

SCR 167

REQUESTING THE BOARD OF AGRICULTURE TO
SUBMIT A REPORT TO THE LEGISLATURE

Measure Title: DETAILING A PLAN TO IMPROVE THE IMPORT
PERMIT PROCESS FOR ALL AGRICULTURAL
COMMODITIES.

Report Title: Requesting the Board of Agriculture to submit a
report to the Legislature detailing a plan to
improve the import process for agricultural
commodities, including those relating to
aquaculture.

Description:

Companion:

Package: None

**Current
Referral:** AEN, CPH

Introducer(s): DELA CRUZ, GALUTERIA, Kidani

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

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

**BEFORE THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION
& HEALTH**

**APRIL 3, 2018
10:00 A.M.
CONFERENCE ROOM 229**

**SENATE CONCURRENT RESOLUTION NO. 167/SENATE RESOLUTION NO. 126
REQUESTING THE BOARD OF AGRICULTURE TO SUBMIT A REPORT TO THE
LEGISLATURE DETAILING A PLAN TO IMPROVE THE IMPORT PERMIT PROCESS
FOR ALL AGRICULTURAL COMMODITIES.**

Chairperson Baker and Members of the Committee:

Thank you for the opportunity to testify SCR 167/SR 126 that requests the Board of Agriculture to submit a report to the Legislature detailing a plan to improve the import permit process for all agricultural commodities. The Department of Agriculture offers comments.

First, as to statements in SCR 167/SR 126 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.

If, as these Senate Resolutions request, require the implementation of risk-based assessments for all import categories, it will eliminate the specificity in the review process and could impose unnecessary restrictions on certain users because they may be placed into a category that imposes restrictions that may not be specific to their site

or practices. The use of a risk based framework for list placement of species would still require adhering to the requirements of chapter 91 and would not necessarily speed up the listing process, and depending on the risk assessment used, could automatically make certain desirable species ineligible for commercial use. By mandating specific best management practices, many smaller farmers may be unable to meet the pre-determined requirements that will be needed to address proper biosecurity practices for the specific species proposed for import and would preclude the use of additional or alternative best management practices. 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 these resolutions.

SCR-167

Submitted on: 4/2/2018 8:02:27 AM

Testimony for CPH on 4/3/2018 10:00:00 AM

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

Comments: