



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2758, H.D. 1, RELATING TO AGRICULTURE.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Wednesday, February 14, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 329 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jennifer D. Waihee-Polk or Bryan C. Yee, Deputy Attorneys
General

Chair Nakashima and Members of the Committee:

The Department of the Attorney General offers the following comments on this bill.

The purpose of this bill is to facilitate the control and eradication of invasive species and pests by (1) establishing a plant nursery licensing program; (2) requiring the Department of Agriculture (Department) to designate certain species as pests for control or eradication; (3) imposing certain limits on imports and transportation; (4) expanding the Department's inspection authority for certain imported and interisland transported articles; and (5) updating the method by which the Department's noxious weed list is updated.

We have identified the following concerns with the bill:

I. Stop Sale, Quarantine, Destruction of Nursery Stock (section 7, page 25, line 9, to page 26, line 13 (section 150A-F(e), HRS)).

In section 7, at page 25, line 9, to page 26, line 13, the bill creates a proposed section 150A-F(e), Hawaii Revised Statutes (HRS), which authorizes the Department to place a stop sale or quarantine order or require mitigation of nursery stock or affected material—including destruction, confiscation, and quarantine at the expense of the nursery licensees or nursery license applicants, but does not allow licensees or applicants to contest or appeal the decision of the Department. The lack of the

procedures to afford the licensee or applicant a reasonable opportunity to contest may be challenged as violating the Due Process clauses of the Fourteenth Amendment of the United States Constitution and article I, section 5, of the Hawaii Constitution. In general, due process requires notice and an opportunity to be heard before government deprives a person of property or liberty. Brown v. Thompson, 91 Hawai'i 1, 10, 979 P.2d 586, 595 (1999) (adequate notice must inform the affected parties of the action to be taken against them and procedures available for challenging that action).

To remedy this issue, we recommend adding a new subsection (g) to section 7, page 26, following line 20, to read as follows:

(g) The applicant or person affected by the department actions under subsection (e) may initiate a contested case with the department by submitting to the department a request for a hearing in writing within thirty days following the date of the department's notice issued under subsection (e).

II. Issuance, Renewal, Suspension, and Revocation of Nursery License (section 7, page 27, line 1, to page 28, line 5 (section 150A-G, HRS)).

In section 7, at page 27, line 1, to page 28, line 5, the bill creates a proposed section 150A-G, HRS, which authorizes the Department to refuse to issue or renew or to suspend or revoke a full, temporary, or small seller plant nursery license without the opportunity for a hearing.

To avoid a due process challenge, we recommend that section 7, page 27, lines 1-7, be revised as follows:

§150A-G Refusal to issue or renew; suspension; revocation.
[The] Subject to chapter 91 and the rules adopted by the board, the department may refuse to issue or renew a full plant nursery license, temporary plant nursery license, or small seller plant nursery license or may suspend or revoke a full plant nursery license, temporary plant nursery license, or small seller plant nursery license for a location if the department determines that the licensee or the applicant:

III. Restriction on Entry of Citrus Pest and Diseases (section 8, page 38, line 14, to page 41, line 2 (section 150A- , HRS)).

In section 8, at page 38, line 14, to page 41, line 2, the bill creates a proposed section, 150A-__, HRS, that restricts certain articles effected by federal order under title 7 Code of Federal Regulations part 301, subpart N, from entering the State. This restriction is pre-empted by section 436 of the Plant Protection Act (7 U.S.C. § 7756(b)), which, among other things, restricts any state or political subdivision thereof from regulating in foreign or interstate commerce the introduction or dissemination of a biological control organism, plant pest, or noxious weed. The only exceptions to this pre-emption are for interstate commerce (1) if the prohibitions or restrictions issued by the state or political subdivision are consistent with and do not exceed the regulations or orders issued by the U.S. Secretary of Agriculture (Secretary), or (2) if the state or political subdivision demonstrates to the Secretary and the Secretary finds that there is a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment. See 7 U.S.C. § 7756(b).

