

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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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 CONSUMER PROTECTION & COMMERCE**

**FEBRUARY 14, 2017**  
**2:00 P.M.**  
**CONFERENCE ROOM 329**

**HOUSE BILL NO. 1325**  
**RELATING TO BIOSECURITY**

Chairperson McKelvey and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1325, which requires the Department to establish parameters and construction requirements for biosecurity facilities that provide for an ensure the safety of agricultural and food commodities. This bill also provides funding to the Department for its biosecurity program. The Department supports additional funds to address biosecurity provided it does not impact the department's priorities listed in the Executive Budget and offers comments.

This bill recognizes that preventing the entry of invasive pest species in tandem with post-entry identification and control and/or eradication of those pests is key to a healthy natural environment. It is important to note that through the Plant Quarantine Branch in the Department, a pilot project has been underway with private freight forwarder companies to provide critical inspection of incoming agricultural commodities. The Department has spent ample time and energy in developing the scope of such a project with developed protocols to address biosecurity. Should this program prove successful it may be in the best interest of the State to expand such a program to encompass each port of entry.



The bill provides a legislative appropriation to support the Department's biosecurity program. With this funding, the Department will be able to continue its important biosecurity efforts and implement the tasks identified in the Hawaii Interagency Biosecurity Plan.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
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AQUATIC RESOURCES  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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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

**LATE**

Before the House Committee on  
CONSUMER PROTECTION & COMMERCE

Tuesday, February 14, 2017  
2:00 PM

State Capitol, Conference Room 329

In consideration of  
HOUSE BILL 1325  
RELATING TO BIOSECURITY

House Bill 1325 proposes to clarify the requirement for the Hawaii Department of Agriculture (HDOA) to establish parameters and construction requirements for biosecurity facilities and appropriate funds for import replacement, development of diagnostics, and other activities. **The Department of Land and Natural Resources (Department) supports this initiative, as long as it does not replace our priorities requested in the Executive Budget.**

The Department recognizes that the HDOA Plant Quarantine Branch's Biosecurity Program is a critical component of the Hawaii Interagency Biosecurity Plan (HIBP). The Department notes that this measure supports several recommended action items from the HIBP.

The proposed language for Subsection 150A-53(b), Hawaii Revised Statutes, to establish parameters and construction requirements for biosecurity facilities addresses HIBP action #47 (BorPol1.2), which recommends that HDOA write a set of minimum standards, specifications, and operational protocols that would constitute HDOA's certification program for operating transitional facilities for the inspection of imported goods.

The proposed appropriation in SECTION 3 to support import replacement of high risk crops addresses HIBP action #34 (PreTifs2.4) to fund import substitution programs to support local growers and reduce reliance on imported goods. The other appropriations in this section, regarding development of quarantine treatments, diagnostics, and education activities, are also broadly supported by the HIBP.

Thank you for the opportunity to comment on this measure.





Ryan Kalei, Clift & Ash



*"Continuing a lifetime of community contribution."*

**LATE**

TESTIMONY OF FRIENDS OF CLIFT TSUJI

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND  
COMMERCE

February 14, 2017

H.B. 1325 RELATING TO BIOSECURITY

Chair McKelvey, Vice Chair Ichiyama, and members of the Committee:

My name is Dr. Jack Fujii and I am testifying on behalf of the Friends of Clift Tsuji. We are in strong support of H.B. 1325. We are proud to have known and supported a man such as Clift. He gave so much to his community and the State.

Clift tackled major agriculture issues during his Legislative term. Starting as a freshman lawmaker in 2004, he quickly gained fame as the "coqui guy" throughout the Capitol, where his persistence led to \$2 million in research and control dollars for coqui.

He fought for the future of our livestock and dairy industries, and our ability to utilize genetic engineering research for flowers, fruits, and vegetable crops. . He worked with Industry, UH and the Department, to resolve our export problems by



Ryan Kalei, Clift & Ash



*"Continuing a lifetime of community contribution."*

seeking funding support for suppressing pests in production areas. He continued to seek funds to build inspection facilities statewide. The inspection facilities, once built, would facilitate clearance for inbound and outbound shipments by combining federal and state agencies and having treatments readily accessible to meet quarantine requirements for imports and exports.

Clift did not shy away from difficult issues. He knew the State of Hawaii was the underdog when it came down to federal policies and he voiced his opinion to the Secretary of Agriculture on the importation of Taiwan oncidiums to protect our local orchid growers, to the Secretary of Transportation on federal policies that adversely affected Hawaii, and to the Assistant Secretary of Transportation on the use of cargo fees. Whether they responded or not, he continued to fight for the betterment of Hawaii. To the end, he thought about us and how to protect us. We, now, become his voice in supporting his Biosecurity legislation H.B. 1325.

Thank you for your consideration and allowing us to testify.

Docket Number APHIS -2014 -0041  
Regulatory Analysis and Development Branch  
Policy and Program Development Division  
Animal and Plant Health Inspection Service  
U. S. Department of Agriculture  
Station 3A-03.8, 4700 River Road Unit 118  
4700 River Road Unit 118  
Riverdale, Maryland 20737-1238

Subject:       **Proposed Rule-making, Docket Number APHIS-2014-0041**  
                  **Importation of Orchids in Growing Media from Taiwan**

Dear Sir/Madam:

As Chair of the Hawaii State Legislature House Committee on Agriculture, and former Chair of the House Committee on Economic Development & Business, and current and past membership on the Committees on Consumer Protection & Commerce; Education; Higher Education; Judiciary; Tourism; Veterans, Military, & International Affairs, & Culture and the Arts; and as former member of Council on State Governments-WEST - Agriculture and Rural Affairs Committee; Economic Development and Trade Committee; and a former member of National Conference of State Legislatures (NCSL)- Standing Committee on Agriculture & Energy, I respectfully submit the attached comments on the proposed rule to allow the importation of orchids in growing media from Taiwan, dated December 3, 2014.

