

DAVID IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of**  
**CARTY S. CHANG**  
**Interim Chairperson**

**Before the House Committee on**  
**AGRICULTURE**

**Thursday, February 12, 2015**  
**8:30 AM**  
**State Capitol, Conference Room 312**

**In consideration of**  
**HOUSE BILL 871**  
**RELATING TO BIOSECURITY**

House Bill 871 proposes to amend statutes relating to biosecurity programs at the Hawaii Department of Agriculture (HDOA) in order to clarify access to and distribution of information collected as part of the HDOA's biosecurity programs, and to authorize the HDOA to enter in to private-public partnerships to implement enhancements to the biosecurity program. **The Department of Land and Natural Resources (Department) offers the following comments.**

With regard to SECTION 2 of this measure, which clarifies access to and distribution of information collected by biosecurity programs at the HDOA, the Department defers to the HDOA on how restrictions on this information may impact the efficacy of biosecurity programs.

With regard to SECTION 3 of this measure, which authorizes the HDOA to enter into private-public partnerships to enhance portions of the biosecurity program, the Department supports this concept. 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, which was promoted via email lists and websites of the HISC and the Hawaii Farm Bureau Federation, found that the majority of respondents (78%) supported the concept of private-public partnerships relating to biosecurity. Only 6% or respondents opposed the concept, stating that biosecurity should be the sole responsibility of the State (the remaining 16% of respondents selected "other" and provided additional input that is available in the full survey report from the HISC website, <http://hisc.hawaii.gov>).

The Department appreciates the opportunity to provide these comments.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING 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

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committees on Agriculture and on Economic Development & Business

From: Cheryl Kakazu Park, Director

Date: February 12, 2015, 8:30 a.m.  
State Capitol, Conference Room 312

Re: Testimony on H.B. No. 871  
Relating to Biosecurity

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Thank you for the opportunity to submit testimony on this bill, which would make confidential information maintained by the Department of Agriculture's Plant Quarantine Branch ("PQB") as part of its regulatory functions; would authorize the Department of Agriculture to engage in public-private partnerships to enhance its biosecurity program; and appropriate funds. The Office of Information Practices ("OIP") takes no position on the provisions regarding public-private partnerships and funding, but has concerns regarding the provision making PQB information confidential and **recommends the deletion of bill section 2.**

The confidentiality provision set forth from bill page 5, line 1, to page 6, line 4, would set a blanket standard of confidentiality for PQB records and would make confidential a great deal of information that is currently public under the Uniform Information Practices Act ("UIPA"), chapter 92F, HRS. It would shut off public access to information that previous OIP opinions have found to be publicly available under the UIPA (*e.g.* OIP Op. Ltrs. No. 94-14 and 93-12). Further,

because it would even apply to information from import permits discussed at public meetings, it could have the additional effect of forcing the Board of Agriculture to go into executive session to discuss import permit applications in order to deliberate or decide on information made confidential by statute. *See* HRS § 92-5(8). Thus, this proposed confidentiality provision would have the effect of significantly rolling back public access to “the formation and conduct of public policy” in this area under both the UIPA and the Sunshine Law, part I of chapter 92, and would be contrary to the expressed purpose of both the UIPA and the Sunshine Law. *See* HRS §§ 92-1 and 92F-2.

This confidentiality provision also has technical issues. In particular, it refers to “the owner of the information or commodity” at page 5, lines 10-11, and page 6, lines 3-4: the “owner” must consent to any disclosure, and release of aggregated statistics cannot directly or indirectly identify “the owner” of aggregated information. Confidentiality provisions, and the UIPA generally, are not based on the concept of “ownership” of information. While it may be possible to determine who owns a commodity for which an import permit has been issued, it is not clear how to determine who owns information. Is any named individual considered the owner of the information in a record? What if two or more individuals are named – do they all have ownership rights? The current language does not explain.

OIP is not aware of instances where the UIPA’s exceptions to disclosure have proved inadequate to protect truly confidential personal or business information; however, if there is specific information that the Legislature believes should be protected and that is currently public, it would be possible to craft language to cover only that specific information. In the absence of specific information whose disclosure has led to concern, **OIP recommends that this**

House Committee on Agriculture and on Economic Development & Business  
February 12, 2015  
Page 3 of 3

**Committee delete the broad proposed confidentiality provision set out in  
bill section 2.**

Thank you for considering OIP's testimony.



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 12, 2015

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 871  
RELATING TO BIOSECURITY

Room 312  
8:30 AM

Aloha Chair Tsuji, Vice Chair Onishi, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFB). Organized since 1948, the HFB is comprised of 1,932 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.