The proposed new section restricts citrus pests from entering the State, and exceeds the federal regulations that allow movement of pests in accordance with certain federal regulations.

To avoid subjecting the bill to a pre-emption challenge, we recommend deleting the proposed section 150A-__ in section 8, at page 38, line 14, to page 41, line 2. To the extent the State wishes to impose restrictions on interstate commerce exceeding federal regulations, the State must submit a special needs request with the Secretary.

IV. Authority to Inspect (section 13, page 50, line 8, to page 53, line 2 (amendments to section 150A-5(b)(5), HRS)).

In section 13, at page 50, line 8, to page 53, line 2, the bill amends section 150A-5(b)(5), HRS, to, among other things:

- Remove the requirement that the inspector have "good cause to believe that the provisions of this chapter are being violated"; and
- Extend inspection powers to include "persons" and to no longer be limited to certain locations.

The Fourth Amendment of the U.S. Constitution requires the government to respect "[t]he right of the people to be secure in their persons . . . and effects, against unreasonable searches and seizures. . . . A search or seizure is ordinarily unreasonable in the absence of individualized suspicion of wrongdoing. While such suspicion is not an 'irreducible' component of reasonableness, [the Supreme Court has] recognized only limited circumstances in which the usual rule does not apply." United States v. Aukaj, 497 F.3d 955, 958 (9th Cir. 2007) (citing City of Indianapolis v. Edmond, 531 U.S. 32, 37 (2000)). See also article I, section 7, of the Hawaii Constitution.

However, "[i]t is well established that searches conducted as part of a general regulatory scheme, done in furtherance of administrative goals rather than to secure evidence of a crime, may be permissible under the Fourth Amendment without a particularized showing of probable cause." United States v. Bulacan, 156 F.3d 963, 967 (9th Cir. 1998), as amended (Nov. 16, 1998). See also State v. Hanson, 97 Haw. 71, 77, 34 P.3d 1, 7 (2001), as amended (Nov. 7, 2001).

To avoid subjecting the bill to a constitutional challenge, we recommend:

- Revising section 13, page 50, line 8, to read as follows:
"(5) Authority to administratively inspect. . . ."
- Amending section 150A-5, HRS, to change the criminal inspections to civil inspections by adding a new subsection (c) to section 13, page 58, following line 8, to read as follows.

(c) A person who violates this section or any rule adopted pursuant to this section shall be fined not more than \$ _____ for each separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.

- Amending section 150A-14, HRS, to repeal the criminal penalty for section 150A-5, by adding a new section 17 on page 63, following line 7, to read as follows, and renumbering subsequent sections accordingly:

SECTION 17. Section 150A-14, Hawaii Revised Statutes, is amended to read as follows:

"§150A-25 Penalty. (a) Any person who violates any provision of this chapter other than sections 150A-5, 150A-6(3), and 150A-6(4) or who violates any rule adopted under this chapter other than those rules involving an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and fined not less than \$100. The provisions of section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second offense committed within five years of a prior offense, the person or organization shall be fined not less than \$500 and not more than \$25,000.

~~[(b) Any person who violates section 150A-5 shall be guilty of a petty misdemeanor and fined not less than \$50 and not more than \$5,000. For a second offense committed within five years of a prior offense, the person may be fined not less than \$250 and not more than \$15,000.]~~

~~[(e)]~~ (b) Any person who:

- (1) Violates section 150A-6(3) or 150A-6(4), or owns or intentionally transports, possesses, harbors, transfers, or causes the importation of any snake or other prohibited animal seized under section 150A-7(b), or whose violation involves an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and subject to a fine of not less than \$5,000, but not more than \$20,000;
- (2) Intentionally transports, harbors, or imports with the intent to propagate, sell, or release any animal that is prohibited or any plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000; or
- (3) Intentionally imports, possesses, harbors, transfers, or transports, including through interisland or intrainland movement, with the intent to propagate, sell, or release, any pest designated by statute or rule, unless otherwise allowed by law, shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000.

