



Hawaii Floriculture and Nursery Association

Testimony for the Twenty Seventh Legislature, 2014
State of Hawaii

A bill for an act
SB 2347RE LATING TO INVASIVE SPECIES
Oppose SB 2347

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** SB2347 Relating to 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. 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.

This bill discriminates against the Big Island ornamental sector and seeks to lay the blame of invasive pests on those who are already most affected by them. 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 Island of Hawaii must have their products treated before nursery stock is shipped. So although nurseries must have pest management plans and be certified free or treated, the other commodities could be infested with little fire ant or coqui and basically receive a free pass. An example would be logs harvested for biomass can move freely within the island and then move to Oahu without treatment.

The movement of nursery stock and/or agricultural commodities are not the only way coqui and little fire ant move. Yet our industry is singled out again. Similar to the pesticides measure in Kauai County, five agricultural entities comprised 18% of the pesticide use, yet they were singled out and the remaining 82% were exempted. This discrimination against agriculture needs to stop.

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. Why should the County of Hawaii, the agricultural industry, and



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other entities impacted by this bill be held hostage to invasive pests that the Federal, State, County, and the Hawaii Invasive Species Council could not suppress. If the State feels it is that important to control these pests, then the State should provide all of the resources to combat, control and mitigate the problem, instead of making small business and the currently impacted population suffer more with these overburdening laws and rules. The Big Island exports many agricultural products to markets within the State, and if the agriculture industry can't export from the County of Hawaii, the state's capacity to produce local grown agricultural commodities, including food, is greatly diminished. Also note that the floriculture industry once topped \$100 million dollars in revenue annually, with over half of the production being on the Big Island.

Frankly, between this legislation and others this session, non-farmers are dictating to farmers how to farm, what to farm, where to farm and taking away the freedom. It makes a physically demanding industry, much harder and less profitable, unfortunately, most farms are not non-profit organizations or government funded agencies. This Bill, and bills similar to this (HB1994), separately or combined, have a high potential to decimate the agriculture industry, and significantly impact the economy. Furthermore, the upper echelon of Department of Agriculture, are non-farmers. How can we depend on the department to look out for best interest of the agriculture industry if they don't understand modern commercial agriculture.

The bill regulates and constrains several major components to agriculture: inputs, production area, and transportation, thus increasing the cost of producing the commodities, or eliminating the access to these components. This impact will be across the board, all industry such as floriculture, produce, ranching, organic, conventional, fruits, etc. Without inexpensive and access to these major components the industry will not be viable, if you don't get this then you don't understand agriculture.

The Department of Land and Natural Resources and Hawaii Invasive Species Council need to devise and implement a cost-effective and efficient plan to stop the re-infestation of agriculture lands and other impacted by this bill from pests that are in these public areas. Again we are being penalized and yet nothing is being done to control the areas around the agricultural land of these pests. There is already too much talk and not enough cost-effective implementation actions by the Hawaii Invasive Species Committee. The farmers don't need more advice from ineffective agencies, state task forces, and committees, if the State feels this is a major problem use the funds to deal with the problem and not on these in-effective bureaucratic solutions. Unfortunately, the only worthwhile program was the biosecurity program, but stopped in its infancy by the Department of Agriculture and others



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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.

Supporting Agriculture and Hawaii,

Eric S. Tanouye
President
Hawaii Floriculture and Nursery Association



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February 6, 2014

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT

TESTIMONY ON SB 2347
RELATING TO INVASIVE SPECIES

Room 225
3:30 PM

Chair Nishihara, Chair Gabbard, and Members of the Committees:

I am Christopher Manfredi, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau Federation **understands the intent of SB2347, requiring treatment of nursery stock before transport but has concerns** about the lack of support mechanisms associated with this measure.

HFBF strongly supports the control of invasive species. However, such action requires a comprehensive plan and attacking at a single point such as treatment of plants may not yield the desired results and could have an unintended consequence of hurting the industry. Invasives such as the little fire ant are currently found not only on farms but surrounding properties as well as harbors and port areas. Control of nursery stock alone will not address the problem due to numerous areas that may result in reinfestation with the farmer held responsible.

We strongly urge that this concept be incorporated in a comprehensive biosecurity measure as required by law in Hawaii's Biosecurity Plan. **We urge the funding of SB 2458**, and collaboration with the Department of Agriculture to implement a comprehensive strategy not only with farmers but landowners and harbors, ports, shipping companies and vendors.

We respectfully request that this measure be held and incorporated as an implementing action in SB2458.

Thank you for the opportunity to offer testimony on this important measure.

nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 6:46 AM
To: AGL Testimony
Cc: gordines@kauaiflowers.com
Subject: Submitted testimony for SB2347 on Feb 6, 2014 15:30PM

Follow Up Flag: Follow up
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SB2347

Submitted on: 2/6/2014

Testimony for AGL/ENE on Feb 6, 2014 15:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Gordines	Hawaii Tropical Flowers & Foliage Assn- Kauai	Oppose	No

Comments: This bill seeks to hold Nurseries on the neighbor islands responsible for pests that travel inter-island and then penalize that nursery if they get caught. SB2347 (HB1994) at minimum takes one farmer against another and tears the fabric of one island against another. It's a vehicle to place blame on farmers and ranchers on neighbor islands. This bill at it's worst will penalize and put farmers and ranchers out of business. PLEASE DO NOT pass this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or 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 SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON ENERGY AND ENVIRONMENT AND
AGRICULTURE

THURSDAY FEBRUARY 06, 2014
3:30 P.M.
ROOM 225

SENATE BILL NO. 2347
RELATING TO INVASIVE SPECIES

Chairpersons Gabbard and Nishihara and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 2347 relating to invasive species. This bill will, among other things, require owners or persons in charge or in possession of nursery stock to properly treat plants for the eradication of pests before the sale or transport of the nursery stock within the State or intransit.

