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

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

March 18, 2016
8:30 A.M.
CONFERENCE ROOM 312

HR143/HCR197
REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EVALUATE A
PROPOSAL TO MOVE THE PLANT QUARANTINE BRANCH TO THE DEPARTMENT
OF TRANSPORTATION

Chairpersons Tsuji and Members of the Committee:

Thank you for the opportunity to testify on HR143/HCR197. This resolution requests the Legislative Reference Bureau to evaluate the duties and facilities of the Plant Quarantine Branch of the Department of Agriculture and evaluate the advantages and disadvantages of a proposed move to the Department of Transportation. The department respectfully opposes this resolution.

The department agrees with the statements on the importance in preventing these pests from entering Hawaii and with the negative impact of invasive species. To address this, the department has been actively engaged in a biosecurity program. We consider our biosecurity program a high priority program within the department and are committed to continuing the program and improving it. To this end, the department has continued to secure outside funding for our biosecurity program bringing in \$4.5 million in the past two fiscal years. This is to prevent the entry and establishment of pests such as brown tree snake, coconut rhinoceros beetle, red imported fire ant, and Africanized bees, among others. The department has also continued to assess the effectiveness of its inspection program at the ports of entry. The plant quarantine branch conducts periodic enhanced inspections to assess the risks of all agricultural commodities imported. Based on these assessments the inspectors focus inspections on the high risk commodities, thus not wasting efforts on the low risk commodities. These low risk commodities are inspected less frequently. This has allowed the branch to be more effective in its inspections and interceptions of invasive species. This resolution cites a decrease in interceptions of 80% over the last three years (the actual decrease was about 35%). These numbers are not a failure but actually a testament to the



effectiveness of targeting inspections to high risk commodities resulting in more efficient use of limited resources for inspections. Unlike previous years, time is not being wasted collecting pests that are already established in Hawaii and will not have any impact once they pass through the port. The inspections are focused on commodities and pests which will have a negative impact on agriculture, the environment and the people of Hawaii and prevents their entry.

The resolution requests the Legislative Reference Bureau to evaluate the advantages and disadvantages of a proposed movement of the plant quarantine branch from the department of agriculture to the department of transportation. This idea appears to be based on a misconception of the mandates, duties, and activities of the plant quarantine branch. The premise in the resolution is that the plant quarantine branch has been ineffective in its inspections at the ports and that movement of the branch into the department of transportation will correct this. Not only is this not the case but the duties of the plant quarantine branch are much broader than conducting inspections at the harbors and airports. The duties also include many duties outside the ports. These include certification of nurseries, nursery inspections, response to sightings of illegal animals such as snakes, permitting for the import of animals, plants, microorganisms, evaluation of the risk in import requests, inspections of importers facilities, legal investigations of smuggling, and other duties. None of these are related to department of transportation functions, mandates, nor are they conducted or related to ports.

Thank you for the opportunity to present testimony.

Charlotte A. Carter-Yamauchi
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LEGISLATIVE REFERENCE BUREAU
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Written Testimony

HCR197
REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EVALUATE A
PROPOSAL TO MOVE THE PLANT QUARANTINE BRANCH TO THE
DEPARTMENT OF TRANSPORTATION

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Agriculture

Friday, March 18, 2016, 8:30 a.m.
Conference Room 312

Chair Tsuji and Members of the Committee:

Good morning Chair Tsuji and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Acting Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.C.R. No. 197, Requesting the Legislative Reference Bureau to Evaluate a Proposal to Move the Plant Quarantine Branch to the Department of Transportation.

The purpose of this measure, among other things, is to request that the Legislative Reference Bureau:

- (1) Evaluate the duties and facilities of the Plant Quarantine Branch (PQB) of the Department of Agriculture, including the branch's Biosecurity Program and related programs;
- (2) Focus on the current state of the PQB and make recommendations on the resources necessary for the PQB to fully and properly carry out its purpose and responsibilities pursuant to chapter 150A, Hawaii Revised Statutes;
- (3) Evaluate the advantages and disadvantages of a proposed move of some or all of the functions of the PQB to the Department of Transportation; and
- (4) Report its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days before the convening of the Regular Session of 2017.

While the Legislative Reference Bureau takes no position on the measure, we submit the following comments for your consideration.

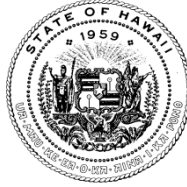
As a general matter, we note that the Auditor has also been requested to conduct an audit of the PQB under H.C.R. No. 198, Requesting the Auditor to Conduct a Financial and Management Audit of the Plant Quarantine Branch of the Department of Agriculture, much of which overlaps with information requested in the study under this measure.

The Bureau recently completed an extensive study on the State's efforts to control and prevent entry of invasive species, entitled Can't See the Forest for the (Albizia) Trees: An Invasive Species Update. Many of our conclusions and recommendations therein were based upon our findings that the State's efforts in this regard appear to lack coordination and focus. We believe these findings are also instructive here. If the Legislature desires a more specific study of the PQB, it would seem that, for the sake of efficiency and effectiveness, the financial and management audit should be the initial step to evaluate operations and policies of the PQB and recommend measures to increase efficiencies. Only after their initial step is completed should a feasibility study be initiated if it is determined that the Department of Agriculture is unable to comply with any Auditor findings or recommendations. In all likelihood, this may obviate the need for the feasibility study under this measure, or would, at the least, result thereafter in a more targeted study requested of the Bureau.

Accordingly, the Bureau would request that the Committee hold this measure.

However, if the Legislature feels that both of these measures are an appropriate use of Legislative Service Agencies' resources, then the Bureau notes that it should be able to conduct the study under this measure in the timeframe allotted; provided that the scope of the requested study is not expanded.

Thank you again for your consideration.



Testimony by:
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IN REPLY REFER TO:

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March 18, 2016
8:30 AM
State Capitol, Room 312

H.C.R. 197 / H.R. 143
REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EVALUATE A
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DEPARTMENT OF TRANSPORTATION

House Committee(s) on Agriculture & Economic Development and Business

The Department of Transportation (DOT) strongly **opposes** these resolutions, which proposes to require the Legislative Reference Bureau to evaluate the advantages and disadvantages of a proposed move of some or all of the functions of the Plant Quarantine Branch to the Department of Transportation.

Pursuant to HRS 26-19, the mission of DOT is to provide a safe, efficient, accessible, and sustainable inter-modal transportation system. The DOT believes that an organizational transfer of the plant quarantine branch from the Department of Agriculture (DOA) to DOT will **not** increase the efficiency of the branch as our missions are divergently different. Instead the DOT should focus on modernizing its facilities, ensure conservative planning of finances, and execute projects in an efficient and effective manner.

The DOT currently works with DOA and its plant quarantine staff to provide access to its ports facilities. Provided their inspectors qualify for the proper security clearance, they are provided access to restricted areas to conduct their inspections.

The Federal Aviation Administration (FAA) has determined Grant Assurance No. 25, requires all revenue generated by the airport and aviation fuel taxes must be used for capital or operating costs at the airport system directly related to the actual air transportation of passengers or property. For clarification, there is no mandate by the FAA to reduce or eliminate the introduction of invasive species at the State airports.

The DOT believes that the DOA is the appropriate agency for the plant quarantine branch and is more in line with their mission.

Thank you for the opportunity to provide testimony.

