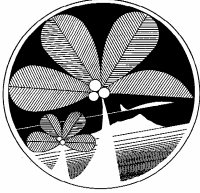


## AIRLINES COMMITTEE OF HAWAII



Honolulu International Airport  
300 Rodgers Blvd., #62  
Honolulu, Hawaii 96819-1832  
Phone (808) 838-0011  
Fax (808) 838-0231



January 31, 2013

Honorable Jessica Wooley, Chair  
Honorable Richard Onishi, Vice Chair  
House Committee on Agriculture

**Re: HB 1145 – Relating to Animal Transport – Oppose  
Conference Room 312– 9 AM**

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

The Airlines Committee of Hawaii\* (ACH), which is made up of 21 signatory air carriers that underwrite the State Airport System respectfully opposes HB 1145, which proposes to regulate the transport of animals by air to, from, and within the state.

While we understand the intent of the bill is to establish regulations for food, water, cargo hold temperature, cargo transfer and certification requirements for the transport of live animals, we must raise our objection to this bill because it violates federal law and creates other burdensome impacts to the operations of air carriers and to the state.

First and foremost, there are significant problems with the bill as it violates federal law. The Airline Deregulation Act (ADA), codified in 49 U.S.C. §41713 (b), preempts states from enacting or enforcing “a law regulation, or other provision having the force and effect of a law related to a price, route, or service of an air carrier.”

Furthermore, a recent U.S. Supreme Court in *Rowe v. New Hampshire Motor Transport Association* (NHMTA) affirmed states are preempted from passing laws with a direct and/or indirect effect on rates, routes, or services. If enacted, this bill would directly impose regulations to carrier services, which has been clearly preempted by ADA and affirmed by *Rowe v. NHMTA*.

We also recognize there are numerous other issues with this bill which would pose safety concerns for airline employees who would have to provide food and water to these animals, have significant impacts on commercial shipments to and

from Hawaii, and impose further burdens to the state's ability to store and process these shipments.

For these reasons, we respectfully urge members of the Committee to reject this bill.

As always, we appreciate the opportunity to provide input and are available to meet with any members of the Committee to discuss this matter.

Sincerely,

Blaine Miyasato  
ACH Co-chair

Matthew Shelby  
ACH Co-chair

*\*ACH members are Air Canada, Air New Zealand, Air Pacific, Alaska Airlines, All Nippon Airways, Aloha Air Cargo, American Airlines, China Airlines, Delta Air Lines, Federal Express, go!, Hawaiian Airlines, Island Air, Japan Airlines, Korean Air, Philippine Airlines, Qantas Airways, United Airlines, United Parcel Service, US Airways, and Westjet.*

**LATE**



8403 Colesville Road, Suite 710  
Silver Spring, MD 20910-3314  
301-562-0777 tel 301-562-0888 fax  
[www.aza.org](http://www.aza.org)

January 31, 2013

Dear Honorable Members of the Hawai'i State Legislature:

On behalf of the 221 accredited member institutions of the Association of Zoos and Aquariums (AZA), I would like to take this opportunity to express our serious concerns regarding HB 1145, a bill that would require food and water to be given to cold-blooded animals within eight hours of delivery to the carrier. We respectfully submit that if this bill were to pass, it would be impossible to ship fish and aquatic invertebrates in a safe and humane manner. It is a routine and strongly recommended practice to withhold food from fish and aquatic invertebrates before shipment.

While there are very few fish species that cannot be safely fasted, such as high energy pelagic species not currently harvested by the trade, a 2 -10 day fast is routinely done as a matter of professional practice to the highest standards to clear the gut of food so the transport bag will not be fouled, and thus leading to toxic levels of ammonia, other wastes and otherwise poor water quality in the shipping bag. This condition of shipment would be deleterious to the health of the animal to the extent of causing death and a much higher shipping mortality in many specimens. Therefore, passage of the legislation, while well intentioned, will not only limit a fully sustainable trade, but would prevent the normal and ethical transport between zoological facilities under the best standards of practical care.

AZA is a non-profit organization dedicated to the advancement of accredited zoos and aquariums in the areas of animal care and husbandry, conservation, education, science and recreation. AZA and its member institutions work diligently with Congress, the Federal agencies, conservation organizations, the private sector and the general public to conserve our fisheries and wildlife heritage. With 180 million visitors to 221 accredited zoos and aquariums, AZA's focus on connecting people and animals provides a critical link to helping animals in their native habitats.

More than nine million students visit and enjoy onsite education programs at aquariums and zoos each year and over three and a half million receive them free of charge. AZA zoos and aquariums are committed to conserving the world's oceans for future generations of Americans and people around the globe. We do this by inspiring our millions of visitors with compelling exhibits that showcase the natural beauty of marine life and habitats, including coral reefs. We also educate our audiences about issues related to ocean health, and encourage them to join us in reducing threats to fragile ocean ecosystems and wildlife. This is very important as a recent National Research Council study found that people learn as much as 90% of their science in informal settings such as accredited zoos and aquariums. We strongly believe that our message of respect, wonder and appreciation of the natural world contributes significantly to coral reef conservation and management.

