
A BILL FOR AN ACT

RELATING TO BIOSECURITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the unchecked spread
2 of invasive species is one of the greatest threats to Hawaii's
3 economy, natural environment, and the health and lifestyle of
4 Hawaii's people. Invasive pests can cause millions of dollars
5 in crop losses, the extinction of native species, the
6 destruction of native forests, the spread of disease, and the
7 quarantine of exported agricultural crops.

8 Island ecosystems are particularly vulnerable to the
9 destructive power of invasive pests. On Guam, the accidental
10 introduction of the brown tree snake has resulted in widespread
11 devastation. Without natural predators or competition for food,
12 brown tree snake populations have grown exponentially, causing
13 mass extinction of endemic birds. Where there were once bird
14 songs, the forests of Guam are now silent and home to as many as
15 fifteen thousand snakes per square mile. The introduction of
16 just one new pest like the brown tree snake could change the
17 ecological character of the Hawaiian islands forever.

1 Despite the State's ongoing efforts to detect and eradicate
2 invasive species, Hawaii's fragile island ecosystem are
3 constantly at risk from insects, disease-bearing organisms,
4 snakes, weeds, and other invasive pests. The coconut rhinoceros
5 beetle, little fire ant, coffee berry borer, coqui frog, and
6 other introduced invasive species, are disrupting the delicate
7 balance of island ecosystems, crowding out native species, and
8 reducing the biodiversity of Hawaii.

9 The department of agriculture has created a biosecurity
10 program to fight invasive species on several fronts by:

- 11 (1) Administering pre-entry measures to minimize the risk
12 of invasive pests entering the State;
- 13 (2) Conducting port-of-entry inspections to detect and
14 quarantine or destroy pests upon arrival; and
- 15 (3) Administering post-entry measures to mitigate the
16 establishment of pests in the State.

17 The department of agriculture has also supported the growth
18 of Hawaii's agriculture industry by attempting to reduce the
19 State's dependency on imported agricultural products that may
20 contain pests. The legislature further finds that the
21 department of agriculture's biosecurity program is vital to the



1 public's health and welfare, and the department must fully
2 execute its comprehensive strategy to control and prevent
3 increasing invasive species threats entering and spreading
4 throughout the State. While inspections are critical, building
5 local capacity to increase the State's ability to stop the entry
6 of high-risk products would enhance our ability to mitigate and
7 manage invasive species. This is vitally important not only to
8 protect our fragile environment, but to grow our local
9 agricultural industries and to increase levels of self-
10 sufficiency and sustainability.

11 The legislature further finds that the department of
12 agriculture acquires and amasses a vast amount of information
13 through its inspection, permit, enforcement, and other
14 regulatory functions, including proprietary confidential data.
15 External and internal attempts to access and distribute the
16 information outside the department's plant quarantine
17 parameters, and for purposes unrelated to the intended use of
18 the information, has seriously undermined the plant quarantine
19 branch's function and may result in the compromise of the
20 effectiveness and efficiency of the quarantine and biosecurity
21 programs.



1 The purpose of this Act is to:

2 (1) Reaffirm the legislature's finding that the
3 implementation of the department of agriculture's
4 biosecurity program is vital to the State;

5 (2) Clarify access and distribution of information
6 provided to the plant quarantine branch for the
7 purposes of inspection, permitting, enforcement, and
8 other regulatory functions;

9 (3) Authorize the department of agriculture to establish
10 or participate in private-public partnerships to
11 enhance the biosecurity program and quarantine
12 inspection process; provided that department employees
13 perform the actual inspections; and

14 (4) Appropriate moneys to enable the department of
15 agriculture to complete the implementation of the
16 biosecurity program to include an integrated computer
17 manifest system.

18 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is
19 amended by adding a new part to be appropriately designated and
20 to read as follows:



1 **"PART . ACCESS AND DISTRIBUTION OF INFORMATION**

2 **§150A- . Access and distribution of information. (a)**

3 Any information, including data, findings, electronic
4 information and transmissions, and commodity information, that
5 is collected, provided, compiled, or stored at the department's
6 plant quarantine branch for use under this chapter, including
7 quarantine, permits, certification, and biosecurity, shall be
8 considered confidential business information or confidential
9 personal information, or both. The information shall not be
10 released or disclosed without the written consent of the owner
11 of the information or commodity and the approval of the
12 chairperson and manager of the plant quarantine branch.