The Legislature finds that the unchecked spread of invasive species is the single greatest threat to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, the spread of disease, and the quarantine of exported agricultural crops.

The proposed rule, if adopted, will not only harm our orchid industry, but will severely test Hawaii's ability to combat invasive species that will undoubtedly come in as a result of allowing orchids in growing media into the United States. Invasive species will not only damage our native ecosystems and biodiversity, but will threaten our tourism and

agricultural industries, public health, and quality of life. **This proposed rule poses significant harm to Hawaii.**

I have spent my entire legislative career introducing and passing measures on invasive species. From my position, I do not believe you have done your due diligence in this matter. I respectfully request that USDA evaluate the issues that are raised with respect to this proposed rule. **As such, the proposed rule should not be finalized until the proper analysis and a NEPA Environmental Impact Statement are completed.**



**Docket Number APHIS 2014-0041**  
**Comments for Proposed Rule-making**  
**Importation of Orchids (*Oncidium* spp.) in Approved Growing Media From Taiwan**

Invasive species arrive at U.S. ports of entry every day, hidden in the wooden crates, pallets, and shipping containers used to transport agricultural cargo, or concealed in the imported goods themselves. Failure to detect and intercept these invasive species imposes serious economic and social costs on all Americans.

The U.S. Department of Agriculture has stated that foreign pests and disease already cost the U.S. economy tens of billions of dollars annually in lower crop values, eradication programs, emergency payments to farmers, and increased costs for food and other natural resources.

Invasive species threaten our competitiveness in international trade when trading partners decide to stop importing U.S. agricultural products due to the presence of an invasive pest or disease.

In light of the current and potential staggering economic costs of invasive species, which fall on businesses, taxpayers, and local governments that have no way to avoid the harm, it is critical to focus on prevention, specifically improving agricultural import and entry processes.

Economic costs are just one aspect of the severe consequences that can result from foreign pests and disease slipping through our ports. In the State of Hawai'i, which is home to more endangered species per square mile than any other area on the planet, invasive species and disease could permanently devastate our fragile ecosystem. Hawaii is ranked highest among the fifty states in risk to biodiversity of plants, mammals, birds, and reptiles.

In 1998, USDA, along with the U.S. Department of Transportation, U.S. Department of Interior, the Hawaii Department of Transportation, the Hawaii Department of Agriculture, the Hawaii Department of Land and Natural Resources, and the Hawaii Department of Health, signed a Memorandum of Understanding regarding the Prevention of Alien Species Introduction through Kahului Airport. The MOU recognized that the oceanic island ecosystems in general, and the Hawaiian Islands and Maui in particular, are highly susceptible to damage from alien species, including damage to the natural, agricultural, and human assets.

The Record of Decision stated: "The Biological Opinion's mitigation measures will minimize the effects of alien species on Federally-listed species. In addition, supplemental mitigation, based on the Biological Opinion, was developed and is presented in an Alien Species Action Plan (ASAP) dated August 24, 1998 (Appendix "C" of this ROD). Federal and State agencies cooperatively devised the ASAP to further minimize the chance of alien species introductions via aircraft arriving at Kahului Airport. The Biological Opinion, in conjunction with the ASAP, will enhance the protection of Maui's Federally-listed endangered and threatened species.

FAA makes the requirement of the Biological Opinion and the ASAP conditions of its approval. In addition, the State of Hawaii is committed to implementing the ASAP, in cooperation with appropriate Federal agencies.

**ALIEN SPECIES:** Flights arriving on Kahului Airport's existing runways, in conjunction with oceanic vessels and other factors, provide pathways for alien species introductions to Maui. Alone the proposed project is not expected to significantly contribute to these introductions

because it is designed to enable fully-loaded aircraft departing Maui to fly non-stop to overseas destinations. **Nevertheless, because there are serious concerns about the airport as an alien species entry point and because alien species introductions pose serious problems to the state's ecosystem, any alien species introductions via the airport, in conjunction with alien introductions via other entry points, may lead to significant cumulative impacts. As a result, the FEIS analyzed the risk as a significant cumulative impact."**

**This proposed rule to allow the importation of orchids in potting media from Taiwan is a similar action. In itself, it will not significantly contribute to invasive species introductions, however, this proposed rule opens a new pathway for pests to move and in conjunction with invasive species introductions via other pathways, may lead to significant cumulative impacts as the State's ecosystem is already at high risk.**

The USDA claims that Hawaii is a hot-bed for agricultural pests, but the USDA does not provide additional resources to protect and prevent the spread of new invasive species introductions to the State of Hawaii. The majority of new pests into the Hawaii has been from foreign sources. In addition, any new domestic originating pests should not impede our trade to the US as the pests already occur in the continent. The border protection from foreign cargo and passenger baggage at the Port of Honolulu is essentially identical to that at all other international ports in the United States. Prevention actions by federal inspectors are taken based primarily on a short list of pest for which specific legal authority is deemed to exist, primarily for protection of U.S. mainland agriculture. In practice, this actionable list has little to do with organisms that would affect Hawaii's agriculture, native biota, or public health.

To compound the problem, under the federal Plant Protection Act, a state is expressly preempted from regulating in foreign commerce. Therefore, the State of Hawaii, Department of Agriculture, is prevented from taking any action (including inspection and quarantine) to control, eradicate, or prevent the introduction of plant pests and plant products into Hawaii in foreign commerce.

