

DAVID Y. IGE
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State of Hawaii
DEPARTMENT OF AGRICULTURE
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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 AGRICULTURE

FEBRUARY 3, 2017
8:30 A.M.
CONFERENCE ROOMN 312

HOUSE BILL NO. 1301
RELATING TO INVASIVE SPECIES

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1301, 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**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
AGRICULTURE**

**Friday, February 3, 2017
8:30 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 1301
RELATING TO INVASIVE SPECIES**

House Bill 1301 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) offers the following comments.**

The Department is the administrative host of the HISC and recognizes the value in having the ability to recuperate the cost of invasive species eradications in certain situations. The Department notes that demonstrating individual responsibility for introduction of an invasive species can be challenging or often not possible and that in some circumstances the potential costs of legal actions relating to this measure could exceed the cost for control. The Department suggests amending the proposed language on line 12 be amended to read:

"then the person or entity [~~shall~~] **may** be strictly liable for all **or part of the** expenses necessary to eradicate the introduced invasive species from the State."

The Department appreciates the opportunity to provide these comments.

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
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February 2, 2017

LATE

TO: Honorable Richard P. Creagan, Chair
Honorable Lynn DeCoite, Vice Chair
House Committee on Agriculture

FROM: Robert Carroll
Council Member

DATE: February 2, 2017

SUBJECT: SUPPORT OF HB 1301, RELATING TO INVASIVE SPECIES

Thank you for the opportunity to testify as an individual in support of this important measure. The purpose of this measure provides that a person or entity that is determined by HISC to have introduced an invasive species into the State is financially liable (strict liability) for the eradication of the invasive species.

I support this measure for the following reasons:

1. By amending Chapter 194, Hawaii revised Statutes with adding the new section, '*Strict Liability for the Introduction of Invasive Species*' gives the council a clear outline to determine if a person or entity is in violation.
2. The amendment guides the council to follow the notice and public hearing requirements under chapter 91 before it makes a determination pursuant to this section. This allows the person or entity under chapter 91 to contest or appeal the determination.
3. If determined in violation, this will strictly enforce the person or entity to be financially liable for all expenses necessary to eradicate the introduced invasive species from the State.
4. The State has suffered much destruction and has carried this financial expense. This is a fair and necessary amendment.

For the foregoing reasons, I support this measure.

RC:dna



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the House Committee on Agriculture
By the Conservation Council for Hawai'i
Hearing: Wednesday, February 3 2017 8:30 am
Room 224

Support for HB 1301 Relating to Invasive Species

Chair Creagan, Vice Chair DeCoite, and Members of the Committee,

Aloha. The Conservation Council for Hawai'i supports HB 1301, which provides that a person or entity that is determined by HISC to have introduced an invasive species into the State is financially liable (strict liability) for the eradication of the invasive species.

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.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



Strawberry guava invading native 'ohi'a lehua forest.



Invasive ants attacking wedge-tailed shearwater chick.

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Treasurer: Les Welsh | Director: Anne Walton
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



TESTIMONY OF ALISON UEOKA

COMMITTEE ON AGRICULTURE
Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair

Friday, February 3, 2017
8:30 a.m.

HB 1301

Chair Creagan, Vice Chair DeCoite, and members of the Committee on Agriculture, 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.

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.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 3:43 PM
To: AGRtestimony
Cc: gordines@kauaiflowers.com
Subject: *Submitted testimony for HB1301 on Feb 3, 2017 08:30AM*

HB1301

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Gordines	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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