~~[(d)]~~ (c) Whenever a court sentences a person or organization pursuant to subsection (a) or (c) for an offense which has resulted in the escape or establishment of any pest and caused the department to initiate a program to capture, control, or eradicate that pest, the court shall also require that the person or organization pay to the state general fund an amount of money to be determined in the discretion of the court upon advice of the department, based upon the cost of the development and implementation of the program.

~~[(e)]~~ (d) The department may, at its discretion, refuse entry, confiscate, or destroy any prohibited articles or restricted articles that are brought into the State without a permit issued by the department, or order

the return of any plant, fruit, vegetable, or any other article infested with pests to its place of origin or otherwise dispose of it or such part thereof as may be necessary to comply with this chapter. Any expense or loss in connection therewith shall be borne by the owner or the owner's agent.

~~[(f)]~~ (e) Any person or organization that voluntarily surrenders any prohibited animal or any restricted plant, animal, or microorganism without a permit issued by the department, prior to the initiation of any seizure action by the department, shall be exempt from the penalties of this section.

~~[(g)]~~ (f) For purposes of this section, "intent to propagate" shall be presumed when the person in question is found to possess, transport, harbor, or import:

- (1) Any two or more animal specimens of the opposite sex that are prohibited or restricted, without a permit, or are a pest designated by statute or rule;
- (2) Any three or more animal specimens of either sex that are prohibited or restricted, without a permit, or are a pest designated by statute or rule;
- (3) Any plant or microorganism having the inherent capability to reproduce and that is restricted, without a permit; or
- (4) Any specimen that is in the process of reproduction."

V. Specification in State Rules and Regulations (section 16, page 60, line 9).

In section 16, at page 60, line 9, the bill amends section 150A-8(a), HRS, to remove "rules and regulations" from the means by which the Department specifies flora, fauna, pest host material, and other items and materials that may not be moved from one island to another or from one locality to another except by permit issued by the department, but does not clearly exempt the Department from the rulemaking requirements of chapter 91, HRS. We understand that the bill intended to exempt the department from rulemaking requirements when specifying such flora, fauna, pest host material, and any other item or material.

To ensure that the Department is authorized to specify the flora, fauna, pest host material, and any other item or material, without being subject to rulemaking requirements under chapter 91, HRS, we recommend that section 16 of the bill, page 60, lines 7-13, be revised to read as follows:

§150A-8 Transporting in State. (a) [Flora and] Without regard to section 201M or the notice and public hearing requirements of chapter 91, the department may specify flora, fauna [specified by rules and regulations

of the department], pest host material, and any other item or material that shall not be moved from one island to another island within the State or from one locality to another on the same island except by a permit issued by the department[-], or pursuant to a compliance agreement approved by the department.

VI. Change to Noxious Weed List (section 18, page 66, line 4, to page 77, line 21; section 22, page 82, lines 7-12).

In section 18, at page 66, line 4, to page 77, line 21, the bill adds new sections to chapter 152, HRS, setting forth, among other things, a public application process to designate noxious weeds. In section 22, at page 82, lines 7-12, the bill amends section 152-4(a), HRS, to remove the Department's authority to designate noxious weeds "following the criteria and procedures established under section 152-2(1)" and instead authorizes the board to "designate certain plant taxa as noxious weeds pursuant to this chapter and rules adopted pursuant to this chapter."

The addition of these new sections and amendments to section 152-4(a), HRS, inadvertently confuses the Department's authority to initiate a change to the list of noxious weeds. We understand that the bill intended to allow the Department to initiate changes to the list, but wanted the application steps to be followed. To clarify the Department's authority, we recommend that the proposed section 152-B(a), in section 18 of the bill, page 68, lines 10-11, be revised to read as follows:

§152-B. Applications. (a) An application seeking a change to the list of noxious weeds may be submitted by any person[-] or the department.

