

NEIL ABERCROMBIE  
Governor



SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE  
WEDNESDAY, FEBRUARY 26, 2014  
11:15 A.M.  
Conference Room 308

HOUSE BILL NO. 1994  
RELATING TO CIVIL LIABILITY FOR THE INTRASTATE TRANSPORT OF INVASIVE  
SPECIES

Chairperson Luke and Members of the Committee,

Thank you for the opportunity to testify on House Bill 1994. This bill would require the Hawaii Department of Agriculture (HDOA) to enforce restrictions on intrastate movement of invasive species and establish an invasive species task force to address the movement of plants, plant pests, and vertebrate pests between islands. The Department supports the intent of the bill but believes the regulation of intrastate movement of goods will involve the responsibilities of multiple departments and would be best addressed by a multi-agency group like the Hawaii Invasive Species Council.

Regulation of intrastate movement of commodities to monitor for invasive species is a vast responsibility that will require the coordination of various departments including, but not limited to the Department of Transportation, the Department of Land and Natural Resources, the Department of Health, and federal partners such as the USDA Animal and Plant Health Inspection Service.

The Hawaii Invasive Species Council (HISC) is one such multi-agency group that brings together all of these groups with the common cause of addressing invasive species issues. The HISC has already begun coordinating a multi-agency response to the growing number of invasive species that are being detected at points of entry and exit. Called Mamalu Poepoe, this initiative is pooling the expertise and resources of the Department of Transportation, the Department of Land and Natural Resources, the Department of Health and the Department of Agriculture to increase screening at our airports and ports to stop the spread of invasive species before they can be established in our islands. The Department of Transportation has already committed \$300,000 to this effort and we feel that further support of this initiative would be the best approach.

Thank you, again, 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  
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**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
FINANCE**

**Wednesday, February 26, 2014  
11:15 AM  
State Capitol, Conference Room 308**

**In consideration of  
HOUSE BILL 1994  
RELATING TO CIVIL LIABILITY FOR THE INTRASTATE TRANSPORT OF  
INVASIVE SPECIES**

House Bill 1994 proposes to require the consignor of certain agricultural and landscape commodities to ensure that coqui frogs, little fire ants, and other pests are not transported within those commodities. This bill would further establish a task force within the Hawaii Invasive Species Council (HISC) to address intrastate biosecurity. **With regard to the creation of the task force, the Department of Land and Natural Resources (Department) supports this measure. With regard to the regulation of agricultural and landscape commodities, the Department defers to the Hawaii Department of Agriculture (HDOA).**

Minimizing the risk of interisland or intrainland movement of invasive species is critical to effectively containing and controlling invasive species in Hawaii. The creation of a task force specific to this issue, with funds appropriated for facilitation purposes, is one method for identifying needs for improving intrastate biosecurity. The Department, which administratively hosts the HISC, supports the prioritization of this issue as a topic of interagency discussion.

With regard to the proposed amendments to Chapter 150A, Hawaii Revised Statutes, the department appreciates the intent of this measure in strengthening Hawaii's intrastate biosecurity and defers to the HDOA on the most practical way to implement and enforce these regulations.

The Department appreciates the opportunity to provide these comments.

**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



Testimony of the Maui Invasive Species Committee  
Before the Committee on Finance  
HB 1994 – Relating to Civil Liability for the Intrastate Transport of Invasive Species  
Conference Room 308  
February 26, 2010, 11:15AM

The Maui Invasive Species Committee (MISC) supports the intent of H.B. 1994 which will create an affirmative responsibility on those businesses that ship goods posing a high risk of spreading certain invasive species to prevent the inter-island movement of such species.

Because implementation of a more rigorous inter-island biosecurity system will take time, perhaps years, Hawaii's counties would benefit from legislative assurances that they are allowed to enact their own procedures to protect their islands from the continued movement of certain pest species. As an example, Maui County provides nearly two million dollars annually to the island-based watershed partnerships and invasive species committees to tackle invasive species, support that is often significantly more than current state contributions to these efforts. Yes, the same species that are being worked on continue to arrive from other islands, undermining current efforts. Because the counties may already have authority to enact legislation by ordinance to address this issue, language clarifying that this legislation is not intended to remove any such authority might be desirable. Starting with page 21, line 16, deleting the introductory phrase would help clarify this, so language would read:

~~Unless and until the department implements these provisions, including adoption of any necessary rules,~~ **Notwithstanding and not in lieu of any existing authority**, any county may establish its own requirements by ordinance to prevent the introduction of infested, regulated articles, ..... [rest of text as currently drafted].

