

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

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

**MONDAY, MARCH 25, 2013
10:35 A.M.
ROOM 312**

**HOUSE RESOLUTION NO. 181
RELATING TO REVIEW OF FEDERAL POLICIES
AFFECTING AGRICULTURAL INSPECTIONS**

Chairperson Wooley and Members of the Committee:

Thank you for the opportunity to testify on House Resolution No. 181. The purpose of this resolution is to request the President and Congress to review federal laws pertaining to the state inspection of agricultural commodities arriving from international destinations, the export of agricultural commodities from the State of Hawaii to the Continental United States, and the use of airport revenues for agricultural inspections. The Department strongly supports this measure.

The enactment of the Plant Protection Act of 2000 preempts any state from regulating in foreign commerce, whereby no State or political subdivision of a State can "prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed." That is the purview of the federal government; as such, the Hawaii Department of Agriculture (HDOA) no longer is able to inspect agricultural commodities that come in from foreign countries, nor is the State notified of foreign shipments that contain pests that the federal authorities will not take action on. Federal authorities estimate that about 3,000 organisms are intercepted and released into Hawaii by Federal inspectors because the insects, pests, or diseases are not on their actionable list. In order for pests to be actionable, the pest must be plant pests of importance to the Nation's agriculture.



Hawaii is the only state under a federal quarantine that prohibits all Hawaii grown fruits and vegetables into the Continental United States unless specifically allowed. This federal law discriminates against our farmers because they are not allowed equal access to domestic markets as other states. This problem was exacerbated in 2009 when Federal authorities issued a warning notice to all Hawaii shippers of agricultural products that they will be subject to suspensions or terminations of their ability to ship Hawaii grown products to the Continental United States because of the presence of pests in their shipments. Since that time, Hawaii shippers have been suspended and others have gone out of business.

The last is not a federal agricultural law, but a transportation law that is detrimental to Hawaii. U.S. Department of Transportation, Federal Aviation Administration considers agricultural inspections **not** to be a core function at the airport. Because of this, the State must pay commercial lease rents for inspection facilities. Over 80% of the pests intercepted are at the Airport. The Department considers air transportation the highest risk pathway as live prohibited animals, injurious pests, plants, and microorganisms can be moved from all parts of the world to Hawaii within a single day.

Thank you for this opportunity to present our testimony.



COORDINATING GROUP ON
ALIEN PEST SPECIES

House of Representatives
Committee on Agriculture
March 25, 2013
10:35 a.m., Conference Room 312
State Capitol

Testimony in Support of HR 181

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

The Coordinating Group on Alien Pest Species (CGAPS) **supports HR 181**, which requests that the President of the United States and the United States Congress review the impact of federal laws on the State's ability to protect Hawai'i from invasive species from international sources; review the laws pertaining to the mandatory inspection of agricultural goods exported from Hawaii to the continental United States; and help impress upon the FAA that agriculture inspection is a core airport function that should be prioritized as such.

The CGAPS partnership's 2009 Action Plan lists the ten most important issues that must be addressed if Hawai'i is to have adequate protections from invasive species. One of those issues is the divide between what pests are actionable for federal inspectors charged with inspecting arriving international cargo, and what pests are actionable for state inspectors charged with inspecting arriving domestic cargo. Federal lists include pest species that are of concern to mainland (largely temperate) agriculture, while the state is much more restrictive and focuses on species that could harm local agriculture, the environment, or people. If mosquitoes carrying dengue or other potentially harmful diseases were to be detected in a container from the mainland, HDOA could take action. If that container came from an international port, it would not be actionable by federal inspectors, and they are not allowed to notify HDOA.

Further, the movement of pests into Hawai'i is in planes and on or in ships and the cargo they carry. It is incomprehensible why the FAA has taken a stance that agriculture inspection is not a core airport function. Unless inspection services are provided for within the port, cargo containers will be offloaded, moved to an inspection building offsite, inspected, and released back to the shipper, costing time and money, as the federal and state inspectors carry out the inspection duties that they are charged with by law.

It makes the most sense to work together to prevent the entry of pests into Hawai'i. Hawai'i's unique biodiversity, environment, and culture, our important US military position, and our unique ties with the Asia Pacific region are just a few of the reasons to promote this review of policies. We respectfully request your support of this resolution. Mahalo for your consideration.

Aloha,

Christy Martin
Coordinating Group on Alien Pest Species (CGAPS)
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Testimony of The Nature Conservancy of Hawai'i
Supporting H.R. 181 Requesting the President and the U.S. Congress to Review
Federal Laws Pertaining to the State Inspection of Agricultural Commodities
House Committee on Agriculture
Monday, March 25, 2012, 10:35AM, Rm. 312

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 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 H.R. 181

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. With favorable conditions and limited competition, non-native species arrive in the Hawaiian islands to find an easy environment in which to thrive. Indeed, the colonization rate of introduced insects and mites in Hawai'i has been estimated at 500 times the rate of the continental United States.

Evidence from Hawai'i and around the world shows that preventing new pest establishment is exponentially more economical than eradicating a pest or, even worse, controlling it indefinitely once it becomes established. The Hawai'i Department of Agriculture (HDOA) has developed a multi-faceted Biosecurity Program in an effort to enhance invasive species prevention at air and sea ports with more inspectors, enhanced inspection systems and technologies, improved inspection facilities, and agreements with importers and producers for improved sanitary protocols.

Unfortunately, HDOA's efforts are often hamstrung by federal funding restrictions and federal statutory preemption. Even though air cargo is the most high-risk pathway for introducing pests via live or fresh commodities, the Federal Aviation Administration has stated that agriculture inspection is not a core airport function and, therefore, the State is prohibited from spending federally authorized airport revenue on it. Additionally, the federal Plant Protection Act specifically preempts states from being more restrictive than the federal government on the movement of plants and plant products. (7 USC § 7756) The only available choice for a state is a long and laborious process of securing approval for heightened restrictions on a pest-by-pest basis from the U.S. Secretary of Agriculture. (7 USC § 7756(b)(2)(B))

Though not unsympathetic to state concerns, in practical terms federal authorities favor protection of large mainland agricultural needs over the individual needs of small states like Hawai'i. The U.S. Department of Agriculture's Animal & Plant Health Inspection Service (APHIS) has a very large program in Hawai'i for airport departure inspections to protect large agriculture on the U.S. mainland from Hawaii's pests. Ironically, most of these pests, like fruit flies, were introduced to the islands. Conversely, Hawai'i receives almost no special protection to prevent new invasive species introductions to the state. Border protection from foreign cargo and passenger baggage in Honolulu is essentially identical to that at all other international ports in the United States. Preventive actions by federal inspectors are taken based on a short list organisms primarily for protection of U.S. mainland agriculture. In practice, this actionable list has little to do with organisms that would affect Hawaii's agriculture or native biota.

Much more understanding, flexibility and expeditious action are needed from the highest levels of federal agriculture authorities to help Hawai'i protect its unique economic, agricultural, and natural resources from introduced pest threats.