**HFB is in strong support of HB 871**, which appropriates funds to the Hawaii Department of Agriculture (HDOA) for their biosecurity program. It also establishes requirements for access and distribution of DOA's Plant Quarantine Branch information and requires DOA to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process. .

Invasive species have become one of the most challenging problems impacting Hawaii. Many invasive species are damaging Hawaii's environment and the state's economy. Agriculture has a vested interest in this matter. Agriculture is one of the major casualties when invasive species are introduced. Every year, numerous new pests are introduced into the State, such as the coqui frog, coffee berry borer, macadamia felted coccid, little fire ant, coconut rhinoceros beetle, small hive beetle and varoa mite, to name a few. Most recently, the coffee berry borer was found on Oahu demonstrating issues with interisland product movement.

Control measures take time to develop, leaving farmers and ranchers at risk. This is not consistent with the State's goal of increasing self-sufficiency and sustainability

Funding the HDOA's biosecurity program is essential to fully execute a comprehensive strategy to address the increasing amount of invasive species entering the state.

This measure addresses the needs of HDOA to help prevent new invasive species from entering Hawaii and to control and hopefully eradicate invasive species that are already established in Hawaii. HFB is willing to work with the legislature and department to accommodate updates as needed to achieve our goals in biosecurity.

Please pass HB871. Mahalo



HB871 – Testimony AGR – House Committee

February 12, 2015

Submitted by: Scott I. Murray, President – Able Freight Services, Inc.

Aloha Chair Tsuji, Vice Chair Onishi and Members of the Committees:

Able Freight Services Inc. has been involved with the State of Hawaii’s Department of Transportation (HDOT) and the Department of Agriculture (HDOA) since 2007 to operate Biosecurity facilities (in general), and to assist with the Biosecurity program to safeguard Hawaii from any invasive species.

Able Freight fully supports HB871 and the Biosecurity program that includes an integrated system of on-port Biosecurity and/or transitional facilities and off-port transitional facilities, pursuant to HRS Chapter 150A-53. Both Biosecurity and transitional facilities should be food safe through a Federal and or State certified program, house proper cold storage for inbound perishable cargo with an inspection area for the HDOA -Quarantine inspectors, treatment equipment, and office space.

It is imperative that the cold chain be maintained with the perishable cargo being either containerized or specially wrapped to prohibit any release of any invasive species and supporting and promoting all FDA required food and safety requirements.

Further, we request that HRS Chapter 150A -53, item 7, letter (b) remove the words “and construction requirements.” So to read,

(b) The department shall adopt rules to establish parameters and construction requirements for biosecurity facilities that provide for and ensure the safety of agricultural and food commodities consumed by Hawaii residents, including for cold storage facilities established by private-public partnerships to preserve the quality and ensure the safety of the commodities arriving at the State's airports and harbors."

Able Freight Services is here to assist the State of Hawaii and the HDOA by participating and implementing its Biosecurity Program to safeguard Hawaii from any invasive species and has volunteered to a test pilot program for the data transfer through a manifest system and also an off-airport site Biosecurity/Transitional inspection facility.

Thank you for this opportunity to provide testimony on this important matter.



February 11, 2015

**Chairperson Tsuji, Vice-Chair Onishi and Members of the Committee on Agriculture  
State of Hawaii, House of Representatives  
February 12, 2015, 8:30am Hearing Conference Room 312**

Aloha and Thank You for allowing Commodity Forwarders Inc. (CFI) to comment on HB871.

Growers, Importers and Logistic companies of agricultural products understand the need for improved biosecurity in order to protect the Hawaiian ecosystem, maintain local produce quality while at the same time creating local jobs through improved crop acceptance. CFI works with importers of agricultural goods that bring produce into the state to satisfy consumer demand. Our company also works with Hawaiian Grown products within the state and to overseas markets. There is a fine line between biosecurity, data integrity and consumer cost controls that should be considered. CFI feel's that the private-public cooperation is very much key to maximizing efficiency that bring good to market in as a competitive way as possible.

CFI endorses the concept of improved biosecurity for the State of Hawaii and is in full support of collaborative public/private approach that is in HB871. We agree that a private-public coordinated approach to multiple facilities, efficient information flow, confidential data integrity and an integrated computer manifest system are important strategic steps toward improving biosecurity for the State of Hawaii. CFI does request that page 7, line 6 also reference "Logistics Providers" as in some cases the facility functions and data flow are provided by such companies on behalf of cargo owners, carriers or importers.

