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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
GOVERNMENT OPERATIONS
and
AGRICULTURE AND ENVIRONMENT

Friday, March 22, 2019
1:30 P.M.
State Capitol, Conference Room 224

In consideration of
SENATE CONCURRENT RESOLUTION 155/SENATE RESOLUTION 121
URGING ALL APPLICABLE STATE AGENCIES TO WORK TOGETHER WITH
INTERESTED STAKEHOLDERS, INCLUDING THE HONOLULU HARBOR USERS
GROUP, IN ASSESSING THE RISK OF AQUATIC INVASIVE SPECIES TO HAWAII,
VECTORS, AND POSSIBLE MITIGATIONS, IN PREPARATION FOR THE
ESTABLISHMENT OF NEW FEDERAL STANDARDS IN 2022

Senate Concurrent Resolution 155/Senate Resolution 121 urges all applicable state agencies to work together with interested stakeholders, including the Honolulu Harbor Users Group, in assessing the risk of aquatic invasive species to Hawaii, vectors, and possible mitigations, in preparation for the establishment of new federal standards in 2022. **The Department of Land and Natural Resources (Department) strongly supports these measures.**

Section 187A-32, Hawaii Revised Statutes, designates the Department as the lead agency for preventing the introduction of alien aquatic organisms through the regulation of ballast water discharges and hull fouling. In 2014, the Smithsonian Environmental Research Center analyzed data from multiple studies and found that the top two vectors of marine alien species introductions into the state are ballast water and vessel biofouling (Davidson et al. 2014). Combined, these two vectors have inadvertently introduced nearly 80% of the 346 aquatic alien species currently established in Hawaii. Further, the data shows that the number of species arriving and becoming established is increasing.

The Hawaii Interagency Biosecurity Plan 2017-2027 (Biosecurity Plan) recognizes that vessel ballast water and hull biofouling are the two most important pathways for the arrival of new

marine species, and that they lack adequate protocols, standards and regulation to mitigate risks. Further, the Biosecurity Plan lists the need for a team to conduct risk assessments and regulate these two vectors.

The importance of managing the top two vectors of aquatic species introductions is to proactively protect Hawaii's aquatic resources and economy from potential invaders, which have been shown to negatively affect or collapse industries that rely on aquatic natural resources, including fishery, aquarium, tourism, and aquaculture industries, as well as property values. A peer-reviewed journal article estimated that the United States (US) loses more than \$120 billion dollars annually to addressing aquatic invasions (Pimental et al. 2005). A single species, the Zebra mussel, costs the US economy \$1 billion annually in control and eradication efforts. In addition, many aquatic invaders negatively affect the maritime industry by reducing a vessel's fuel efficiency and safety by creating drag on the propeller, hull, and intake valves/piping, thus increasing fuel consumption which consequently increases carbon emissions into the atmosphere. Furthermore, vessel-borne aquatic invaders have also been associated with the introduction of pathogenic diseases and toxic shellfish poisoning events that have led to mass human mortality, as well as other human suffrages such as permanent memory loss, fever, nausea, vomiting, and diarrhea.

The Biosecurity Plan is a road map to guide aquatic alien species prevention efforts. However, the passage of the federal Vessel Incidental Discharge Act (VIDA), on December 4, 2018, preempts states from setting their own regulations for these two vectors that are more stringent than the federal regulations. VIDA compels the Environmental Protection Agency (EPA) and the United States Coast Guard (USCG) to consult with the State on the development of national numeric compliance/performance standards and co-enforcement procedures for 35 discharges incidental to the normal operation of a vessel, including ballast water and biofouling, within the next four years. During this consultation period, the Department is determined to survey/test ballast water and assess vessel biofouling biosecurity risks in order to comprehensively inform the EPA and USCG on developing standards that protect the State of Hawaii from the further introduction and spread of aquatic alien species.

The Department recognizes the commercial maritime industry's important role in shipping vital products and consumable goods to support Hawaii's economy and growing population as well as its dedication to developing and implementing shipboard systems to prevent the spread of aquatic alien species. As such, the Department supports the Legislature's effort in urging Hawaii's agencies and stakeholder groups to work together in assessing the vectors of aquatic invasive species and developing mitigation measures. Fortunately, Hawaii is still a state where proper regulations for the top vectors of aquatic alien species can be established to protect the State's invaluable aquatic and cultural resources, preserve local businesses, and safeguard human health.

Thank you for the opportunity to comment on these measures.

Testimony of Ku'uhaku Park
On Behalf of Matson
Comments on SCR155 and SR121
Before the Committees on Government Operations and
Agriculture and Environment
March 23, 2019

Dear Chair Thielen, Chair Gabbard, Vice Chair Inouye, Vice Chair Ruderman, and Members of the Committees,

Thank you for the opportunity to provide comments on SCR155 and SR121, which urges state agencies to work with stakeholders, including the Hawaii Harbor Users Group, to assess the risk of aquatic invasive species to Hawaii.

As the resolutions note, the commercial maritime industry is an important component of the State's economy and commercial shipping companies have made great efforts to adopt mitigation technologies, including the use of freshwater ballast, application of less toxic protective hull coatings, and by cleaning and reapplying coatings.

Matson complies with federal and state standards regarding ballast water exchange and hull fouling. We are concerned that these resolutions do not include within its scope recreational vessels, which may also contribute to aquatic invasive species in Hawaii. We respectfully request that these resolutions be amended to include addressing threats from non-commercial vessels that enter Hawaii waters.

Thank you for considering our comments.

