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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 31, 2017
8:30 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 228
RELATING TO INVASIVE PLANTS

House Bill 228 proposes to require the Hawaii Department of Agriculture (HDOA) to designate any plant that has been rated as "high-risk" by the Hawaii-Pacific Weed Risk Assessment (HPWRA) as a noxious weed and a restricted plant. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department provides support for the HPWRA via the Hawaii Invasive Species Council, and recognizes the HPWRA's value as a tool for quantifying the potential for plants to be invasive in Hawaii. Its use to date has been voluntary, as an aid to agencies, businesses, and individuals in making safe purchasing and planting decisions. The Department recognizes that HPWRA scores could be utilized as part of the justification for regulatory designations regarding import and sale, but notes that other factors should be considered such as cultural importance, economic value, and whether a species is currently widespread in Hawaii. The Department appreciates efforts to reduce the introduction, spread, and sale of invasive plants, and defers to HDOA on how HPWRA scores should be utilized in relationship to HDOA's list of restricted plants and noxious weeds.

The Department appreciates the opportunity to provide these comments.



The House of Representatives
Committee on Agriculture
January 31, 2016
8:30 a.m., Conference Room 325
State Capitol

Comments on HB 228

Aloha Chair Lee, Vice Chair Lowen, and Committee Members,

The Coordinating Group on Alien Pest Species (CGAPS) **offers the following comments on HB 228, *Relating to Invasive Species***, which aims to simplify the listing process for the designation of plants to the restricted plants list and the noxious weeds list using an objective rating system, and thereby prevent the importation, sale, and uncontrolled spread of invasive species throughout the State.

The legal framework regulating plant importation into Hawai‘i does not adequately mitigate the risk of new plants becoming invasive once they are here. This proposed legislation attempts to address this long-standing gap in Hawai‘i’s biosecurity policies. CGAPS offers the following comments on this draft:

The Hawai‘i Pacific Weed Risk Assessment (HPWRA) is an excellent risk assessment tool which is highly accurate at identifying plants that are a high risk for becoming invasive in Hawai‘i. However, there are a number of non-native plant species that the HPWRA scores as high risk that are present and important, including some turf grasses, coffee, and others. Looking to New Zealand, their process incorporates an independent Weed Risk Assessment which is provided to a decision-making body comprised of nursery industry, conservation, and other interests to weigh the potential risks and benefits of restricting a plant species.

Page 4 (c): The existing language in this section is intended to regulate plant imports that may inadvertently carry pests or diseases. Changing “may” to “shall”, and the removal of the word “specific” could have unintended consequences. For example, pineapples and grasses are currently restricted for importation because of the pests they may carry; however, with proposed wording, HDOA would have to regulate or prohibit their sale.

One final comment is that except those plants on the Federal Noxious Weed list, or those that are designated as restricted through other Federal mechanisms, the importation of plants from foreign sources into the U.S., including Hawai‘i, is largely protected under the Plant Protection Act, and the U.S. Commerce Clause. There is a reasonable chance that if this bill passes, it could only apply to domestic plant imports or face a challenge.

This issue has been one of the most challenging to address. With the help of private foundation funds, CGAPS is attempting to address parts of the invasive plant issue. We are happy to provide more information on the scope of our project and intended outcomes, if desired.

Mahalo for your consideration.

Aloha,
Christy Martin, CGAPS

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 1:11 PM
To: EEPtestimony
Cc: mz@conservehi.org
Subject: Submitted testimony for HB228 on Jan 31, 2017 08:30AM

HB228

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Conservation Council for Hawai'i	Support	No

Comments: We support HB 228. Invasive species are the most significant threat to our quality of life; natural resources, including essential watersheds; living Hawaiian culture; and the economy. HB 228 saves money by eliminating the need for risk assessments of destructive invasive plants and weeds that have already been conducted. Why recreate the wheel? We need to ban the import, sale, and spread of invasive plants that harm us and make it easier to do so quickly. Please pass HB 228. Mahalo nui loa for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 11:20 AM
To: EEPtestimony
Cc: sue.leeloy@hawaiicounty.gov
Subject: *Submitted testimony for HB228 on Jan 31, 2017 08:30AM*

HB228

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Susan L.K. Lee Loy	Individual	Support	No

Comments:

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Sent: Monday, January 30, 2017 8:35 AM
To: EEPtestimony
Cc: banillavean@yahoo.com
Subject: *Submitted testimony for HB228 on Jan 31, 2017 08:30AM*

HB228

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Prior	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 10:39 PM
To: EEPtestimony
Cc: williamrandysmith@gmail.com
Subject: *Submitted testimony for HB228 on Jan 31, 2017 08:30AM*

HB228

Submitted on: 1/27/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William R Smith	Individual	Support	No

Comments:

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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 ENERGY & ENVIRONMENTAL
PROTECTION**

JANUARY 31, 2017
8:30 A.M.
CONFERENCE ROOM 325

**HOUSE BILL NO. 228
RELATING TO INVASIVE PLANTS**

Chairperson Lee and Members of the Committee:

Thank you for the opportunity to present testimony on House Bill 228. This bill would mandate the Department of Agriculture to perform specified tasks to address the designation of plants deemed high risk according to the Hawaii Pacific Weed Risk Assessment (HPWRA) as noxious weeds, pests, and pests for eradication and control. The Department supports the intent of the measure but has concerns.

The prevention of the introduction of invasive species into the State as well as controlling, mitigating, and eradicating where possible, existing invasive species populations are some of the main responsibilities of the Department. As such, the Department would like to point out that many of the mandates within the bill such as: re-defining pests, determination of noxious weeds, and designating pests for eradication and control already exist within the Hawaii Administrative Rules chapters 4-68 and 4-69A.