VII. Technical Amendments

We also recommend the following technical nonsubstantive amendments for purposes of clarity, consistency, and style:

- Section 13, page 50, line 14, replace "importation" with "imported."
- Section 13, page 50, lines 15-18, underline wording "or the United States Virgin Islands for the purpose of determining whether an insect, pest, disease, or regulated or restricted taxa is present;"

Thank you for the opportunity to provide these comments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND
COMMERCE

FEBRUARY 14, 2024
2:00 PM
CONFERENCE ROOM 329 & VIDEOCONFERENCE

HOUSE BILL NO. 2758, HD1
RELATING TO AGRICULTURE

Chair Nakashima, Vice Chair Sayama and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill No. 2758, HD1 relating to agriculture. This bill facilitates the control and eradication of invasive species and pests; establishes a plant nursery licensing program; requires the department to designate certain species as pests for control and eradication; imposes limits on imports and transportation; and updates the method by which the Department's noxious weed list is updated.

The Department recognizes the threats pests and invasive species pose and offers comments on this bill.

Throughout this bill, the use of the term "State Plant Regulatory Official" is used. The Department believes that this decision-making authority should be assigned to a position that is a state-employee. While the National Plant Board, a non-profit



organization consisting of all state pest regulatory officials, usually consists of an administrator or director of the respective state's pest regulatory agency, there is no requirement that this individual must be in that role, leading to the possibility of assigning an individual that may not be familiar with quarantine regulations.

The Department has concerns about the proposed addition to Hawaii Revised Statutes (HRS) 141-2(7). The department agrees that pest and invasive species management, including necessary rules that accommodate the protection of the public are necessary. However, the inclusion of this section for broad rulemaking authority appears to be unnecessary and is already included appropriately throughout the HRS.

Regarding the proposed changes to HRS 141-3, various changes are proposed. Section (1) concerning coqui, little fire ants, and two-lined spittlebug should be removed and added to Hawaii Administrative Rules (HAR) 4-69, Pests For Control or Eradication, as opposed to being in statute, especially with the new requirements to continually revise the rules on a bi-annual basis. Additionally, coqui and little fire ants are already listed in 4-69, HAR. Subsection (A)(i) refers to "high-risk pests" but there are no criteria to determine what species would qualify for this. The Department also has concerns about subsection (b) as the inclusion of the term "or any other taxa" as it would seem to require control of organisms not traditionally under the Department, such as axis deer, feral chickens, or rats, or any other species widespread or not, that meet the designated criteria in this section, particularly as there is no need for designation of these species as a pest for control or eradication.

The Department has significant concerns regarding the proposed amendments to HRS 150A-3.6. This section proposes giving numerous non-governmental agencies,

who are essentially private citizens, including their agents, the ability to petition a court to obtain a search warrant to enter private property, in addition to quarantine materials, which may raise constitutional issues regarding search and seizure. The Department is also concerned with the proposed ability to quarantine materials as this is a regulatory action and the Invasive Species Committees (ISC) or the Hawaii ant lab (HAL) have no legal authority to do this, nor do they have the technical expertise to do so. Additionally, should there be a violation, the ISCs nor HAL have any authority to enact any penalty provisions, nor does the Department have the authority to penalize a person on their behalf.

Section 141-6 should be revised to be consistent throughout the section and include the state plant regulatory official as part of the hearing. Additionally, there is no way for anyone to appeal the proposed quarantine actions if taken by the ISCs or HAL.

