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GOVERNOR OF
HAWAII



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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Thursday, March 31, 2016
9:05 AM
State Capitol, Conference Room 211

In consideration of
HOUSE BILL 2424, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO BIOSECURITY

House Bill 2424, House Draft 1, Senate Draft 1 proposes to authorize the Hawaii Department of Agriculture (HDOA) to enter into private-public partnerships to implement enhancements to the biosecurity program described in Section 150A-53, Hawaii Revised Statutes, and would appropriate funds to support projects that enhance the HDOA biosecurity program. **The Department of Land and Natural Resources (Department) supports this measure provided that it does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request or any existing Department appropriated funding.**

The Department recognizes the importance of port-of-entry biosecurity systems and supports opportunities to enhance this system through innovative partnerships. The interagency Hawaii Invasive Species Council (HISC), of which the Department and the HDOA are co-chairs, conducted a stakeholder survey in late 2014 on legislative concepts relating to biosecurity. This survey found that the majority of respondents (78%) supported the concept of utilizing private-public partnerships in enhancing biosecurity systems. Detailed survey responses are available in a summary report from the HISC website, <http://hisc.hawaii.gov>. With regard to the topics identified for potential funding support, the Department recognizes these as appropriate areas for program development.

The Department appreciates the opportunity to provide these comments.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS

March 31, 2016
9:05 A.M.

CONFERENCE ROOM 211

**HOUSE BILL NO. 2424 SD1
RELATING TO BIOSECURITY**

Chairperson Tokuda and Members of the Committees:

Thank you for the opportunity to testify on House Bill 2424 SD1. This bill would establish a new part in chapter 150A, HRS that would allow for the department to enter into private-public partnerships to enhance the biosecurity program and for the department to adopt rules to establish parameters and construction requirements for biosecurity facilities. The Department supports the intent of the measure but has some concerns.

The prevention of the introduction of invasive species into the State as well as controlling, mitigating, and eradicating where possible, existing invasive species populations are some of the main responsibilities of the Department. As such, the Department would like to point out that many of the mandates within the bill such as: development of an import database, development of quarantine treatments, carrying out risk assessments, and providing chemicals and equipment to assist growers are all being currently carried out by the Department.

The Department is concerned with language in the bill that states “. . . provided that actual access to shipping documents is limited to shipping companies and department personnel.” (Section 2, page 6. Lines 1 – 3.). The Department routinely screens requests for public records to identify information that the Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statute (HRS), also known as the State Public Records Law, protects from disclosure and PQB routinely redacts confidential business information and personal privacy information before disclosing public records. PQB follows the written guidance of the State Office of Information Practices (OIP) in determining whether information in public records can be disclosed.



This bill's blanket exemption of all shipping documents from disclosure would preclude public access to information that the public is currently entitled to access under Chapter 92F, HRS. Chapter 92F, HRS, is well constructed and intended to protect both personal privacy rights and confidential business information, as well as the public's right to know what the government is doing. The exemption from disclosure proposed in this bill would compromise the balance that has evolved and existed under chapter 92F for many years.

The Department is very careful to insure that any information that is shared has been thoroughly vetted to prevent the sharing of any potentially confidential business information. However, whenever possible the Department likes to conduct its business with transparency.

Thank you for the opportunity to testify on this measure.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Ways and Means
Hearing: Thursday, March 31, 2016 9:05 am
Conference Room 211

In Support of HB 2424 HD 1 SD 1 Relating to Biosecurity

Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee,

Aloha. Conservation Council for Hawai'i supports HB 2424, which requires DOA to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process. Requires the department of agriculture to establish parameters and construction requirements for biosecurity facilities. Appropriates funds.

We support HB 2424 HD 1 SD 1 provided the funding is additive and does not come at the expense of other DLNR and Department of Agriculture programs to prevent invasive species from entering Hawai'i and to control invasive species already established here.

We urge the legislature to appropriate a total of at least \$50,000,000 annually to address invasive species in Hawai'i as estimated by the legislative reference bureau study "Filling the Gaps in the Fight Against Invasive Species."

Invasive species negatively affect the environment, the economy, and our quality of life. They threaten human health and native wildlife. They harm and they kill. We need to spend more money preventing invasive species from taking over our islands. There has never been enough money to do so, and we see the results of that "penny-wise, but pound-foolish" practice of underfunding invasive species control. We can pay now or pay much more later when invasive species spread.

Here is a photograph of the brown treesnake threatening a young child on Guam. Please support HB 2424 HD 1 SD 1 and other funding mechanisms for invasive species programs.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



Brown tree snake.

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The Senate
Committee on Ways and Means
March 31, 2016
9:05 a.m., Conference Room 211
State Capitol

Testimony in Support of HB 2424 HD1 SD1

Aloha Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 2424 HD1 SD1, *Relating to Biosecurity***, which appropriates funds to the Hawai'i Department of Agriculture to develop and implement new diagnostics to identify new pests; develop new pesticide and quarantine treatment options to reduce or treat pests; promote local production of imported agricultural commodities that tend to be high-risk for carrying pests; and conduct related outreach.

The proposed insertion of wording into HRS Chapter 150A-53 provides a clarification regarding the need for planning and building quarantine/inspection facilities, transitional facilities and related infrastructure, and a directive to begin the process. However, we note that the five project areas which may be funded through this bill does not expressly include the ability to fund the planning of these facilities. Inspections at Honolulu International Airport are conducted in temporary spaces, in less-than-optimal conditions, with minimal or no climate control to protect against food-spoilage. Currently, only Kahului Airport has a functional inspection facility, although it was designed and built prior to Food Safety Modernization Act guidelines, and may not meet the standards that are being developed, and would benefit from design planning to meet those standards. It is our hope that these important components of the Biosecurity Program can be listed as one of the top priority uses of these funds in future drafts.

We respectfully ask your support HB 2424 HD1 SD1. Mahalo for your consideration.

Aloha,
Christy Martin
CGAPS



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March 31, 2016

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

**TESTIMONY ON HB 2424, HD1, SD1
RELATING TO BIOSECURITY**

Room 211
9:05 AM

Aloha Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 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.

HFB supports with comments HB 2424, HD1, SD1, which provides funds and requires DOA to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process.

During these days of limited resources, public-private partnerships are important opportunities to provide service and opportunities by government. The Hawaii Association of Conservation Districts is a good example of a public-private partnership that has proven its' value over time. It couples volunteers with State and County resources, accomplishing much more than any of the participating entities could accomplish on their own.

Another example is the vehicle registration and safety check process. Here, regulatory requirements are implemented by private entities but the final regulatory action is done by the police or other publicly hired entity. No confidential business information is involved.

However, the suggested private-public partnership crosses into an unknown arena. The Plant Quarantine requirements discussed in this measure are not only regulatory in nature but could also involve business information such as the identity of customers and importers. The proposal is not clear as to whether the private party is a transportation company or a party that is currently an importer and expanding their operations. If the party is a transportation company, no problem should exist as they already manage such

business information. However, if the party is an importer, that is providing additional services to other importers, there is a concern whether the private business information provided will give an unfair business advantage to that party. A discussion and clarification of the kinds of private entities that could enter into this partnership is needed.

We respectfully respect your support of this important measure while addressing the concern to ensure that confidential business information is protected.

Thank you for this opportunity to comment on this measure.