This proposed rule will explicitly undermine Hawaii's quarantine system and create more gaps in our battle to prevent the introduction of invasive pest species. It is only through our mandatory system that we can intercept difficult to find pest species.

Biting midges are non-actionable pests. As such, there is nothing in this proposed rule to mitigate these pests in Taiwan or once they arrive here. The screens will not prevent their entry into the greenhouses. These midges can easily hitchhike onto the potted plants as they are loaded into shipping containers as the packing areas we have seen are not enclosed. As they are non-actionable, even if present in the shipment, no action will be taken. The State inspectors have not been allowed access to the Taiwan *phalaenopsis* shipments, and therefore, it can be assumed, that the State will not be allowed to inspect or prevent these pests on *oncidiums*.

Taiwan has many species of ceratopogonids. At least 30 *Culicoides* species are found in Taiwan. **There are no *Culicoides* in Hawaii** (Nishida, 2002). All species in this genus are biting species. Hawaii's tourism industry, valued at \$14 billion, would be at risk as tourists would not welcome being bitten by biting midges and sandflies

THERE ARE 24 species of *Forcipomyia* (*Lasiohelea*) in Taiwan; of which *Forcipomyia anabaenae* Chan & Saunders and *F. taiwana* (Shiraki) are blood-sucking pests (Lien1989, 1991). *F. anabaenae* is distributed in mountain areas in southern Taiwan. *F. taiwana* is a very small (1.4mm), slender midge. The larvae live in dry or moderately moist soil around housing or in shaded areas and barren soil around cultivated bamboo, tea, vegetables, or betel nuts. It is distributed island-wide in urban and suburban habitats including scenic sites and public parks and is one of the most annoying blood-sucking pests in Taiwan. During outbreaks it becomes the most serious bloodsucker in Taiwan with over 1000 bites/per hour/ person. Humans are the preferred host. *Forcipomyia taiwana* attacks exposed parts of the body during the day, causing intense pruritis and edema in sensitive individuals. Welts and lesions may persist for several days. Bites sometimes are complicated by secondary infections (Sun1967).Complaints of annoying insects have increased gradually. These pests constitute a serious problem in parks, summer resort areas, and ponds, where they often drive away visitors. Cultivated areas of tea, bamboo, and betel nuts have increased in the lowlands and provide good habitats for larval midges. Midge populations have increased rapidly because of the decreased use of insecticides for long-term, non-intensive crops. Studies on the control of these midges are needed urgently.

As they prefer moist to wet soil or leaf litter, where larvae feed on algae, the immatures would survive in moist sphagnum, and the adults could hide well in the moist shipping containers. Ten to fifteen of the species could become serious environmental or veterinary pests and 2 or 3 could become serious nuisances for humans in Hawaii. The breeding habitats of most Asian *Culicoides* are unknown, but most breed in shallow water or damp mud and moss at the margins of ponds and swamps. Others breed in any rotting moist rotting plant material, animal dung, or tree holes. Some of the pest species in Taiwan would be expected in sphagnum. Besides biting midges, sphagnum is an excellent medium for transporting most small moisture loving organisms, including micro-organisms causing plant and animal diseases. Although the sphagnum is treated prior to planting, there is no mitigation for hitchhikers re-infesting during the packing of shipments.

Snails and slugs are easily transported and remain undetected in soil and growing media. There are 1,100 non-marine mollusks (95% endemic), of which 60 species are either threatened, endangered, or candidates for listing, and about 75+ species of alien non-marine mollusks established in Hawaii (Allison, etal, 2003). Taiwan has over 1750 land snails, of which only a few were listed in the pest risk assessment. The introduction of alien land snails can be devastating. With 359 plants and 60 mollusks in Hawaii listed as threatened, endangered, or candidates for listing, the introduction of snails and slugs in the families of *Achatinidae*, *Succineidae*, *Philomycidae*, *Subulinidae*, *Veronicellidae*, *Camanidae*, *Helicarionidae*, and *Ariophantidae* should be considered in your assessment.

On behalf of my constituents and Hawaii's agricultural industry, we strongly request that the proposed rule **not be finalized** until a proper and thorough analysis is completed, and an NEPA Environmental Impact Statement is also completed.

Although the Draft Environmental Assessment's (EA) comment period is closed, on behalf of my constituents, we find the Draft EA to be flawed and does not provide adequate information to the decision-maker or the public. Therefore, we cannot see how a decision-maker can make a

decision that is not arbitrary and/or capricious, based on the information contained in the Draft EA. The following are my brief comments on the Draft EA.