The Plant Nursery Licensing Program would require extensive staffing, equipment, supplies, and funding to fully implement as currently drafted. As the section requires inspections of entire facilities for essentially any insect, disease, or pest, whether high-priority or not, the Department would likely need an entire Branch with 81 personnel, consisting of at least 56 inspectors to manage inspections and daily operations; 13 technicians for assisting with inspections and processing samples; 1 entomologist and 1 plant pathologist for diagnostics; 5 administrative staff; and 4 permitting specialists to manage the license processing, and the development of location specific best management practices and standards of nursery cleanliness. Payroll for this branch is approximately \$4,604,364, with an additional \$3,693,000 to procure supplies, equipment, and to develop a data management system to house all

relevant inspection data and manage public facing information. There are also concerns about the inconsistency between the three license types. Some examples include: (1) a full plant licensee cannot sell noxious weeds, however temporary and small seller licenses have no such restriction; (2) temporary licensees appear to not be able to independently produce their own stock, but full and small seller licenses are able to; or (3) the requirement of small sellers of temporary licensees to only obtain stock from a person with a valid license, but full plant nursery licensees do not have this requirement, which would also seem to prohibit importation for these licensees as well. The term “stop sale” should be omitted from this section as a quarantine order would function similarly and would reduce confusion with section (f) being amended to clarify that the mitigation activities be under the department’s directive. The civil penalties should be amended to individual offenses or have a tiered structure. As currently listed, it incentivizes a “catch me if you can” attitude since all violations are compiled daily. Additionally, the department believes that this program would be better suited to be housed in the HAR as opposed to the HRS to manage requirements.

The new sections with lists of proposed pests and the designation of infested and restricted areas are already in 4-72, HAR and therefore should be omitted. Additionally, maintaining this in the rules gives the Department the ability to manage the list more effectively. The proposed firewood requirements should also be in the HAR as well.

The new section regarding cooperative enforcement of state and federal quarantines already exists in HRS 141-2(5), therefore should be omitted. The citrus pest requirements should be added in 4-70, HAR, where all other plants for import to

manage specific pests are found. Additionally, this section, as listed, may be subject to federal preemption.

The department offers the following amendments to the proposed definitions. For “Compliance agreement”, the reference to it being a permit should be omitted as it complicates the existing permits. Section (1) of “Pest” appears to eliminate the need to have a Board designation. As such there is no need for section (2) as there is no functional difference. However, this would effectively make any organism a pest, and subsequently subject to all other requirements for pests, which would be particularly onerous for nursery stock and interisland movement of regulated goods.

There are numerous issues with HRS 150A-5. The addition of the new section (a) to HRS 150A-5 would essentially require a criminal investigation for the importation of anything that was found to be infested. Section 5(A) appears to be a constitutional violation, particularly with regards to the inspection of a person and the ability to detain an individual. Sections (7), (8), and (9) appear to give the department the ability to inspect, quarantine, and make a final disposition on any “item or material”, which appears to conflict with the existing terms “restricted articles” and “articles”, which are explained in this section. As “item or material” are not currently defined, it appears any imported item may require inspection and disposition. If this is the intent, the Department would likely require a minimum of 300 line inspectors, costing at least \$17,488,800 at base salary, just to accomplish this task, or risk completely impeding commerce as inspections need to occur at ports of entry. Additionally, this effectively doubles the entire Department with just this section.

HRS 150A-8 as currently drafted creates a number of issues, particularly with inspections. It does not define the items that require inspection and could be interpreted that any item would require inspection to determine they are not pest host material. Additionally, much of this section is already in, or is proposed for inclusion, in chapter 4-72, HAR, where the majority of this section should be maintained.

The Department suggests that the proposed interim rule language in 152-D(3), Emergency Definitions be included in HRS 150A-9.5 for clarity, though 150A-9.5 already appears to have the authority to do this. Section 152-I(b), if deemed necessary, should be included in 150A-6.1. However, 150A-6.1 already appears to cover the intent of the proposed section as importation of a noxious weed needs to be under permit and currently if a noxious weed is imported without a permit, 150A-5 would be used to effectuate treatment and final disposition.