SCR-155

Submitted on: 3/20/2019 5:32:26 AM

Testimony for GVO on 3/22/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:



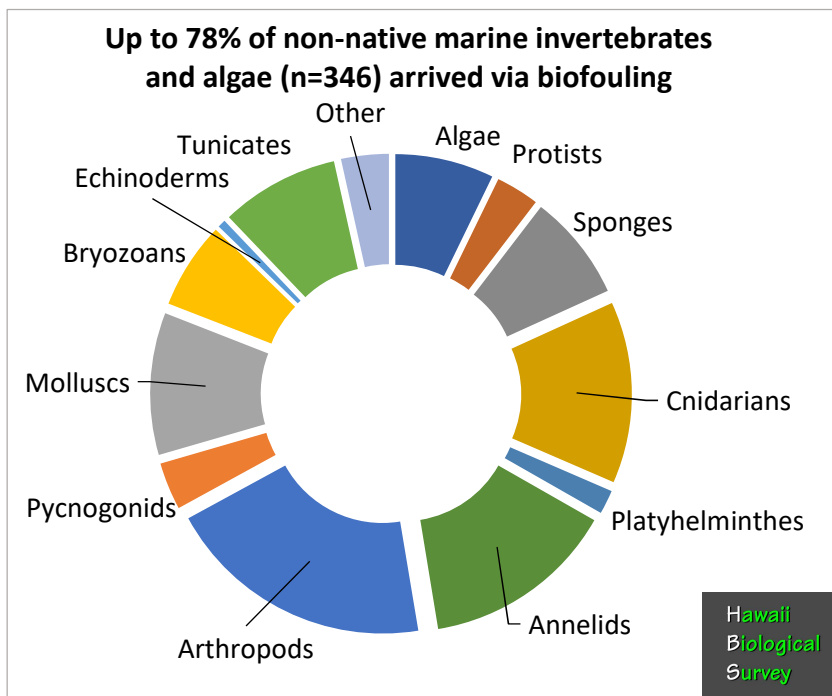
The Senate
 Committee on Government Operations
 Committee on Agriculture and Environment
 March 22, 2019
 1:30 p.m., Conference Room 224
 State Capitol

Testimony in Support of SCR 155/SR 121

Aloha Chairs Thielen and Gabbard, Vice Chairs Inouye and Ruderman, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) is in strong support of SCR 155/SR 121, *Urging all applicable state agencies to work together with interested stakeholders, including the Honolulu Harbor Users Group, in assessing the risk of aquatic invasive species to Hawai‘i, the vectors, and possible mitigations, in preparation for the establishment of new federal standards in 2022.*

Researchers at the Bishop Museum, University of Hawai‘i, Smithsonian Environmental Research Center, and Department of Land and Natural Resources-Division of Aquatic Resources (DLNR DAR) have built a solid body of work documenting non-native marine and estuarine species in Hawai‘i and the significant role that vessels play in the arrival and spread of new species. Vessel ballast water and biofouling (the species that attach to the hull and niche areas of vessels) are the primary sources of new marine species in Hawai‘i waters, and studies also show that arrivals are increasing.



DLNR DAR is the lead agency in addressing these two pathways and has been working to build a regulatory framework and capacity capable of reducing the risk of new species arriving and becoming established. The need for regulations and a ten-person team at DLNR DAR is reflected in the Hawai‘i Interagency Biosecurity Plan.

On December 4, 2018 the federal Vessel Incidental Discharge Act, or VIDA, was signed into law with the Coast Guard Authorization Act, and it compels a 4-year timeline for the EPA and US Coast Guard to set national standards and regulations for ballast water and underwater hull husbandry effluent which comes from in-water cleaning of vessel hulls (see Title IX, Vessel Incidental Discharge Act, <https://www.congress.gov/bill/115th-congress/senate-bill/140/text>).

Listed below are some key changes to the regulatory framework:

- Once the EPA and USCG develop national standards and regulations for ballast water, biofouling, and in-water cleaning effluent, state regulations that are more stringent will be preempted.
- VIDA does allow states to co-enforce federal regulations, and enact and enforce state regulations that are equal to or less stringent than federal standards. However, VIDA puts some restrictions on how states can raise funds to support co-enforcement.
- VIDA exempts commercial vessels under 79 feet and all fishing vessels from federal regulation of incidental discharges other than ballast water, and preempts states from regulating (thus they cannot be regulated for hull husbandry/in-water cleaning).
- The USCG has been the lead agency regulating ballast water for decades. However, the USCG does not take ballast water samples to conduct risk assessments or assess compliance or treatment efficacy as part of their vessel inspections. DLNR DAR has been planning risk assessment studies on ballast water to guide future work, and results can potentially inform national standards and regulations, however they lack the staff and capacity to achieve this.
- There are no federal standards, procedures, or programs in the EPA or USCG that conduct biofouling risk assessments, inspections, or that provide guidance on which vessels may conduct in-water cleaning. DLNR DAR has also been working on this with other states and international partners. They have the equipment and expertise to conduct inspections of vessel hulls, but do not have the staff and capacity to achieve this.

Since December, DLNR DAR and CGAPS staff have been working hard to analyze VIDA language and understand what the State can and should do to protect Hawaii's nearshore ecosystems and resources. We have been meeting with staff from federal and state agencies and representatives from the maritime industry, and we have agreed to work together to assess the situation and try to identify viable, acceptable solutions and report back to legislators in the years leading up full VIDA implementation. We would be grateful for your support of this resolution. Mahalo!

Aloha,

Christy Martin
Andrew Porter
CGAPS