Hawaii is not just a place to do business for Commodity Forwarders, it's our home since 1981 as we employ over 60 families helping us invest in the commercial infrastructure of Hawaii to handle perishable goods at the assorted ports within the state. In addition to multiple islands in Hawaii CFI operates refrigerated facilities near other major airports and has experience of working with government agency oversight in regards to agriculture, customs, security, food safety as well as cargo security.

Thank you for your time and consideration.

Mahalo:

A handwritten signature in black ink, appearing to read 'Christopher A. Connell', with a stylized flourish extending to the right.

Christopher A. Connell  
President, Commodity Forwarders Inc.  
[Chris@CFI-Hawaii.com](mailto:Chris@CFI-Hawaii.com)



COORDINATING GROUP ON  
ALIEN PEST SPECIES

The House of Representatives  
Committee on Agriculture  
Committee on Economic Development & Business  
February 12, 2015  
8:30 a.m., Conference Room 312  
State Capitol

### **Testimony in Support of HB 871**

Aloha Chairs Tsuji and Kawakami, Vice Chairs Onishi and Kong, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 871**, *Relating to Biosecurity*, which appropriates funds to the Hawai‘i Department of Agriculture to expand the maritime cargo electronic manifest system; 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 crops that tend to be high-risk for carrying pests; and conduct related outreach.

CGAPS notes that the priorities listed in the bill text, the planning and rulemaking related to construction of biosecurity facilities for food safety concerns, and the establishment of on-port and off port biosecurity facilities (inserted text page 7, lines 10-18; page 8-9 lines 17-3), are not clearly listed among the list of specific projects in Section 4. Currently, only Kahului Airport has a functional inspection facility. 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. It is our hope that these important components of the Biosecurity Program can be listed as a priority use of these funds in future drafts.

We respectfully ask your support HB 871. Mahalo for your consideration.

Aloha,  
Christy Martin  
CGAPS



onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 10, 2015 8:31 PM  
To: AGRtestimony  
Cc: warrenmcfb@gmail.com  
Subject: \*Submitted testimony for HB871 on Feb 12, 2015 08:30AM\*

**HB871**

Submitted on: 2/10/2015

Testimony for AGR on Feb 12, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

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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The Nature Conservancy, Hawai'i Program  
923 Nu'uuanu Avenue  
Honolulu, HI 96817

Tel (808) 537-4508  
Fax (808) 545-2019  
nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 871 Relating to Biosecurity  
House Committee on Agriculture  
Thursday, February 12, 2015, 8:30AM, Room 312

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*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.*

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The Nature Conservancy supports H.B. 871.

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.

Also, 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 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.

This bill provides useful clarifications and authorities related to biosecurity facilities as well as additional funds to support the realization and implementation of the Biosecurity Program.

Thank you for this opportunity to offer our support for this bill.

BOARD OF TRUSTEES

Mark E. Agne Paul D. Alston Alan H. Arizumi Christopher J. Benjamin Anne S. Carter Richard A. Cooke III  
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Dustin E. Sellers Dustin M. Shindo Nathan E. Smith Peter K. Tomozawa James Wei Eric K. Yeaman

onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 11, 2015 12:17 PM  
To: AGRtestimony  
Cc: hawaiiifish@gmail.com  
Subject: Submitted testimony for HB871 on Feb 12, 2015 08:30AM

**HB871**

Submitted on: 2/11/2015

Testimony for AGR on Feb 12, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald Weidenbach	Hawaii Aquaculture & Aquaponics Association	Support	No

Comments: The HAAA supports the multiple intents of this bill including the limitation of access to proprietary business information regarding imports.

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onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 10, 2015 2:03 PM  
To: AGRtestimony  
Cc: slwsurfing@yahoo.com  
Subject: Submitted testimony for HB871 on Feb 12, 2015 08:30AM

**HB871**

Submitted on: 2/10/2015

Testimony for AGR on Feb 12, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sharon	Individual	Oppose	No

Comments: Don't like the Public Private PART!!! We did away with the PLDC last year!!

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onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 10, 2015 3:57 AM  
To: AGRtestimony  
Cc: yorkcarlton@gmail.com  
Subject: \*Submitted testimony for HB871 on Feb 12, 2015 08:30AM\*

**HB871**

Submitted on: 2/10/2015

Testimony for AGR on Feb 12, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carlton York	Individual	Oppose	No

Comments:

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onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 7:20 PM  
To: AGRtestimony  
Cc: gordines@kauaiflowers.com  
Subject: Submitted testimony for HB871 on Feb 12, 2015 08:30AM

**HB871**

Submitted on: 2/9/2015

Testimony for AGR on Feb 12, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John R. Gordines	Individual	Support	No

Comments: All industry needs to be involved in the decision making regarding all Biosecurity, NOW!