The AZA community views itself as potential partners with the State of Hawai'i. We have the well documented ability to speak to hundreds of millions of visitors annually about marine

conservation needs. AZA accredited institutions agree that a common-sense regulatory approach that governs the humane take, the humane after capture husbandry and humane and ethical transport of coral reef species in a fully sustainable manner, is a positive step in enhancing the coral reef fishery populations in Hawai'i. Thank you for the opportunity to provide input on these important decisions.

Respectfully,



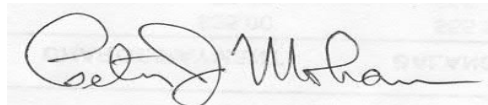
Steven G. Olson  
Vice President, Federal Relations  
Association of Zoos and Aquariums



Doug Warmolts  
Director, Animal Care  
Columbus Zoo and Aquarium  
And  
Chair, AZA Marine Fish Taxon  
Advisory Group



Bruce Carlson  
Science Officer,  
Emeritus  
Georgia Aquarium



Pete Mohan  
Director, Animal Operations  
Akron Zoo  
And  
Chair, Freshwater Fish Taxon Advisory Group  
Chair, Aquatic Invertebrate Taxon Advisory Group

## onishi1-Jerry

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 8:03 PM  
**To:** AGRtestimony  
**Cc:** jurycp@hawaii.edu  
**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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christopher P. Jury	Individual	Oppose	Yes

Comments: Testimony for HB1145 Committee on Agriculture DATE: Thursday, January 31, 2013 TIME: 9:00 a.m. PLACE: Conference Room 312 State Capitol 415 South Beretania Street To whom it may concern, I am writing this testimony in opposition to the proposed bill, HB1145, relating to new animal transport. From my reading of the bill it appears that the intent is to protect animal welfare and reduce stress during shipping. These are goals which I strongly endorse. While I support certain measures of the bill because they would indeed increase animal welfare, several other measures would in fact reduce animal welfare; therefore I oppose HB1145 as written. One of the measures of the bill is to require that cold-blooded animals be given food and water within 8 hours of delivery to the carrier and that warm-blooded animals be given food and water within 2 hours of delivery to the carrier. This measure is problematic because many animals are much better able to tolerate the stresses associated with shipping when they have less food in their digestive systems. For example, it is common to stop feeding marine and freshwater fish and invertebrates approximately 24 hours before shipping. This allows them to pass most of their gut contents prior to shipping rather than during shipping. Transport of every type of animal necessarily involves shipping them in containers where waste disposal is not available until they reach their destination. For aquatic animals this means that any wastes they pass during transport can rapidly foul their shipping water, stressing and potentially killing them. In contrast, there is no reason to think that fasting for 24 hours (or even a few days) is harmful to these animals. Passing this bill with this measure would necessarily mean that all aquatic animals shipped to, from, and within Hawai'i will be far more stressed than at present and will experience far higher rates of mortality due to fouling of their shipping water. Many warm-blooded animals (cats and dogs especially) also tolerate shipping much better if they are allowed to fast for a time before shipping. Often the stress from shipping causes them to evacuate their bowels in their shipping containers which can lead to greater stress than a short fast before shipping. I strongly support the measures to ensure that cargo holding areas containing live animals are not allowed to exceed 85 °F and reduced transport time to the inspection area upon arrival of aircraft at their destinations. However, because the measures requiring feeding shortly before transport will result in much greater stress and, for aquatic animals, higher mortalities, this bill will reduce the welfare of many animals being transported. Therefore, I strongly oppose this bill in its current form. I urge the legislature to vote down HB1145. Sincerely, Christopher P. Jury Hawai'i Institute of Marine Biology University of Hawai'i at Mānoa P.O. Box 1346 Kāne'ōhe, HI 96744

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

2343 Rose Street • Honolulu, Hawaii 96819  
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272  
Fax: (808) 848-1921 • Email: [info@hfbf.org](mailto:info@hfbf.org)  
[www.hfbf.org](http://www.hfbf.org)

January 31, 2013

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 1145  
RELATING TO ANIMAL TRANSPORT

Room 312  
9:00 AM

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

I am Dean Okimoto, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,950 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF opposes HB 1145 as written, unless livestock and poultry are exempted.

HB 1145 could negatively impact livestock shipments by air. It 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.

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.

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

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. HFBF recommends that poultry and livestock be excluded from HB 1145.

We appreciate this opportunity to provide testimony on this matter.

**NEIL ABERCROMBIE**  
Governor



**RUSSELL S. KOKUBUN**  
Chairperson, Board of Agriculture

**SCOTT ENRIGHT**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 Fax: (808) 973-9613

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

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE  
WEDNESDAY, JANUARY 31, 2013  
9:00 A.M.  
ROOM 312**

**HOUSE BILL NO. 1145  
RELATING TO ANIMAL TRANSPORT**

Chairperson Wooley and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1145 that establishes feeding, watering and ground handling provisions for animals transported into the State, or within the State, by air carriers.