13 (b) Any person or government agency requesting information
14 shall submit a written request on a form to be provided by the
15 department that contains:

- 16 (1) Specific and compelling reasons and justification for
17 the release of information;
- 18 (2) A description of the potential distribution of the
19 information; and
- 20 (3) Any other matters determined to be necessary by the
21 department.



1 (c) The department's plant quarantine branch may release
2 or make public any information in the aggregate or in a summary
3 form that does not directly or indirectly disclose the identity
4 of the owner of the information or commodity."

5 SECTION 3. Section 150A-53, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§150A-53[+] **General actions to achieve objectives.**

8 (a) To achieve the objectives of the biosecurity program, the
9 department shall plan for and, within available legislative
10 appropriations[7] or through funding from other sources,
11 implement the following:

12 (1) Work with government agencies and agricultural
13 commodity exporters of other states and countries to
14 establish pre-entry inspection programs under which
15 inbound cargo into the State is inspected at the ports
16 of departure or other points outside the State;

17 (2) Establish, operate, or participate in operating port-
18 of-entry facilities where multiple government agencies
19 may inspect, quarantine, fumigate, disinfect, destroy,
20 or exclude as appropriate, articles that may harbor



- 1 pests or exclude articles that are prohibited or
2 restricted without a permit, with the goals of:
- 3 (A) Performing inspections in an efficient,
4 effective, and expeditious manner for the
5 government agencies involved and for cargo
6 owners, carriers, and importers; [~~and~~]
 - 7 (B) Providing for the proper and safe storage and
8 handling of cargo, especially agricultural and
9 food commodities, awaiting inspection; and
 - 10 (C) Establishing or participating in private-public
11 partnerships to enhance the biosecurity program
12 and quarantine inspection process with on-port
13 and off-port facilities, including inspection and
14 treatment facilities, transitional facilities,
15 and consolidation and deconsolidation facilities;
16 provided that actual inspections shall be
17 performed only by department employees and not
18 private contractors or their employees;
 - 19 (3) Develop, implement, and coordinate post-entry measures
20 to eradicate, control, reduce, and suppress pests and,
21 as appropriate, eradicate or seize and dispose of



- 1 prohibited or restricted organisms without a permit
2 that have entered the State;
- 3 (4) Collaborate with relevant government agencies,
4 agricultural commodity importers, and other persons to
5 examine and develop joint integrated systems to better
6 implement the biosecurity program;
- 7 (5) Improve cargo inspection capabilities and methods,
8 including enhancement of the content and submission
9 requirements for cargo manifests and agricultural
10 commodity ownership and movement certificates;
- 11 (6) Promote the production of agricultural commodities in
12 the State to reduce cargo shipments of imported
13 commodities into the State; and
- 14 (7) Provide public education on the negative effects of
15 pests and prohibited or restricted organisms without a
16 permit, to the environment and economy of the State.
- 17 (b) The department shall adopt rules to establish
18 parameters and construction requirements for biosecurity
19 facilities that provide for and ensure the safety of
20 agricultural and food commodities consumed by Hawaii residents,
21 including for cold storage facilities established by private-



1 public partnerships to preserve the quality and ensure the
2 safety of the commodities arriving at the State's airports and
3 harbors."

4 SECTION 4. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so much
6 thereof as may be necessary for fiscal year 2016-2017 for the
7 biosecurity program of the department of agriculture; provided
8 that the sum appropriated shall be used for the following
9 projects:

- 10 (1) An electronic manifest system for maritime cargo
11 inspections;
- 12 (2) Import replacement of high risk crops and the
13 development of systems management to enhance pest
14 management practices;
- 15 (3) Research on new generation pesticides and development
16 of integrated pest management methods;
- 17 (4) Development of quarantine treatment options;
- 18 (5) Development and implementation of diagnostics to
19 quickly and reliably identify new and evolving pests
20 and diseases;



- 1 (6) Improvement of productivity of inspection capacity;
- 2 and
- 3 (7) Public and agriculture industry education activities.

4 The sum appropriated shall be expended by the department of
 5 agriculture for the purposes of this Act.

6 SECTION 5. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.

9

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H.B. NO. 871

Report Title:

Biosecurity; Private-Public Partnerships; Information Management; Appropriation

Description:

Establishes requirements for access and distribution of DOA's Plant Quarantine Branch information. Requires DOA to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process. Appropriates funds for specified projects.

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