- The NEPA document is meant to be an unbiased document to provide the impacts of a proposed action to the decision-maker. This document is clearly biased and does not provide a complete impact analysis to the decision-maker for the Proposed Rule.
- The Purpose and Need lacks a description of the need to import *Oncidium* from Taiwan.
- The document lacks the impact analysis to the State of Hawaii's agricultural industry and the State's main economic driver - tourism, as it will be affected by pests hitch-hiking on the media, quarantine pest or not.
- The analyses is flawed as it is based on the analysis of quarantine pests, ONLY. A quarantine pest is defined as "a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled." Note that because Hawaii is under a USDA quarantine, all pests on any commodity exported from Hawaii maybe considered to be technically officially controlled ( See 7 CFR 318, "Part 318 — State of Hawaii and Territories Quarantine Notices)." The analysis should include non-quarantine pests, and hitchhiking pests. USDA's methodology is clearly flawed, as the invasive species problem is growing considerable across the Nation.
- Due to Hawaii's remote location, non-quarantine pests and hitchhiking pests have a devastating impact on agriculture and the native environment.
- The impact of ants on the environment is impossible to categorize as either just plant pests (a PPQ responsibility) or just animal pests. For example, at Haleakala National Park on Maui, there is an active control program against the introduced Argentine ant because of its potential to eliminate the endemic rare native ground nesting bees *Nesoprotopis volcanicus* and *N. nivalis*. The reason for concern is not only for the protection of these rare insects, but also because these bees are the primary pollinators of the famous endangered Haleakala Silversword (*Argyroxiphium sanwicense macrocephalum*) (Medeiros and Loope, 1994). Elimination of the bees may likely mean elimination of the plant. Additional Hawaiian introductions of primarily predatory ant species into areas where ants are not currently present will likely impact other endemic native arthropods that share symbiotic relationships with threatened or rare endemic plant species. Therefore, the simple analysis in the Draft EA on the impact to endangered species does not provide the 'best science' to make a determination of impact.
- Hawaii Plant Quarantine officials intercepted many pests that are not considered as quarantine pests, but are not-known-to-occur in Hawaii (NKO). These NKO have the potential to be invasive pests, and cause significant damage to crops and the environment, including listed species.
- The document fails to mention, analyze the impacts, and fully mitigate the impacts of invasive species, as stated in the Presidential Executive Order 13112 of February 3, 1999 Invasive species.

- In 2007, the Hawaii Orchid Growers Association filed a legal challenge against the USDA and others for the proposed rule to allow for the importation of Orchids of the Genus *Phalaenopsis*. **Why wasn't HOGA (now known as OGOH) or other floral organization from Hawaii consulted in the preparation of the Draft EA? Why weren't their concerns addressed in this Draft EA and Proposed Rule-making?**
- The list of consulting parties shows that only USDA organizations were consulted. **WHY** didn't the Hawaii USDA officials notify the Hawaii flower growers of the proposed rule-making? The Hawaii Floral industry learned about the proposed rule from their Taiwan counterparts.
- The analysis on the impacts on Environmental Justice and Low-Income populations is dismal. It lacks a proper analysis for the consideration of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dismisses such impacts. Most of the orchid growers in Hawaii are of a minority population, and/or low income populations. These growers are being ignored and the impact analysis is not complete, thus the information is not in compliance with Executive Order 126898 and Title VI. In fact, the Federal Government recognizes the Hawaii's farmers as 'Geographically Disadvantaged' (P.L. 107-171, Sec. 10906).
- In addition, I am dismayed to think that an major outbreak or infestation in Hawaii is not consider an issue by the USDA APHIS, as stated on page 24 of the Draft EA in the impact analysis of *Thrips palmi* that states: "*Heavy infestations of thrips could cause dieback or death of the host plants; however, outbreaks in other horticultural corps and orchids are not likely to occur due to its restricted host range.*" Note that *thrips palmi*, is not a native insect to Hawaii, and was introduced and causes significant impacts to our growers. **Therefore, is USDA stating that it can wipe out an entire State's agriculture industry and that is not a significant impact?**

Similarly, the statement on page 25 of the Draft EA in addressing the impacts of *Tetranychus kanzawai*, that states: "*Its establishment in Puerto Rico and Hawaii could result in the loss of foreign markets for various agricultural commodities.*" This statement is only partially true, as it will **cause a loss of export market to the other 49 states** as both Puerto Rico and Hawaii are quarantined from the continental United States. For the Hawaii growers, the USDA has already taken **severe action against the Hawaii Agriculture industry** that nearly shut down the Hawaii exports to the continental United States, under Quarantine Part 318.

Therefore, as the information in the Draft EA is lacking, proper scoping was not completed, and a complete unbiased analysis was not performed -- the USDA should delay any action on the Proposed Rule until a complete and thorough analysis is performed. **In fact, the Draft EA should be revised and re-opened for comments.** As there will be significant impacts to Hawaii, a proper and NEPA Environmental Impact Statement should be completed. In 2003, the Hawaii Congressional delegation recognized similar flaws in the analysis for the importation of *Phalaenopsis*, in their letter to Ann Veneman, Secretary, U.S. Department of Agriculture, dated July 9, 2003.

In addition, I would like to request that all of the pleadings and comments from the 2007 HOGA versus USDA legal challenge on the importation of Taiwan *phalaenopsis* to be included in the Administrative record, especially those from: Dr. Arnold Hara; the impact analysis and mitigation

measures for Kahului Airport; and the comments from the State of Hawaii, Department of Agriculture.

While there is a federal process in place to evaluate the risk of foreign importations, state comments are virtually ignored by USDA and USFWS. In the case of Taiwan *phalaenopsis*, a simple pesticide treatment would have addressed Hawaii's concerns on red imported fire ants, snails and slugs, and biting midges, any of which, if introduced, poses a serious threat to our native biota, agriculture, and economy. Similarly, the same disregard happened with the approval to allow the transshipment of honeybees from New Zealand. Hawaii was the last state in the Nation to be free of varroa mite and other bee pests and diseases, and as such, vigorously argued against allowing New Zealand bee shipments to land in Hawaii. Now, Hawaii is no longer a clean source of queen bees. Currently, we are fighting to protect our coconut and endemic palms which are not only culturally important, but also are federally protected species.

