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

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

**APRIL 13, 2018
10:15 A.M.
CONFERENCE ROOM 312**

**SENATE CONCURRENT RESOLUTION NO. 167 SD1
REQUESTING THE BOARD OF AGRICULTURE TO REVIEW AND UPDATE THE
IMPORT PERMIT PROCESS FOR ALL AGRICULTURAL COMMODITIES AND
SUBMIT A REPORT TO THE LEGISLATURE RECOMMENDING ANY REQUIRED
LEGISLATIVE CHANGES TO THE IMPORT PROCESS**

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify SCR 167 SD1 that requests the Board of Agriculture to submit a report to the Legislature the Department of Agriculture's review and update of the import permit process for all agricultural commodities. The Department of Agriculture offers comments.

The Department notes that the Resolution's findings in support of the proposed changes are largely based on statements that, in the Department's view, are either not well founded or are inaccurate.

First, as to statements in SCR 167 SD1 of reported failure to timely issue aquaculture import permits, to our knowledge, the Department has complied with the maximum time limit requirements for processing these applications. There may be misunderstanding on the part of some applicants as to how the import review process works. However, the Department believes it has timely issued permits for completed applications that: (a) complied with applicable review procedures; (b) qualified for import of aquaculture species for purposes allowed by the Department's rules; (c) had appropriate permit conditions established by the Board of Agriculture; and (d) were



approved by the Board of Agriculture or at the administrative level, as applicable. Permits are not issued if the foregoing requirements are not met.

The Department's administrative rules for non-domestic animal import do set timeframes for permit issuance or disapproval relative to the date a completed application is accepted. Those timeframes were met as to applications for aquaculture import that complied with the requirements described above. For instance, for aquaculture import requests which otherwise qualify and for which permit conditions have already been approved by the Board review process, the timeframe requirement is within 90 days of acceptance of a completed application. The Department's Plant Quarantine Branch normally issues these kinds of permits within two to three weeks from acceptance of a completed application, if not sooner.

For import of the first species of its kind into the State or for a new purpose or using a new technology, or that otherwise raises risk issues, the Board of Agriculture's three-tiered review process comes into play and this review will take longer. The risk and mitigation issues are identified and analyzed by the Board's advisory technical experts who have relevant scientific expertise and they make recommendations to address the risks associated with the requested import, recommendations that can include requiring facility biosecurity modifications or procedures, best management practices, or other mitigative measures through permit conditions. If the Board approves the import permit application, the Board must establish appropriate permit conditions before the permit can be issued. As a result, the applicant's initial effort with the Plant Quarantine Branch in proceeding through the Board review process is well worth the time to protect Hawaii's environment and affected industries and will allow quick administrative approval of the applicant's future import permit requests for the same item, as well as other applicants' requests if they are essentially the same. Essentially, the review that is conducted is a risk assessment that is specific to the applicant, their facility, species and proposed use.

Although the review process can be lengthy, especially where scientific issues may be in dispute, the process is designed to protect Hawaii's environment and its affected industries, through conscientious scientific screening, from the potential risks of importing alien pest species. The Plant Quarantine Branch is aware that approving

import of desired aquaculture species may result in potentially significant economic benefits to the State, and may represent an important step toward achieving the State's local food production and sustainability goals. However, unregulated or less than careful import of these aquaculture species would be a risky proposition for the aquaculture industry in terms of the disease threat, and for Hawaii's environment, native species, and natural resources in terms of the potential threat of invasive species.

We note that the Penaeid Shrimp industry has worked with the Department to develop, implement, and maintain appropriate permitting standards and to establish and maintain strict biosecurity protocols to ensure that the industry is protected from the introduction and intrastate spread of potentially devastating diseases. As a result, there are no delays to import permit issuance for Penaeid Shrimp, and the industry is able to safely and properly import the stock needed to maintain disease-free production.