The Hawaii Department of Agriculture (HDOA) supports the intent of certain parts of this bill, but has concerns with this measure as written.

First, Section 2 of the bill requires pest eradication treatment on nursery plants prior to transport, and links the required treatment to pests designated in section 141-3, HRS. (Page 2, lines 1-5.) But only the coqui frog is designated a pest in section 141-3, although there are a number of other pests of concern, including the little fire ant, that are designated for eradication and control by rule, pursuant to section 141-3, HRS. Unless this bill intends to address only the coqui frog, these other designated pests also warrant pre-transport pest destruction treatment. Second, Section 2 requires pre-transport pest treatment without linking the requirement to a nursery or grower's knowledge of pest infestation on their property. Nurseries and non-certified growers generally know if their properties are infested by pests like coqui frog, little fire ant, and



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know or have access to information on appropriate treatments to destroy the pests. Nurseries and growers who do not have these designated pest infestations should not be required to treat their nursery stock for a pest they don't have. Third, Section 2 seems to intend, but does not clearly say, that nurseries or landscapers who don't properly eliminate pests from nursery stock prior to transport shall be responsible for pest eradication on other properties infested by their sold, transported infested nursery stock. From the perspective of minimizing serious pest spread, it may be an effective motivator if nurseries and growers who do not destroy pests on their nursery stock prior to transport are made responsible for pest destruction treatment on newly infested properties where the originating nursery or grower sold or transported their untreated nursery stock. However, the language assigning this responsibility is not clear and reference to proof sale needs to be clarified. HDOA proposes revised language for Section 2 that clarifies the requirements and addresses the concerns described above, as follows:

"§150A- Nursery stock treatment requirements. (a). Nursery stock infested with little fire ant, coqui frog, or any other pest designated pursuant to section 141-3 for control or eradication shall not be sold or transported from one island to another island within the State or from one locality to another on the same island unless the nursery stock has been subjected to appropriate treatment that exterminates the pest. This requirement shall apply whether the nursery stock is from a certified or non-certified nursery.

_____ (b) Nurseries or landscapers who fail to treat their nursery stock in accordance with section (a) prior to transport shall be responsible for appropriate treatment at their own expense that:

_____ (1) exterminates the pest from their nursery stock on infested properties where proof of sale or placement of their nursery stock has been made; and

_____ (2) exterminates the pest on any other nursery stock on the affected properties that has been infested by the transported nursery stock.

_____ (c) If proof of sale is not documented in accordance with subsection (b)(1), persons with knowledge of pest infestation on their property must take and maintain appropriate pest control and extermination measures at their own expense.

_____ (d) Nurseries or landscapers with knowledge of pest infestation on their properties shall take and maintain vigilant and appropriate control and extermination measures on their own property against any pest designated pursuant to section 141-3 and shall bear the expense of these efforts."

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As to Section 3 of the bill, HDOA opposes the proposed amendments to section 150A-6.5. The proposed amendment to section 150A-6.5(1), HRS, would significantly limit the "grandfather" provision regarding possession of animals initially allowed entry and later prohibited, to only animals used for scientific research. (Page 3, lines 1 - 3.) However, there doesn't seem to be a need to limit the grandfather clause to animals for scientific research or to specifically mention scientific research. Animals legally imported for scientific research at time of entry but later prohibited entry by statute or rule would already be within the scope of the "grandfather " provision if they meet the specified criteria, so the proposed change to section 150A-6.5(1), HRS, doesn't appear to be necessary. Further, there is no apparent justification for precluding the availability of the exception for animals that legally entered the State at the time for purposes other than scientific research.

The proposed amendment to section 150A-6.5(2), HRS, is more troubling, as it completely changes the meaning of the provision and would allow possession of prohibited animals for scientific research, regardless of the fact that they were continually prohibited, illegally introduced, and are not established in the State. (Page 3, lines 4-6.) Under the chapter 150A framework, prohibited animals are either high risk threats to human health, safety, or the environment and are not allowed for import or possession for any purpose. The change proposed here would legitimize illegal behavior after the fact, as the conduct of importing and possessing a continually prohibited animal was illegal at time of entry. This proposed change is inconsistent with the intent of the 150A-6.5 "grandfather" provision and would encourage illegal introduction and possession of prohibited animals under the guise of advancing scientific research. On that basis, HDOA strongly opposes the amendment and recommends no change to section 150A-6.5, HRS.

Section 4 of the bill would amend the criminal penalty provisions of chapter 150A for violations involving prohibited animals, restricted animals without permit, and designated pests. It is HDOA's understanding that the Attorney General's Office will address the amendments proposed in Section 4 of the bill, as they involve criminal law issues. As the proposed Section 4 amendments appear to raise problems, HDOA does not support these amendments as written.

Thank you for the opportunity to submit testimony.