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 2:42 PM  
To: AGRtestimony  
Cc: shannonkona@gmail.com  
Subject: Submitted testimony for HB871 on Feb 12, 2015 08:30AM

**HB871**

Submitted on: 2/9/2015

Testimony for AGR on Feb 12, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments: Strongly Oppose. HB871 sounds good at the beginning.. on the invasive species end but bad on the public private partnership end. That's a no. Dept. of Ag would have more funding if the tax structure was more fair - this bill, like most PPP's, are a sell off of government function to the private sector and if you google PPP's there are many cases of the public eventually picking up the tab and getting reamed in the process. Please correct the tax structure instead of selling off our government functions peice by peice. Mahalo.

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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DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**LATE**

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

February 12, 2015  
8:30 A.M.  
CONFERENCE ROOM 312

HOUSE BILL NO. 871  
RELATING TO BIOSECURITY

Chairpersons Tsuji and Kawakami and Members of the Committees:

Thank you for the opportunity to comment on House Bill No. 871. This bill would establish a new part in chapter 150A, HRS that would consider all information collected by, provided to, or stored at Plant Quarantine Branch (PQB) in conjunction with PQB quarantine, permits, certification, and biosecurity to be confidential business information or confidential personal information, or both, exempt from public disclosure without written consent. The Department has concerns about this measure.

The Department needs to point out that there is considerable public interest in information at PQB particularly in regards to permits which often undergo review at public meetings where relevant materials provided by applicants are publically discussed and are public record. In addition, in instances of suspected violations of chapter 150A, such as illegally imported animals, PQB needs to share information in its records with law enforcement agencies on an expedited basis to investigate and enforce violations. The bill's requirement for non-disclosure without the information provider's consent is at odds with PQB's need to share information in order to carry out its statutory functions, as noted above.

HDOA would like to address the allegation in the bill's findings that improper efforts have been made to access and distribute PQB-acquired information, including





proprietary confidential data. HDOA does not believe this to be the case. Like other HDOA branches, the PQB 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 PQB-acquired information from disclosure would preclude public access to information concerning PQB regulatory functions 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.

Thank you for the opportunity to testify on this measure.



**LATE**

# Hawaii Floriculture and Nursery Association

Testimony for the Twenty Eighth Legislature, 2015  
State of Hawaii

COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair

Rep. Richard H.K. Onishi, Vice Chair

COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS

Rep. Derek S.K. Kawakami, Chair

Rep. Sam Satoru Kong, Vice Chair

THURSDAY FEBRUARY 12, 2015

8:30 A.M.

Conference Room 312

State Capitol

415 South Beretania Street

A bill for an act

**HB871** RELATING TO BIOSECURITY.

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.

Chair Tsuji, Chair Kawakami and members of the House Agriculture Committee and the House Economic Development & Business Committee, thank you for the opportunity to work with you to protect our personal and business information, and continue to advance the Hawaii's Biosecurity Program. The Hawaii Biosecurity Program provides a balance in pest risk, and agriculture. Therefore, the Hawaii Floriculture and Nursery Association (HFNA) and myself strongly **SUPPORTS** House Bill 871.

Reaffirming Hawaii's Biosecurity program is an action that is sorely needed. Last year, the Department's Chairperson stated during a hearing that the Biosecurity Program did not **EXIST**. This year, in recent correspondence with Governor Ige's staff, he has indicated that he would like to develop a **NEW** Biosecurity System from ground-up. HFNA believes that building upon the current, though stalled, Biosecurity System is a more effective, cost-efficient and logical approach.

The Legislature correctly placed the Biosecurity Program in the Plant Quarantine Law because it is based on a quarantine system. For us in agriculture, to compete in a global market, we must speak the same language in trade and commerce. Our goods must be in sync with the quarantine requirements of other states and nations. Biosecurity



## Hawaii Floriculture and Nursery Association

is the term that the Food and Agriculture Organization (FAO) of the United Nations (194 member countries) has adopted to facilitate trade or movement among countries.