The Department is concerned with language in the bill that stipulates that all plants designated as high risk according to the HPWRA be automatically be designated as a pest, as a restricted plant and as noxious weed. Designated pests and noxious weeds each have differing requirements for control or eradication. By automatically designating plants as noxious weeds or pests for eradication or control, it would require the Department to control or eradicate many plants that are far beyond control or eradication wasting limited manpower and resources.

This bill's blanket requirement to automatically designate all plants found to high



risk via the HPWRA would also eliminate the public's ability to provide comments during the rule making process. The Department is mandated to follow Chapter 91, Hawaii Revised Statute (HRS), Administrative Procedures, to allow the public to comment on rule amendments. As the administrative rules already have specific processes to designate pests for eradication and control and as noxious weeds, there is no need for statutory change.

Thank you for the opportunity to testify on this measure.



LATE

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SUPPORTING H.B.228, RELATING TO INVASIVE PLANTS
HOUSE COMMITTEE ON AGRICULTURE
FRIDAY, JANUARY 31, 2017, 8:30 AM, ROOM 325

The Big Island Invasive Species Committee (BIISC) is a partnership of private citizens and public agencies working to address invasive species issues on the island of Hawaii. Our mission is to address the highest risk invasive species threats to the Big Island environment, economy, and way of life.

Dear Chair Creagan and Vice Chair DeCoite:

Aloha. After lengthy discussion with many colleagues, we have concluded that this bill provides a simple and direct solution to the problem of invasive plants being legally imported and legally sold throughout the state of Hawaii, and offer our strongest support.

Invasive plants sales have continued despite the legislature's clear intent to stop them through amendments to the plant quarantine law in this decade, and through adoption of the noxious weed law decades ago. These statutes, like the bill considered today, reflect growing public understanding and scientific evidence that certain plants, such as albizia, miconia, and fountain grass, when transplanted outside of their native range, can become harmful invasive pests with real economic and ecological impacts.

In contrast, the plant regulatory rules inherited by this department are outdated and complex, making it almost impossible for the department to now address the threat of new invasive plants without legislative intervention.

- Although HRS 141 allows HDOA to regulate plants as organisms which might cause harm, HDOA rules have never regulated plants in the way they regulate animals, insects, fungi, or disease pathogens.
- Rules meant to support HRS 150A miss the mark by viewing plants merely as potential hosts of insect and disease organisms, not as potential pests themselves. The plant species are not regulated, just the bugs on them.
- The Noxious Weeds Law (HRS 152) describes the department's duty to maintain vigilance and attempt to eradicate noxious weeds appearing in new areas, but the listing procedure created by rule is so burdensome that new plants are never added—Never! Without the ability to frequently update to the Noxious Weeds List in an objective, streamlined manner, the department has no mandate or ability to respond to new invasive plants.



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We understand the argument that plant regulation can be a complicated matter with potential economic costs. However, eradicating the invasive species which are imported and legally sold in this state is also a complicated activity with known economic costs. Our early detection and rapid response program costs over half a million dollars each year on the Big Island alone, and yet we lack the resources to address several high-impact species that we *know* will cause problems in the future. We can predict their future behavior because we have observed their impacts other islands or districts in Hawaii, or because they scored “high-risk” on the HPWRA, a predictive invasive species screening tool.

The Hawaii Pacific Weed Risk Assessment (HPWRA) has been used by conservation programs including the Invasive Species Committees for over 15 years, to identify high-risk plants that should be targeted for eradication or control. It is objective, based on scientific observations, and was determined to be 95% accurate at identifying plants that will become invasive if introduced to Hawaii. Using it to automatically list plants ranked “high risk” is simple, objective, and cost-effective. The small percentage of plants that are ranked high risk, but have significant, established economic value in the state, can be exempted by inserting a clause somewhere in the listing process. Any exemptions should be limited to crops of real economic value to the state, using an objective measure, and consider mitigation requirements.

This bill, if implemented, will change the regulatory perspective on invasive plants. Currently, small conservation organizations and the Invasive Species Committees must beg, year after year, for common sense limits on plant imports and the funds to clean up the mess. Why shouldn't importers have to petition for the right to introduce a harmful invasive plant for their profit? Why shouldn't they describe how they will mitigate impacts to our watersheds, native forests, traditional and customary practices, agricultural fields, and economy?

Mahalo for your time and consideration.



HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 31, 2017 8:30AM Room 325

In SUPPORT HB 228 Relating to Invasive Plants

Aloha Chairman Lee and members of the Energy & Environmental Protection Committee,

On behalf of our 20,000 members and supporters throughout the state the Sierra Club of Hawai'i strongly supports HB 228, which seeks to simplify the listing process for the designation of plants to the restricted plants list and the noxious weeds list.

The Hawai'i pacific weed risk assessment is an objective proactive screening tool that is extremely effective at identifying plants that pose a high risk of causing ecological or economic harm. This process allows for a determination that, a particular plant species will likely be invasive in Hawai'i, be made prior to the plant being introduced into the state.

As pointed out in the bill itself, due to the complex listing process, plants that are already known to be highly invasive can still legally be imported into Hawai'i. By requiring that plants that have been rated as high risk according to the Hawai'i pacific weed risk assessment automatically be added to the list of restricted plants and that the list be updated annually, we believe that this bill will be very effective in helping to protect our natural resources and unique environment.

Thank you very much for this opportunity to provide testimony on this important issue.

Mahalo,

Marti Townsend
Director