

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
HEALTH**

**Tuesday, January 29, 2019
8:30 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 576
RELATING TO BIRDS**

House Bill 576 proposes to prohibit the feeding of excessive numbers of feral birds without requiring the Department of Health to determine that bird waste is dangerous or injurious to health. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments with respect to the definition of “Feral bird”.**

The Department recognizes that feral birds have many negative impacts on public health and our native wildlife. The Department agrees that feral birds should not be fed or otherwise encouraged to congregate or thrive by the public.

However, the Department is concerned with the definition of “Feral bird” in this measure. This measure defines a “Feral bird” as “any bird living in a wild and undomesticated state.” This definition will lead to confusion, as all native birds and introduced game birds are also living in the wild in a non-domesticated state and are valuable and are sometimes fed to support them.

The Department recommends that the definition of “Feral bird” in this measure be amended to reflect the definition of “Feral” in the Department’s Hawaii Administrative Rules, Section 13-124-2, meaning “having escaped or been released from domestication and reverted to a wild state.”

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

KALEO L. MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



HAWAII PEST CONTROL ASSOCIATION

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January 29, 2019

Testimony To: House Committee on Health
Representative John M. Mizuno, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 576 - Relating to Birds

Chair Mizuno and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we generally support this bill however we do need a clarifying amendment.

When our pest control operators perform bird control, they oftentimes provide food as a baiting mechanism. While Section 2, subsection (b)(4) says "it will not apply to the feeding of any food that is for reproductive control" we oftentimes do provide food that is not for reproductive control. Therefore we would recommend that this section be reworded to read, "Any food or bait products used by a pest control operator licensed by Chapter 460J HRS". With that amendment we have no problem overall with the bill and we do know that birds are a horrible problem for many people and we have great sympathy with that issue.

Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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LATE

**Testimony in SUPPORT of HB 576
RELATING TO BIRDS**

REPRESENTATIVE John M. Mizuno, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 29, 2019

Room Number: 329

1 **Fiscal Implications:** Department of Health will require additional Vector Control Inspector
2 positions to monitor and enforce ongoing complaints.

3 **Department Testimony:** The Department supports the bill but requests further dialogue with
4 interested parties before finalizing a comprehensive and enforceable bill.

5 The Department of Health concurs that there may be adverse impacts on residents and properties
6 due to excessive feeding of feral birds and that filth generated from the feeding of feral birds and
7 pigeons create undesirable conditions. Because of its potential negative impact, the Department
8 has responded to and continues to respond to approximately 40 complaints since February 2018
9 to the present. Multiple inspections have been conducted and warning letters have been issued
10 to the person feeding the birds. The feeders are usually uninterested in the Department's
11 recommendations and warnings and refuse to change their behavior.

12 The Department supports HB 576 which seeks to revise Sections 322-1, 322-2, 322-3, 322-4,
13 322-6, and 322-8, Hawaii Revised Statutes by prohibiting excessive feeding of feral birds and
14 establishing penalties. It focuses on the actions of the excessive feeder and repeals 322-1 (2),
15 "Odors and filth resulting from a person feeding feral birds". Based on our experiences in
16 dealing with these complaints, we believe that enforcing the law may be difficult as it involves
17 behavior modifications. As currently written, the bill is unenforceable. However, the
18 Department realizes that this draft measure is an important step in improving the statutes and
19 initiating further dialogue.

1 **Offered Amendments:** The Department questions utilizing twenty-five birds within a twenty-
2 foot radius as a basis for enforcement and recommends further discussion on the term“reasonable
3 person”.

4 Page 3, line 20 should be rewritten for better clarity and definition. Also, please note that the
5 Department of Agriculture issues permits to licensed pest control operators, not the Department
6 of Health.

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8 Thank you for the opportunity to testify on this measure.

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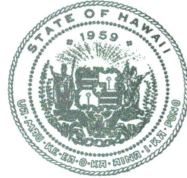
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DEPARTMENT OF HEALTH

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