

HB 1301, HD2

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 SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**MARCH 13 2017
1:15 P.M.
CONFERENCE ROOM 224**

**HOUSE BILL NO. 1301 HD1
RELATING TO INVASIVE SPECIES**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1301 HD1, which states that a person who knowingly or inadvertently as determined by HISC introduces an invasive species is financially liable for the eradication of the invasive species. The Department offers comments on this measure and defers to HISC.

While the Department appreciates the intent of this bill, it may be difficult, in most cases, to affix or assign any responsibility associated with the introduction of invasive pest species. In general, invasive pest species are often observed well after the pest is established in the State. Additionally, in the event that responsibility can be assigned, the cost for prosecution of the alleged guilty party may end up being costlier than it would be if the money set aside for prosecution was, in fact, dedicated to containment and/or eradication of the invasive pest species itself.

If the Legislature is intent on passing this measure, then we defer to the Department of Land and Natural Resources on any changes to language in the measure that would allow more flexibility in the enforcement of the ensuing law.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT**

**Monday, March 13, 2017
1:15 PM
State Capitol, Conference Room 224**

**In consideration of
HOUSE BILL 1301, HOUSE DRAFT 2
RELATING TO INVASIVE SPECIES**

House Bill 1301, House Draft 2 proposes to allow the Hawaii Invasive Species Council (HISC) to determine that an individual who introduces an invasive species to the State be held strictly liable for eradication expenses. **The Department of Land and Natural Resources (Department) supports this measure.**

In some situations, the cost of responding to an invasive species can be a barrier to eradication, and the Department recognizes the value in having the ability to recuperate costs in certain situations. The Department is the administrative host of the HISC and appreciates this additional tool for facilitating invasive species response.

Thank you for the opportunity to comment on this measure.

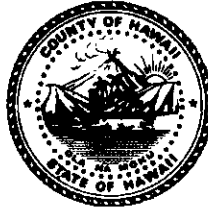
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
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March 10, 2017

Senator Mike Gabbard
Agriculture and Environment
Hawai'i State Capitol
Honolulu, HI 96813

Dear Chair Gabbard and Members:

RE: Invasive Species

HB 186 HD1 Relating to Coffee Berry Borer Beetle

HB 481 HD1 Relating to Invasive Species

HB 1301 HD2 Relating to Invasive Species (Liability)

HB 1339 HD1 Relating to Invasive Species Program Administration


You have several bills on today's agenda dealing with invasive species, including HB 186 HD1; HB 481 HD1; HB 1301 HD2; and HB 1339 HD1. Although I am reluctant to single out one bill over another, and defer to your good judgment as to the merits of each, I do want to urge that funding to fight the coffee berry borer beetle (HB186) and little fire ants (HB481) should be approved if at all possible.

Beyond that, I primarily want to thank you for the attention that this issue is getting from you. The Council of Mayors has identified invasive species as a top-priority that deserves all our attention. Even our best efforts are often inadequate to protect our islands from harmful pests, and limited resources make it imperative that we work together in pursuing solutions to what often seem intractable problems.

Mike Gabbard
Agriculture and Environment
March 10, 2017

With the possible exception (so far) of the parakeet problem, it seems that Hawaii County has suffered a disproportionate share of the damage caused by invasive species, including coffee berry borer beetle, little fire ants, coqui frogs, rapid ohia death and probably others. But all our islands, and all our constituents, are at risk. My primary request to you would be "Please don't give up." As a county, we do not have the resources or expertise to fight these devastating invaders on our own. We need as much assistance from you as you can offer.

Respectfully submitted,


Harry Kim
Mayor



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March 13, 2017

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON HB 1301, HD2
RELATING TO INVASIVE SPECIES

Room 224
1:15 PM

Aloha Chair Gabbard, Vice Chair Riviere, 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.

Hawaii Farm Bureau appreciates the intent, however opposes this measure due to serious concerns about unintended consequences related to HB 1301, HD2.

It is incumbent on everyone to participate in protecting Hawaii from invasive species. This measure assumes that a person importing a product can be proven to be directly associated with the introduction of a new invasive organism. HFB agrees with the Hawaii Department of Agriculture that such a connection will be difficult to prove.