As there will always be a need for more manpower and resources to address invasive species, it is increasingly important for federal and state to work together cooperatively. The threat is constantly increasing due to the increase of goods arriving into our country from Asia, including China, Indonesia, Taiwan, and Korea. Therefore, we strongly urge that the federal resources be used in a systems approach that would be more effective in protecting Hawaii and reducing pest pressure on Hawaii's agricultural industry. This new strategy in federal resources and aligned with state resources would form a better system to protect Hawaii and the Nation from current and future pest threats. This proposed rule goes against fixing a broken system. Addressing invasive species will need a stronger commitment from all parties to adequately protect the Nation.



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

October 28, 2010

Susan L. Kurland  
Assistant Secretary for Aviation  
and International Affairs  
United States Department of Transportation  
1200 New Jersey Ave. S.E.  
Washington, DC 20590

**RE: Comments on Docket Number: DOT OST-2010-0243**

Dear Ms. Kurland:

Thank you for the opportunity to submit comments opposing the Air Transportation Association's (ATA) petition relating to the Hawaii Inspection Fee Proceeding.

In order to protect Hawaii's agriculture and environment from these pests, the Legislature wanted to insure that inspection of incoming cargo continued despite tough economic times. An inspection fee was enacted to help partially fund these inspections. In enacting the inspection fee being reviewed by the United States Department of Transportation, the legislature of the state of Hawaii was keenly aware of the potential burden of the fee on Hawaii's residents when as it was proceeding through the legislative session and insured the consistency of the fee with several federal laws. As stated in section 1 of House Bill 2843, HD2, SD2, CD1, in the 2008 Legislative Session;

*"The legislature finds that the unchecked spread of invasive species is the single greatest threat to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, the spread of diseases, and the quarantine of exported agricultural crops.*

*The purpose of this Act is to increase the scope of the existing inspection, quarantine, and eradication service fee to provide funding for the department of agriculture to conduct inspections of imported freight to prevent the introduction of invasive species, and for the facilities necessary to conduct such inspections. This fee applies only to nonpassenger freight. Accordingly, this fee is not a duty of tonnage for entering Hawaiian waters (United States Constitution Article I, Section 10, Clause 3), nor does this fee violate the prohibition on anti-head taxes on airline passengers (Title 49 United States Code Section 40116.)*

*The Legislature also finds that the impact of this fee on interstate commerce and the importation of goods is insignificant and that this Act is consistent with the commerce clause (United States Constitution Article I, Section 8, Clause 3), the export-import clause (United States Constitution Article I, Section 10, Clause 2), and the International Convention for Safe Containers, 1972, as amended."*

Federal policies and actions have exacerbated the invasive species problem.

- The Agriculture Risk Protection Act of 2000, expressly preempted the State from controlling, eradicating, or preventing the introduction or dissemination of a plant pest from any foreign origin;
- In 2003, inspection of all foreign agricultural commodities other than plants intended for propagation was transferred to U.S. Department of Homeland Security, Customs and Border Protection (Inspection of plants remained with U.S. Department of Agriculture); and
- The federal Office of General Counsel advised the U.S. Department of Agriculture and U.S. Department of Homeland Security, Customs and Border Protection to no longer notify the State when federally non-actionable pests are discovered on the grounds of federal preemption.

While the federal quarantine inspectors greatly outnumber our state inspectors, from 2000 to 2005, the 55 state inspectors during that time period found 31 ants in foreign and 217 in domestic shipments, while over 500 federal inspectors from both agencies (USDA and DHS) found not one single ant in any foreign or domestic shipment into Hawaii during that same time period. **As such, we strongly disagree that the present federal system adequately protects us.**

Furthermore, a potential California embargo has jeopardized our farming and ranching industry valued at \$600 million. In August 2009, USDA notified our agricultural businesses that, "A situation has arisen with the California Department of Food and Agriculture (CDFA) regarding CDFA's continuing interception of pests in fresh agricultural products shipped from Hawaii. Failure to mitigate this situation may jeopardize agricultural shipments from Hawaii to

Representative Clift Tsuji ~ Chair, Committee on Agriculture  
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Susan Kurland  
October 28, 2010  
Page Three

the U.S. mainland." This potential California embargo enforced by federal inspectors is in addition to the restrictions placed on the State under Part 318 (7CFR), in which Hawaii is the only state in the Nation to have all fruits, vegetables, cut flowers prohibited from being shipped to the U.S. mainland unless expressly allowed.

Finally, the costs for prevention, which are to be funded by the inspection fee, are far less burdensome to the State than the cost of response and control of these invasive species, which could be as much as 100 to 1,000 times more. In fact, the current introduction of the coffee bean borer is one more example of economic impact on Hawaii by invasive pests. The infestation in Kona may have devastating impacts to the Kona Coffee industry with yield losses expected to reach 90% unless considerable resources are tapped to mitigate this latest infestation. Our farming and ranching industry worth \$600 million is constantly at risk each time a new federal quarantine is imposed against the State of Hawaii due to new invasive species introduction.

Although the revenue generation from the importers through the Airlines is roughly 10 percent of the actual cost that the State provides, it does increase the available funds, which actually lessens the burden to Hawaii's citizens and importers. The Air Transport Industry and the FAA have been opponents to increased mitigation at the Airports, even though state data indicate air transport is a major pathway for invasive species. The airlines should be supporters of the State's policy to protect the state, its agriculture, economy and environment.

