HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

H.C.R. NO. 189

HOUSE CONCURRENT RESOLUTION

URGING STATE AGENCIES TO WORK TOGETHER WITH STAKEHOLDERS, INCLUDING THE HONOLULU HARBOR USERS GROUP, TO ASSESS THE RISK TO HAWAII FROM AQUATIC INVASIVE SPECIES, ITS VECTORS, AND POSSIBLE METHODS OF MITIGATION, IN PREPARATION FOR 2022.

WHEREAS, Hawaii depends on a healthy marine environment and ecosystem to support its unique cultural and recreational practices, to preserve the quality of life of its residents, to support local businesses that rely on Hawaii's marine resources, and to provide a habitat and sustenance for many native species, many of which are endemic to Hawaii; and

WHEREAS, healthy reefs protect homes and infrastructure by mitigating the impact of storm events; and

WHEREAS, nearshore marine environments support Hawaii's tourism, aquaculture, and fisheries industries, which generate an estimated $4,000,000,000 in gross revenue per year; and

WHEREAS, aquatic invasive species have proven to be devastating to some nearshore reef environments both in Hawaii and worldwide, harming marine ecosystem function, public health, and associated industries; and

WHEREAS, the recognized vectors for the introduction of aquatic invasive species to Hawaii's marine environment are vessel ballast water, or the water that sometimes contains sediments that is held in tanks and cargo holds of ships to increase vessel stability and maneuverability during transit, and biofouling, or the gradual accumulation of waterborne organisms on the surfaces of engineering structures in water that contributes to corrosion of the structures and to a decrease in the efficiency of moving parts; and

WHEREAS, the vectors of vessel ballast water and biofouling account for more than half of all non-native marine and estuarine species in the State, followed by escapees or purposeful introduction of non-native marine and estuarine species from aquaculture, pet trade, and research; additionally, arrival and possible establishment of species can occur via marine debris; and

WHEREAS, the Hawaii Interagency Biosecurity Plan 2017-2027 was developed through a public process and calls on state agencies and industry stakeholders to work together to close the gaps in Hawaii's biosecurity programs; and

WHEREAS, the Hawaii Interagency Biosecurity Plan 2017-2027 recognizes that programs for the prevention of invasive species introduction are far more effective than mitigation or eradication programs; and

WHEREAS, the Hawaii Interagency Biosecurity Plan 2017-2027 lists the vector pathways of biofouling and ballast water as areas in need of effective regulation and management, and it also calls for ten new positions to assess and manage the risk of these and other marine invasive species pathways; and

WHEREAS, the federal Vessel Incidental Discharge Act, signed into law on December 4, 2018, requires the Environmental Protection Agency and the United States Coast Guard to consult with states and, within four years, promulgate new regulations to establish federal standards of performance for marine pollution control devices for each type of discharge incidental to the normal operation of covered vessels, including ballast water, vessel biofouling, and the in-water cleaning of vessel hulls; and

WHEREAS, the federal Vessel Incidental Discharge Act allows states to pass regulations that are no more stringent than federal regulations and to co-monitor, inspect, test, and enforce federal regulations in coordination with the United States Coast Guard; and

WHEREAS, the State currently has one individual assigned to develop and implement Hawaii's ballast water and vessel

biofouling program, which aims to prevent the introduction and spread of marine invasive species from commercial and recreational vessels; and

WHEREAS, the United States Coast Guard does not currently test ballast water discharge, monitor the efficacy of installed ballast water management systems, inspect vessel hulls for biofouling, or regulate the in-water cleaning of vessel hulls; and

WHEREAS, purposeful introductions of species in Hawaii's marine environment for aquaculture, research, and the pet trade are regulated by the Department of Agriculture, yet many species may still escape or are released; and

WHEREAS, the Department of Health, pursuant to chapter 342D, Hawaii Revised Statutes, administers water pollution control regulations and enforces water quality standards, including incidental discharges, and these regulations may be preempted in 2022 by new federal standards developed pursuant to the federal Vessel Incidental Discharge Act; and

WHEREAS, the Department of Health is committed to protecting water quality for the public health of humans, marine life, and wildlife in the State and, therefore, the Department is committed to participating in a process to develop and implement a State ballast water and vessel biofouling program; and

WHEREAS, the Board of Land and Natural Resources, pursuant to chapter 200, Hawaii Revised Statutes, has the primary responsibility for administering the ocean recreation and coastal areas programs in the State, including programs relating to boating safety, conservation, search and rescue, and security of small boat harbor environs and, therefore, is committed to participating in a process to assess the risk to Hawaii from invasive aquatic species and their vectors, and to identify possible methods of mitigation; and

WHEREAS, the Department of Transportation Harbors Division is committed to protecting Hawaii's unique, fragile, and critical marine environment and, therefore, the Harbors Division

is committed to participating in a process to evaluate invasive species vectors, including commercial shipping vessels, prevention and mitigation alternatives, and quantification of resources needed to curtail or prevent the introduction of non-native species that have the potential to harm Hawaii's environment; and

WHEREAS, the maritime shipping industry is a significant component of the State's economy; and

WHEREAS, a high level of coordination between various state agencies and stakeholders will be required to assess the issues and find workable solutions as necessary; and

WHEREAS, commercial shipping companies have made great efforts to adopt mitigation technologies, including the use of fresh water ballast, application of less toxic protective hull coatings, and cleaning and reapplying coatings within recommended timeframes; and

WHEREAS, non-commercial vessels, including recreational vessels and fishing vessels, also move aquatic species through biofouling, and some through ballast water; and

WHEREAS, new federal standards and regulations that will come into effect by the end of 2022 will impact the State, therefore state agencies, vessel operators, and other stakeholders will need to work together to assess the risks and develop and implement aquatic non-native species vector control programs, as necessary; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019, the Senate concurring, that state agencies impacted by the forthcoming standards and regulations established pursuant to the federal Vessel Incidental Discharge Act are urged to work together with stakeholders, including the Honolulu Harbor Users Group, to assess the risk to Hawaii from invasive aquatic species and their vectors and to identify possible methods of mitigation; and

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BE IT FURTHER RESOLVED that the Department of Health, Department of Land and Natural Resources, and Department of Transportation Harbors Division are requested to submit to the Legislature a report of findings and recommendations, including any proposed legislation, no later than twenty days prior to the convening of the Regular Sessions of 2020, 2021, and 2022; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Chairperson of the Board of Land and Natural Resources, Chairperson of the Board of Agriculture, Director of Health, Director of Transportation, Director of the Office of Planning, and Dean of the University of Hawaii College of Tropical Agriculture and Human Resources.

OFFERED BY: _____

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