Regarding information sharing by the Hawaii Department of Agriculture, language should clarify that the department may protect proprietary information related to the businesses involved.

Regarding establishment of a task force within the Hawaii Invasive Species Council (HISC), on page 23, section 4(b)(2), (3), (4) and (6), suggest clarifying that the work of the task force is limited to the inter-island movement of invasive species as the HISC already addresses these issues on a statewide level. Suggest simply adding the words "**inter-island movement of**" before "invasive species" in each of these subparagraphs. On page 24, suggest adding "Island-based invasive species committees" and "Counties" as numbers (11) and (12), respectively, and renumbering "Others as designated..." as number (13).

Respectfully submitted,

*Teya M. Penniman*

Manager, Maui Invasive Species Committee

# Hawaii Export Nursery Association

Testimony for the Twenty Seventh Legislature 2014  
State of Hawaii

## COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Representative Aaron Ling Johanson, Vice Chair

Wednesday, February 26, 2014 @ 10:15 a.m.  
Conference Room 308  
State Capitol, 415 South Beretania Street

A bill for an act  
HB 1994 RELATING TO CIVIL LIABILITY FOR THE  
INTRASTATE TRANSPORT OF INVASIVE SPECIES  
**Oppose HB 1994**

Aloha,

The Hawaii Export Nursery Association is a non-profit membership organization of over 117 Hawaii nurserymen and nurserywomen professionally engaged in the export and import of Potted Tropical Ornamental Plants and Flowers. We are dedicated to marketing, research, transportation, and educational issues. Our goal is to supply Hawaii grown, top quality tropical plants and flowers for the global marketplace.

Our membership, as a whole, **strongly opposes HB1994** Relating to Civil Liability for the Intrastate Transport of Invasive Species. This bill unfairly targets agricultural producers and seeks to discourage and penalize Hawaii's Big Island farmers and ornamental nurseries from continuing to farm. This bill **DISCRIMINATES** against our industry and places an undue burden on small business. Our industry understands and strongly supports the need to control pests. We conduct seminars, provide education and information and help facilitate our nurseries to remain clean of invasive pests. Our nurseries have voluntary regular inspections, treatments such as hot shower and citric acid, and provide the best procedures to assure our products are as clear of all invasive pests before they leave the nurseries, whether their destination is another nursery on island, interisland or to the U.S. mainland and abroad.

This bill places the blame for invasive pests to the Big Island ornamental growers who are already working so diligently to eradicate these pests and prevent the spread of same. Although our nurseries have pest management plans in place, the spread of these invasive pests have other means of transport off island. This bill and similar bills (SB2437) can potentially decimate the ornamental industry which can significantly impact our economy.

We **OPPOSE** this bill and ask you to consider other measures that can better help our industry and Hawaii's agriculture as a whole such as **funding additional agricultural inspectors for the Hawaii Department of Agriculture**. We appreciate your consideration of our position on this Bill and hope you will take appropriate action on our behalf.

If you have any questions, please feel free to contact me. I can be reached by phone at 808-966-4637 or via email to [info@hena.org](mailto:info@hena.org).

Warmest regards,

*Thomas Martin*

Thomas Martin  
President HENA

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 9:52 AM  
**To:** FINTestimony  
**Cc:** lbuchanan@tnc.org  
**Subject:** Submitted testimony for HB1994 on Feb 26, 2014 11:15AM

**HB1994**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 11:15AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lori Buchanan	Molokai/Maui Invasive Species Committee	Support	No

Comments: MoMISC strongly supports passing HB1994. Intrastate movement of pests and the lack of consequence has been a long and extremely costly issue for the state of Hawaii. Passing HB1994 will be a great positive step in addressing these costly issues. Mahalo for your careful considerations  
Lori Buchanan MoMISC Molokai

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## HOUSE COMMITTEE ON FINANCE

February 26, 2014, 11:15 A.M.  
*(Testimony is 1 page long)*

### TESTIMONY IN SUPPORT OF HB 1994

Aloha Chair Luke and Members of the Committee:

The Sierra Club of Hawai'i, with over 12,000 dues paying members and supporters statewide, **supports** HB 1994. The measure establishes an affirmative responsibility for carriers of landscaping materials to prevent the movement of invasive species

Hawai'i is losing the war on alien species. Some alien species, such as miconia, threaten to destroy watersheds and native ecosystems, jeopardizing freshwater supplies and pushing species to extinction. Other alien species, such as the coqui frog and dengue and its carriers, threaten our health, tourist industry, and our quality of life.

Invasive pests from the Asia and the U.S. mainland wreck havoc on native ecosystems. The cost—both economic and environmental—of introduced species in Hawai'i is astronomical. Tourism, agriculture, native species, and citizens' way of life are threatened with each new introduction.

This measure is a common-sense effort that puts responsibility on the sector most likely to introduce invasive species into Hawaii to inspect and prevent invasive species from being carried on their products. They are in the best position, for example, to stop the spread of the little fire ant from destroying commercial crops and tourism areas around the state. This is a classic ounce of prevention, versus a pound of cure analogy.

Mahalo for the opportunity to testify.



**LATE**

# Hawaii Floriculture and Nursery Association

Testimony for the Twenty Seventh Legislature, 2014  
State of Hawaii

## **COMMITTEE ON FINANCE**

Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
Rep. Aaron Ling Johanson, Vice Chair

Wednesday, February 26, 2014  
11:15 A.M.  
Conference Room 308  
State Capitol  
415 South Beretania Street

A bill for an act

### **HB1994 RELATING TO CIVIL LIABILITY FOR THE INTRASTATE TRANSPORT OF INVASIVE SPECIES.**

## **Oppose HB 1994**

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

We **Oppose** HB1994 Relating to Civil Liability for the Intrastate Transport of Invasive Species. This bill unfairly targets agricultural producers, and seeks to discourage as well as penalize Hawaii's Big Island Farmers and Nurseries from continuing to farm. To put it plainly we question the penalty fine and how it would be applied to a Nursery that follows the certificate program and treatments. If the fine is leveled against a business actively trying to contain pests this will in time effectively act as an embargo of our products from the Big Island. Our industry understands the need to control pests and have voluntarily enacted procedures to prevent the spread of pests such as inspections, citric acid treatments, hot water treatment, cold treatment, etc. It is important to understand these procedures are not 100% effective and that one should not be penalized for living in an imperfect world.

Currently, certified nurseries are inspected and the certified area must be free of coqui, little fire ants and other quarantine pests. Even non-certified nurseries on the



## Hawaii Floriculture and Nursery Association

Island of Hawaii must have their products treated before nursery stock is shipped. There are already procedures in place to deal with the movement of Nursery products by the Department of Agriculture. We question additional rules being put in place with different jurisdiction that can lead to confusion on the steps that should be taken. We believe that our current Bio-security program should be strengthened rather than create a new program.

Please also note that these pests did not originate on the Big Island but came about via importation, this suggests that we should continue to focus on invasive species from outside the state. We need to look at the broader picture and understand that current pests do need to be controlled but we must still focus on stopping new pests. We can't just react after the fact.

We also fear the unintended consequences of creating quarantine zones and not having the personnel or inspectors to keep programs and product moving. A quarantine zone may also act as an embargo. This would immediately place the entire island of Hawaii as a quarantine state and all commodities would have to be inspected to move. There is no adequate personnel or inspectors for this. Big Island producers will be unable to move their products throughout the state. This can place undue financial burden on the Big Island and seeks to cut off areas of the state that have already experienced pest problems. We cannot just choose to abandon parts of Hawaii. We need to work on measures for all.

We need our current bio-security program to be stronger. Without the innovation developed under the biosecurity program and research from CTAHR, HARC and PBARC, treatments for new pests may not be available. This is what we should be focusing on and not penalizing the Big Island for past Invasive Species Council failures.

We OPPOSE this bill and ask you to consider other measures that can better help all of Hawaii's Agriculture. If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email [eric@greenpointnursery.com](mailto:eric@greenpointnursery.com).

Supporting Agriculture and Hawaii,

Eric S. Tanouye  
President

Hawaii Floriculture and Nursery Association