The HDOA has no position on this bill since the greatest impact would be on airlines in the State and throughout the world. In addition, any provisions enacted in House Bill No. 1145 would likely be pre-empted by Federal animal welfare provisions in the Code of Federal Regulations 9 (CFR 9), "Animals and Animal Products."

The CFR 9 establishes standards and specifications for the humane handling, care, treatment and transportation of a wide variety of animals, including dogs and cats. Specifications provide standards for housing facilities, feeding, watering, cleaning and sanitation, primary enclosures to transport animals, care in transit, and sheltering with respect to ventilation, ambient temperature, exposure to elements and basic handling practices.

Thank you for your consideration of House Bill No. 1145.



**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 8:06 AM  
**To:** AGRtestimony  
**Cc:** oesim@hawaiiantel.net  
**Subject:** Submitted testimony for HB1145 on Jan 31, 2013 09:00AM



**HB1145**

Submitted on: 1/31/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
glenn fukuda	Individual	Oppose	No

Comments: do not pass will hurt shipping procedure for live delivery

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 1:08 PM  
**To:** AGRtestimony  
**Cc:** perino@hawaii.rr.com  
**Subject:** Submitted testimony for HB1145 on Jan 31, 2013 09:00AM

**LATE**

**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
Judith Perino	Individual	Oppose	No

Comments: This bill shows a complete lack of understanding about the transfer and care of live cargo, especially as it applies to tropical fish. If fish are fed eight hours before shipping as specified in this bill, the water they are packed in will become fouled and toxic to the fish from their own waste during transit. They are far more likely to suffer high mortality rates because of being fed prior to shipping. This bill accomplishes exactly what it portends to prevent, the death or suffering of live fish while in transit. Cargo holds/terminals cannot be monitored for temperature control because they are secure, restricted areas. Who is going to supply manpower for such monitoring, even with a security clearance? The state? The airlines? Where is the funding for this nonsense? It is impossible to mandate any kind of twenty minute deadline on the transfer of airline cargo - live or otherwise, this is completely ludicrous and unworkable because of weather, workloads, and manpower constraints at any given time. Please use your committee for hearing bills that might actually do something beneficial for your constituents that supports small business rather than trying to destroy it.

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 12:27 AM  
**To:** AGRtestimony  
**Cc:** felinitous@yahoo.com  
**Subject:** \*Submitted testimony for HB1145 on Jan 31, 2013 09:00

**LATE**

**HB1145**

Submitted on: 1/31/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary James	Individual	Support	No

Comments:

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House Committee on Agriculture; Hearing on 1-31-13, 9:00am Rm.

Testimony on HB1145 Relating to Conservation -- IN SUPPORT W/AMENDMEN

**LATE**

Aloha Honorable Chair Wooley and Committee Members,

On behalf of Humane Society International, the international arm of The Humane Society of the United States, I want thank you for the opportunity to comment on this important bill. HB1145 would enhance and ensure the safe, healthy and humane air transport of animals to, from and within Hawaii by establishing feeding/water, cargo hold temperature, and transfer times limits and by codifying the Live Animal Regulations (LAR) of the International Air Transport Association (IATA).

The IATA LAR, updated annually, is now in its 39<sup>th</sup> edition, and is the global standard for transporting live animals by commercial airlines. The LAR objective is to ensure the safe and humane air transport of all animals. Shippers of live animals by IATA's 240 member airlines are already required to adhere to these regulations.

By HB1145 would enhance animal safety, health and well being. It would help shippers in their compliance with the IATA LAR, and it addresses issues that can arise when shipping live animals to and from our warm tropical location and over long haul trans-pacific flights.

We understand there may be some concerns and believe they are readily addressed with minor amendments.

Please pass HB1145 with amendments, as needed, to ensure the safe and humane transport of animals by air cargo.

Mahalo,  
Rene Umberger  
Director

For the Fishes  
Email: [Rene@FortheFishes.org](mailto:Rene@FortheFishes.org)  
Tel: (808) 283-7225

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

**Before the House Committee on**  
**AGRICULTURE**

**January 31, 2013**  
**9:00 AM**  
**Hawai'i State Capitol, Conference Room 312**

**In consideration of**  
**HOUSE BILL 1145**  
**RELATING TO ANIMAL TRANSPORT**

House Bill 1145 proposes to establish a set of food, water, and temperature requirements for the transport of animals. The Department of Land and Natural Resources opposes this bill.

The requirements proposed in this measure are designed to ensure comfort and survivability of transported animals. Live fish and other aquarium animals are usually shipped in water and it is not necessary to provide additional water. Providing food to animals shipped in water would produce waste that would pollute the water and increase mortalities.

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

**ESTHER KIA'AINA**  
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

**LATE**