The Department recognizes that there was concern over the length of time it took to process a rule amendment requested by some aquaculture businesses to allow import of the Nile Tilapia, *Oreochromis niloticus*, for commercial production. Much of the delay is attributed to the Reduction in Force (RIF) in 2010, which resulted in several retirements and vacancies in key positions that were responsible for handling the requested Nile Tilapia rule amendment. These vacant positions were not permanently filled until December of 2016. Despite these challenges, the Nile Tilapia rule amendment is currently being prepared for the Governor's signature, and after the rule amendment takes effect, import permit applications for Nile Tilapia for commercial production can be received and processed. The Plant Quarantine Branch has made much needed strides toward filling vacancies throughout the Branch, especially in the Inspection and Compliance Section, which oversees import permit issuance.

The Plant Quarantine Branch continues to update administrative rules, including expanding the Quarantine for Coffee Berry Borer, addition of a new subchapter to address Rapid Ohia Death, and most recently, the list changes to Nile Tilapia, House Cricket and assorted housekeeping measures. The Branch intends to continue this effort.

As the Department sees it, the current Board review process is already risk based and fluid enough to address non-domestic animal, plant and microorganism

importation and the various uses of these organisms within the State, with permits being issued and completed in a timely fashion. Additionally, current permit conditions already include language that allows applicants to utilize facility-specific best management practices to address biosecurity risks based on the species and proposed use of that species.

Thank you for the opportunity to comment on this resolution.

SCR-167-SD-1

Submitted on: 4/12/2018 5:30:24 AM

Testimony for AGR on 4/13/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Richard P. Creagan, Chair; the Honorable Lynn DeCoite, Vice-Chair and Members of the Committee on Agriculture:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SCR167 SD1** relating to the Board of Agriculture to review and update the import permit process for all agricultural commodities.

The OCC on Legislative Priorities is in favor of **SCR167 SD1** and supports its adoption.

SCR167 SD1 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requests the Board of Agriculture to review and update the import permit process for all agricultural commodities and submit a report to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2019, recommending any required legislative changes to the import permit process; and the review and update of the import permit process consider at least: (1) updating the Plant Quarantine Branch's administrative rules pursuant to chapter 91, Hawaii Revised Statutes, to reflect current industry conditions and needs; (2) adopting the proposed risk-based import framework for aquaculture and expanding it to all import categories; (3) developing best management practices applicable for all agriculture industries for integration into permit conditions; and (4) updating the import permit lists using risk assessments to remove existing species or add new species.

The Platform of the DPH provides that: "We support adequate resources to address the various invasive species on this island beginning at point of entry." (Platform of DPH, P.3, Lines 112-113 (2016)).

"Agriculture in our state must be preserved and its future strengthened. Sufficient prime agricultural lands must be maintained for the health, economic well-

being and sustenance of the people. We believe in an integrated approach to agricultural innovation and sustainability. We encourage the responsible development of ocean resources in order to achieve sustainability of our marine resources, and ensure and improve the health of our reef and marine life.

This approach includes, but is not limited to, the adoption of the native Hawaiian concept of ahupua'a, an integrated approach to land management. This could also include development of economic, land and ocean use policies that foster sustainable crops both for local consumption and for export, policies to foster agriculture-related infrastructure at shipping points, and increased inspection to protect against invasive species and to encourage reduced holding times.

We will promote ethical and safe production of livestock, dairy products, poultry and eggs." (Platform of DPH, P.2, Lines 76-88 (2016)).

We support the growth of Native Hawaiian farming, agricultural and healing practices. We value and wish to foster the preservation of our host culture. (Platform of DPH, P.7, Lines 213-214 (2016)).

Given that **SCR167 SD1** requests the Board of Agriculture to review and update the import permit process for all agricultural commodities and submit a report to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2019, recommending any required legislative changes to the import permit process; and that the review and update of the import permit process consider at least: (1) updating the Plant Quarantine Branch's administrative rules pursuant to chapter 91, Hawaii Revised Statutes, to reflect current industry conditions and needs; (2) adopting the proposed risk-based import framework for aquaculture and expanding it to all import categories; (3) developing best management practices applicable for all agriculture industries for integration into permit conditions; and (4) updating the import permit lists using risk assessments to remove existing species or add new species, it is the position of the OCC on Legislative Priorities to support its adoption.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja
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