Sincerely yours,



CLIFT TSUJI

**Representative Clift Tsuji ~ Chair, Committee on Agriculture**  
*District 3: South Hilo, Panaewa, Puna, Keaau and Kurtistown*  
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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 7:52 PM  
**To:** CPCtestimony  
**Cc:** director@bettercropshawaii.com  
**Subject:** \*Submitted testimony for HB1325 on Feb 14, 2017 14:00PM\*

**HB1325**

Submitted on: 2/13/2017  
Testimony for CPC on Feb 14, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
BENNETTE MISALUCHA	Hawaii Crop Improvement Association	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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P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail info@hfbf.org; www.hfbf.org

February 14, 2017

HEARING BEFORE THE  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

**TESTIMONY ON HB 1325**  
RELATING TO BIOSECURITY

Room 329  
2:00 PM

Aloha Chair McKelvey, Vice Chair Ichiyama, 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 strongly supports HB 1325**, requiring planning and construction parameters for biosecurity facilities and funding high risk import replacement crop

Within the comprehensive bill, there is reference to facilities and import replacement projects. However, it is two among many action steps that need to be taken. Secure facilities are critical for efficient functioning of inspection procedures. The Maui facility is a good example of what can happen if the correct facilities are put into place. We need them at all ports.

Import replacement is a huge opportunity for our farmers. In a global marketplace, new products give our local farmers an edge. In turn, replacing high risk imports will mean less risk for invasive species introduction. The high rate of new pests into the islands is a challenge to not only agriculture but the environment.

HFB respectfully requests your strong support of HB 1325 to focus funding of biosecurity facilities and high risk import replacement projects.

Thank you for this opportunity to provide comment on this important subject.



**LATE**

# Hawaii Floriculture and Nursery Association

Testimony for the Twenty Ninth Legislature, 2017  
State of Hawaii

## COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair  
Rep. Linda Ichiyama, Vice Chair

TUESDAY FEBRUARY 14, 2017  
2:00 P.M.  
Conference Room 329  
State Capitol  
415 South Beretania Street

A bill for an act  
**HB1325** 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.

The Hawaii Floriculture and Nursery Association (HFNA) strongly **SUPPORTS** House **Bill 1325**.

A comprehensive implementation of Hawaii's Biosecurity program is an action that is sorely needed and is essential for our industry. HFNA believes that building upon the current, though stalled, Biosecurity System, would be the most effective, cost-efficient and logical approach.

We strongly support this measure because it reaffirms to the Department of Agriculture that the Biosecurity program is vital and is needed to focus on what it was intended to do, which was to establish a **comprehensive prevention system** that would help to stop the entry of invasive species while allowing our agricultural industries to increase levels of self-sufficiency and sustainability.

We also hope to be able to provide input as an industry. As in the past, when we met regularly to discuss issues and worked together on initiatives.

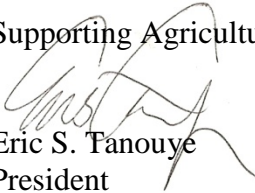
This is an important and essential program, which has been stalled for too long.



## Hawaii Floriculture and Nursery Association

We thank you for your consideration of HB1325. 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



**LATE**

735 Bishop Street, Suite 424  
Honolulu, Hawai'i 96813  
www.hawaiigreengrowth.org

*Hawai'i Green Growth is a public-private partnership that catalyzes action across government, private sector and civil society to achieve Hawai'i's Aloha+ Challenge 2030 sustainability goals and serve as a model for integrated green growth*

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## Testimony of Hawai'i Green Growth In Support of HB1325 Relating to Biosecurity House Committee on Consumer Protection & Commerce 14 February 2017, 2:00 pm, Room 329

Aloha Chair McKelvey, Vice Chair Ichiyama, and Members of the Committee:

**Hawai'i Green Growth strongly supports HB1325** to establish parameters and construction requirements for biosecurity facilities that enable the safety of agricultural and food commodities. These standards, along with appropriations of funds for biocontrol facilities and import replacements, are crucial to implementing the Hawai'i Interagency Biosecurity Plan.

Invasive species are a cross cutting issue that threaten the health of Hawai'i's economy, ecosystems, agricultural production and people. The recent spread of the Little Fire Ant, outbreak of dengue fever on Hawai'i Island and Rapid 'Ohia Death are a couple examples of the severe consequences that invasive species can have. Continued state leadership and funding are essential for coordinated action on invasive species prevention, early detection, rapid response, control, enforcement, and outreach programs.

Hawai'i Green Growth partners agreed that biosecurity is an important priority to support implementation on Hawaii's *Aloha+ Challenge 2030* sustainability goals. The *Aloha+ Challenge* is a joint leadership commitment launched by the State Legislature (SCR69), Governor, four County Mayors, Office of Hawaiian Affairs and Hawai'i Green Growth public-private partners. This statewide framework outlines six ambitious 2030 sustainability goals in the areas of clean energy, local food, natural resource management, solid waste, smart sustainable communities, and green education and workforce. The Aloha+ Challenge has been recognized nationally and internationally as model that can be scaled to support the implementation of the United Nations 2030 Sustainable Development Goals (SDGs) and the Paris Climate Agreement.

With leadership and support from the State Legislature, Hawai'i hosted the first U.S. held IUCN World Conservation Congress with over 10,000 global partners from 190 countries. At the Congress, the state launched Hawaii's first Statewide Biosecurity Strategy; **HB1325** is an opportunity to continue important local action on biosecurity, sustainable development and resiliency.

As a public-private partnership, Hawai'i Green Growth strongly supports **HB1325** and appreciates the opportunity to provide testimony.

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 6:26 PM  
**To:** CPCtestimony  
**Cc:** warrenmcfb@gmail.com  
**Subject:** \*Submitted testimony for HB1325 on Feb 14, 2017 14:00PM\*

**HB1325**

Submitted on: 2/13/2017

Testimony for CPC on Feb 14, 2017 14:00PM in Conference Room 329

<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:

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Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 1325 Relating to Biosecurity  
House Committee on Consumer Protection and Commerce  
Tuesday, February 14, 2017, 2:00PM, Room 329

**LATE**

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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 depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 40,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.*

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**The Nature Conservancy supports H.B. 1325** requiring the Hawai'i Department of Agriculture (HDOA) to establish parameters and requirements for biosecurity facilities and providing funding to the HDOA's biosecurity program.