Our nursery growers import material from certified entities. Yet, we know, invasive species such as the little fire ant can easily hitchhike along the way, e.g. at a cargo yard waiting for transport. As the importing entity, this measure will provide significant risk to our nursery growers who believe they are importing material from a clean entity. The measure specifically states that liability could fall on a "person or entity knowingly or **inadvertently** introduced ..." We question how a person could be guilty if the introduction is inadvertent and the person took precautionary measures to prevent introduction.

Education and outreach at home and across the borders, early detection, and eradication measures seem to be a better use of resources to achieve the goal of protecting Hawaii from invasive species.

HFB appreciates the intent of the crafters of this measure to increase awareness of people and entities to prevent invasive species introduction. However, the unintended consequence of prosecuting entities inadvertently involved in the introduction of invasive species is significant and must be considered during deliberations.

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

TESTIMONY OF ALISON UEOKA

COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Gil Riviere, Vice Chair

Monday, March 13, 2017
1:15 p.m.

HB 1301, HD2

Chair Gabbard, Vice Chair Riviere, and members of the Committee on Agriculture and Environment, my name is Alison Ueoka, president of the Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

The Hawaii Insurers Council **opposes** HB 1301, HD2.

The bill imposes strict liability on any person or entity for all expenses necessary to eradicate an invasive species that did not have a physical presence in the State prior to the effective date of the law.

The cost to defend against an allegation, as well as the liability for expenses imposed by the Hawaii Invasive Species Council, would be astronomical, whether the costs and liability are borne directly by the person or entity or by an insurance company. If an insurance policy is called upon to defend the person or entity and required to pay for the liability imposed, there could be a direct and detrimental impact on the pricing and availability of insurance policies in the State.

The imposition of strict liability is especially unfair when travelers inadvertently carry a seed, insect or other tiny invasive species on their luggage or on the soles of their

shoes, for example. Under the bill, these travelers (and, potentially, their insurers) would be compelled to incur large legal expenses and ordered to pay millions of dollars of eradication expenses. This poses an unfair burden on persons and entities who had no knowledge of their role in the introduction of invasive species.

Therefore, the Hawaii Insurers Council requests that this bill be held.

Thank you for the opportunity to testify.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Agriculture and Environment
By the Conservation Council for Hawai'i
Hearing: Monday, March 13, 2017 8:15 pm
Room 224

Support for HB 1301 HD 1 Relating to Invasive Species

Chair Gabbard, Vice Chair Riviere, and Members of the Committee,

Aloha. The Conservation Council for Hawai'i supports HB 1301 HD 1, which provides that a person or entity that is determined by the Hawai'i Invasive Species Council to have introduced an invasive species into the state may be strictly liable for all or part of the expenses to eradicate the invasive species from the state.

Experts recommend a minimum investment of \$50 million a year to, essentially, implement the Hawai'i Interagency Biosecurity Plan. The plan includes the most important actions we can take to prevent invasive species from entering the islands and prevent the spread of invasive species already here. Entities that introduce invasive species intentionally or inadvertently through carelessness and disregard for the law should be responsible for cleaning up their mess, assuming the invasive species in question can be eradicated.

Protect Hawai'i from invasive species. Please pass HB 1301 HD 1.

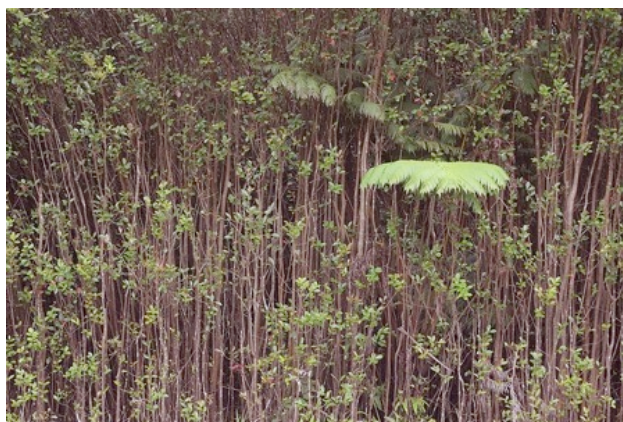
Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



Invasive ants attacking wedge-tailed shearwater chick.



Strawberry guava invading native 'ohi'a lehua forest.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 10, 2017 3:26 PM
To: AEN Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1301 on Mar 13, 2017 13:15PM*

HB1301

Submitted on: 3/10/2017

Testimony for AEN on Mar 13, 2017 13:15PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	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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