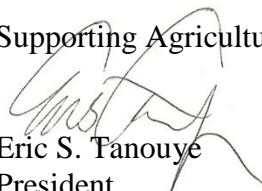
We strongly support this measure because it instructs the Department to implement the Biosecurity program and to focus back on what it was intended to do, which was to establish a **comprehensive prevention system** that also addressed the further spread of pests. This measure also protects our information that we provide to the Plant Quarantine Branch. As an information provider, we provide information that is personal and proprietary in nature and we feel that this protection is critical so that others outside of the Branch cannot use this information for non-regulatory reasons.

HFNA supports the amendment to the biosecurity law to allow public-private partnerships to continue in the development of facilities. Transportation efficiency is a critical component of the growth of agriculture. However, we feel that inspection should be left to Plant Quarantine inspectors, who are hired and trained to perform this task. We are concerned that the Department has filled the vacant inspector positions and some inspector positions have been lost to other functions. This is disappointing as we supported the increase in the number of inspectors to prevent introductions into Hawaii, and also to assist in the implementation of the Biosecurity Plan.

We are also concerned that we have lost our ability to provide input. In the past, we met regularly to discuss issues and worked together on initiatives. We would like to recommend that language be inserted in this bill to establish a panel or council of some sort to be able to provide official input to ensure that biosecurity programs be implemented, the inspectors be hired, and the funding be wisely used. This is too important a program to be stalled for so long.

We thank you for your consideration of HB871. 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

MCFB is in strong support of HB871, enabling public private partnerships and further articulating actions associated with the Hawaii Biosecurity Plan.

Invasive species have become one of the most challenging problems impacting Hawaii. Many invasive species are damaging Hawaii's environment and the state's economy. Agriculture has a vested interest in this matter. Agriculture is one of the major casualties when invasive species are introduced. Every year, numerous new pests are introduced into the State, such as the coqui frog, coffee berry borer, macadamia felted coccid, little fire ant, coconut rhinoceros beetle, small hive beetle and varroa mite, to name a few. Control measures take time to develop, leaving farmers and ranchers at risk. This is not consistent with the State's goal of increasing self sufficiency and sustainability.

Most recently, the coffee berry borer was found on Oahu demonstrating issues with interisland product movement. Hawaii's Biosecurity Plan is described in detail in state law. HFBF was active in its' origin as well as the creation of the Pest Inspection, Quarantine and Eradication Fund. We believe a careful review of the use and adequacy of these funds to accomplish the goals of the Plan as articulated in law is warranted.

Public-private partnerships will leverage resources needed to implement the HDOA's biosecurity program. We would like to suggest one amendment, which is to remove the word "department" and replace with the words "plant quarantine." The actual inspections are regulatory so only authorized personnel should be those conducting this critical task. Pesticides, commodities, NIOSH or all other State organizations only have state inspectors conducting official regulatory inspections. Only cases such as food safety, or motor vehicle safety certification is involved, there is recognition of third party action. However, final regulatory action e.g. fines for not having a safety sticker can only be done by the police – a third party is not allowed such action.

Page 4 Line 9-13 "Authorize the department of agriculture to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process; provided that ~~department~~ plant quarantine employees perform the actual inspections; and"

Page 7 Line 10-18 "(C) Establishing or participating in private-public partnerships to enhance the biosecurity program and quarantine inspection process with on-port and off-port facilities, including inspection and treatment facilities, transitional facilities, and consolidation and deconsolidation facilities; provided that the actual inspections shall be performed only performed by ~~department~~ plant quarantine employees and not private contractors or their employees;"

Only the plant quarantine staff have the educational backgrounds and intensive training required to do this critical work. We need the inspectors to stop invasive species at the port-of-entry and not let it go beyond into our communities and farms.

Harbors and airports. The implementation of an effective biosecurity program and maintaining the food safety of commodities at the ports are essential. Especially for those commodities that are required to be food safety certified by Federal and/or State agencies or private businesses. Therefore, the biosecurity program and food safety are critical to the development of our port infrastructure, and to prevent significant impacts to the agriculture industry, and the food chain of the State

The implementation details will further provide guidance to the priorities needed to fully execute a comprehensive strategy to address the increasing amount of invasive species entering the state. We have concerns that the current management has shifted the program's focus from prevention to control and while this may be needed in the short term the repercussions from these actions of not addressing inspections at the ports will be felt for a long time to come. Hopefully, this measure will provide further clarity to implementation measures needed to prevent and manage new invasive species and to control and hopefully eradicate invasive species that are already established in Hawaii. If not, it may be time to mandate that a panel of stakeholders have input in decision making and/or mandate that project management be obtained under the direction of the program manager with input from the stakeholders.

Please support of HB871 with amendments as suggested.

Thank you.