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. Indeed, the colonization rate of introduced insects and mites in Hawai'i has been estimated at 500 times the rate of the continental United States.

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 Hawai'i's 16 air and sea ports with more inspectors, enhanced inspection systems and technologies, agreements with importers and producers for improved sanitary protocols, and support for local growers to produce import substitutes.

Most cargo arriving in Hawai'i is inspected in importers' cargo areas, temporary facilities, and on tarmacs and piers. Many of these areas are nearly or completely open to the environment allowing for easy escape of pests. Therefore, a critical component of HDOA's biosecurity program and the recently adopted Hawai'i Interagency Biosecurity Plan is to design and construct improved and additional inspection facilities with appropriate [technology](#), equipment, and quarantine and treatment capabilities that contain potential pests and preserve the quality of food, plant materials, and other fresh and live products. These facilities are also important for managing and ensuring continued quality of Hawai'i agricultural products being exported to mainland and foreign markets.

We also hope that providing the necessary and critical support for HDOA's biosecurity program will be additive and not prevent the Legislature, the Administration and partners from also devoting appropriate attention and funding to the full range of pest issues across the islands. Therefore, we respectfully ask that the Committees and the Legislature also take a comprehensive approach of providing significant and consistent funding to address the full range of invasive species prevention, early detection, rapid response, control, research, and outreach priorities across the state. The Hawai'i Invasive Species Council—or the proposed Hawai'i Invasive Species Authority ([HB1339/SB776](#))—guided by the Interagency Biosecurity Plan is the appropriate multi-agency venue for this broader effort. This approach necessarily results in coordinated planning, prioritization and implementation based on a variety of issues including human health, safety and well-being, economic risk and prosperity, and the health and function of the environment.

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TESTIMONY OF RYAN KALEI TSUJI  
BEFORE THE HOUSE COMMITTEE OF  
CONSUMER PROTECTION & COMMERCE

February 13, 2017

H.B. 1325 RELATING TO BIOSECURITY

Chair McKelvey, Vice Chair Ichiyama, and members of the Committee:

My name is Ryan Kalei Tsuji and I am the son of the late Representative Clifton Tsuji. I am here today to testify in support of H.B. 1325. From the beginning of my dad's legislative career until the end, he worked tirelessly for local agriculture and the issues that plagued the industry. Drought mitigation, invasive species, and biosecurity were just some of the areas that became a priority for him.

In 2008, my dad was instrumental in establishing the Hawaii's Biosecurity Program into law, which is Hawaii Department of Agriculture's multi-level, collaborative program that prevents the introduction and establishment of new invasive species; detects and controls established pests, and promotes the growth of agriculture

Also in 2008, my dad introduced and was able to pass into Law, the cargo fee that established the Pest Inspection, Quarantine, and Eradication fund. This has provided a more stable funding source for the Department.

My dad worked tirelessly preserving agriculture's presence in the budget wars. He was instrumental in reinstating agricultural inspectors during and after the reduction-

in-force in 2009, thus preventing the closure of neighbor island ports and continuing our ability to import and export goods.

In 2011, my dad testified before Senator Akaka's Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia. He urged the Subcommittee to finalize, implement, and fund the "Pathway Analysis of Invasive Species Introduction into the State of Hawaii." This pathway analysis became part of the Regional Biosecurity Plan for Micronesia and Hawaii.

But dearest to his heart, and to the end, my dad wanted to ensure the protection of Hawaii through Hawaii's Biosecurity Program. This measure before you is his Biosecurity bill from last year that he had planned to reintroduce.

My dad shared his concerns with me about the new Interagency Biosecurity Plan and the resulting measures that will be heard this session. He had received numerous emails and had discussions with members of the agricultural industry that their comments were ignored and not included in the final plan. But the most concerning issue for him was that the new plan had marginalized agriculture. My dad was not against expanding the scope of Biosecurity, but he strongly felt it should not be at the expense of agriculture. He thought that through this measure, HB 1325, Biosecurity could be strengthened and move forward until those issues were resolved.

My dad was a man who loved his job and loved being able to simply help people. Our hope is that we can continue his passion and commitment to making a difference in the community even after his passing. He was a man that led with compassion, he lead with honor, and most of all he lead with his heart.

Our family would greatly appreciate your support in helping to perpetuate the legacy my father left behind and specifically his work in the field of local agriculture and biosecurity. Thank you for your consideration and allowing me to testify before you.

TESTIMONY OF CLIFTON TSUJI  
CHAIR, HOUSE COMMITTEE ON AGRICULTURE  
HAWAII STATE LEGISLATURE

BEFORE THE SENATE SUBCOMMITTEE ON  
OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL  
WORKFORCE, AND THE DISTRICT OF COLUMBIA

OCTOBER 27, 2011

2:00 P.M.

PLANT QUARANTINE CONFERENCE ROOM  
1849 AUIKI STREET  
HONOLULU, HAWAII

RELATING TO SAFEGUARDING HAWAII'S ECOSYSTEM AND  
AGRICULTURE AGAINST INVASIVE SPECIES

Senator Akaka:

I truly appreciate your efforts to bring this issue to the forefront and to allow Hawaii to have a voice in these proceedings. The time and effort that you and your subcommittee have put into this issue, indicates to us that you share our concerns to protect US agriculture, and the need to mitigate the impact of invasive species to our agriculture and environment.

The Hawaii legislature finds that the silent invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pest is arguably the greatest threat to Hawaii's economy and natural resources and to the health and lifestyle of Hawaii's people. Invasive species already cause millions of dollars of crop losses, the extinction of native species, the destruction of native forests, and the spread of disease. Every day the media reports another serious case of an invasive species attacking Hawaii, whether it is the coqui frog, salvina molesta, miconia calvenscens, or dengue fever. Yet there are many more harmful species that threaten to invade Hawaii and wreak further damage. Even one new pest, such as the brown tree snake, red imported fire ant, could forever change the character of the islands. Stopping the influx of new invasive species and containing their spread is essential to Hawaii's future well-being.

In the past six years, my colleagues and I have worked to strengthen and fund Hawaii's inspection and quarantine laws by enacting a systems approach called the "Hawaii's Biosecurity Program." Over the past 6 years we have allotted over 15 million dollars on eradication and control programs, and millions of dollars a year for prevention and inspection programs. However, the largest gap in the introduction of invasive species is through foreign commerce into Hawaii, which is under the purview of U.S. Department of Agriculture, and the

Department of Homeland Security. In addition, other Federal Agencies such as the Federal Aviation Administration are obstacles by not allowing the state to provide adequate facilities and mitigation at the airports to protect Hawaii from impacts caused by port development.

It is of major concern, that the USDA has provided over 450 staff to restrict the export and movement of Hawaii grown plants, fruits, and flowers to the mainland due to the potential impact of fruit flies to the continental U.S. It should be noted, due to the fruit fly pest quarantine, USDA has taken the approach that all plant or parts are restricted movement to the rest of the U.S., even though these plants or plant parts are not hosts to fruit fly. The impact of this archaic and over-bearing restrictions, are detrimental to Hawaii's agriculture and economy. This is in contrast to other foreign countries, which have unrestricted or less restrictive import conditions than those imposed on the State of Hawaii. This draconian federal quarantine is counter productive to the growth of Hawaii's economy and reduces our efforts to maintain a sustainable agriculture industry.

The movement of foreign commodities into Hawaii is a major pathway for the introduction of pests into the state; such as nettle caterpillar (Taiwan), coqui frog (Puerto Rico), and coffee berry borer (worldwide). Potentially damaging pests from foreign countries which pose a major problem to Hawaii, include but not limited to the Brown Tree Snake (Guam, Pacific Islands, Asia), Ohia rust (South America), and mosquitoes (worldwide). Many of these pests are not considered "actionable" pests by the federal border agencies and therefore, will allow these pests to enter Hawaii undetected or untreated. Due to federal preemption, the Hawaii State inspectors are not notified, and cannot inspect or treat these commodities. The Ohia rust is an airborne disease which has the potential of killing the ohia trees in the native forests of Hawaii within two years of introduction, similar to the disease that impacted the rose apple trees.

The federal agencies use "actionable" pest lists to define what is allowable or not allowable to enter into the United States. However, this list is not provided to the states, which makes coordinated federal-state prevention efforts difficult. In fact, initial estimates indicate that over 3,000 pests (insects and diseases) which are allowed into the United States by the federal border agencies, do not occur in Hawaii.

The invasive species problem and the inequities of the quarantine have been further exacerbated by the new free trade agreements and global economy. We appreciate the need for a global economy, and how Hawaii may benefit. However, the current USDA quarantine is a great barrier to Hawaii agriculture, tourism and trade. The quarantine was enacted prior to statehood and is not reasonable in today's global marketplace and needs to be modernized or eliminated. Especially, given the amount of similar commodities entering the U.S. from foreign countries with no or limited restriction.

Therefore, I would like to propose that the federal border agencies revamp their protocols, resources and staffing to a systems approach. Our proposal is to redirect federal resources to protect the border between Hawaii and the world rather than between Hawaii and the continental United States. This new systems approach would use the resources to protect the state, reduce pest pressure on Hawaii's agriculture, and provide USDA funding for treatment of exported Hawaii products similar to USDA's treatment of incoming foreign commodities. Our staff at the department of agriculture believes that such an approach will provide better protection of the continental U.S. and also provide a better agricultural environment for the State. This new approach must "integrate" the state and federal programs and use today's technological advancements to provide a better barrier for the state and the nation. A good start would be the finalization, implementation and funding of the July 2007, "Pathway Analysis of Invasive Species Introduction into the State of Hawaii," by USDA Center of Plant Health Science and Technology. In addition, I have attached recent laws relating to biosecurity and mitigation funding for your review.

The present problem is severe and impacts are dramatic and life-changing. The future, though, may be even more dire. Slow, piecemeal action will not be sufficient. Drastic improvements must be made now to stem the tide of invasive species. Therefore, we support your "Safeguarding American Agriculture Act of 2011," in that; it takes immediate action to improve the federal quarantine system and to protect the U.S. agriculture industry.

Attachments:

Pathway Analysis of Invasive Species Introduction into the State of Hawaii  
Hawaii Revised Statutes and invasive species funding summary  
Hawaii's Biosecurity System: Protecting Hawaii from Invasive Species

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 4:51 PM  
**To:** CPCtestimony  
**Cc:** gordines@kauaiflowers.com  
**Subject:** \*Submitted testimony for HB1325 on Feb 14, 2017 14:00PM\*

**HB1325**

Submitted on: 2/13/2017

Testimony for CPC on Feb 14, 2017 14:00PM in Conference Room 329

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

Comments:

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