Response and control programs to designated pests is a function of the Plant Pest Control Branch. This bill institutes changes within the authority of Plant Pest Control through changes to HRS 141-3 and HRS 152. Changes to both of these statutes will result in the need to reorganize and provide additional funding to the branch in addition to the Hawaii Ant Lab and the Invasive Species Committee. In addition to actual response programs to plant pests and noxious weeds, Plant Pest Control Branch has traditionally been the program that develops the control programs wholly or in part with College of Tropical Agriculture and Human Resources specialists in various departments. This includes working closely with staff of the Pesticide Branch to ensure products are used appropriately and necessary products are licensed and labeled for use in Hawaii. If products are not licensed or labeled or a special local need label is

needed, it is the Plant Pest Control Branch that will work to address those labeling needs with the Pesticides Branch. As an example, the altosid product currently used in Nahiku by Maui Invasive Species Committee through aerial application is available as a tool through sponsorship of a special local needs label by the Plant Pest Control Branch. Even if the Branch is not a direct applicant, it is always supplying relevant information to insure forward movement to the Pesticides Branch and the EPA. While not directly mentioned, the expansion of powers and the mandate to engage in more response and control activities by the Department and partners such as the Invasive Species Committees, Hawaii Ant Lab and others to enact this bill. Of key importance is language changes found on page 8 "(b) The department of agriculture [shall], so far as reasonably practicable, shall assist, free of cost [individuals,] persons, in the control of insects..." The replacement of the word individual with persons means the department must control pests for businesses as well as individuals as person represents entities as well. This significantly increases the cost of programs to respond to pests. As noted by the statutory language change, the legislature is wishing the department to prioritize little fire ant. The funding needed to respond to LFA infestations, which are beyond control and eradication on Hawaii Island, would be cost prohibitive and the annual budget for the Plant Pest Control Branch would need to increase exponentially to address the needs created with this bill. We also note, this bill identifies a potential union conflict as it states work currently executed by HGEA Unit 13 staff will be executed by non-unionized employees of the Invasive Species Committee and the Hawaii Ant Laboratory. This also conflicts with existing Research Corporation of the

University of Hawaii policy not to create positions within their programs that will directly compete with state positions.

To enact this bill, the Plant Pest Control Branch is requesting the following to address the requested changes to statutory authority within Hawaii Revised Statutes 141-3 and HRS 152:

Plant Pest Control Branch is currently bundled with Plant Industry Administration and Plant Quarantine Branch. The accounting code for the Biocontrol Section and the Chemical Mechanical Sections are 122EC and 122ED respectively. We are requesting a separate accounting code Plant Pest Control Branch for better fiscal administration of the Branch.

The Branch would need to be restructured not as Branch but as a Division to fulfill the mandates of this bill. As this branch will be populated by positions which has become increasingly difficult to fill, we are requesting the creation of two new position classes: Biocontrol Specialists which will replace the functions of noxious weed specialist, pest control technicians, lower level entomologists, lower level plant pathologists, and encompass needed functions the Department current does not have including botanists and malacologists. The second position would be Environmental Regulatory Scientist. This position would capture the specialized role high level scientists positions require which entails comprehensive background in the field and knowledge of regulatory issues from multiple agencies to navigate successful implantation of programs. The requested structure would be a Division with the following Branches:

- Plant Pest Control Division Administration:

- The division will be led by an EM-7 with the following staffing branches and staffing support
 - 1 Division Secretary (SR-18)
 - 2 Accountant III (SR-20)
 - 2 Account Clerk IV (SR-13)
 - 1 Planner VI (SR-26) in a supervisory capacity
 - 2 Planner V (SR-24)
 - 1 Environmental Regulatory Scientist to serve as a compliance officer for the Division.
- Methods Development Branch: program to house the development of biological control, chemical control, mechanical control, semiochemical development, and integrated management techniques for plant pests and noxious weeds. This house elements of the Insectary Unit of the current organizational chart of the biocontrol section.
 - 1 Manager, EM-5
 - 1 Secretary III (SR-16)
 - 2 Account Clerk (SR-13)
 - 6 Environmental Regulatory Scientists
 - 30 Biosecurity Specialists
- Integrated Plant Pest Control Branch: This program will house the positions that would execute the intent of this bill to respond to pests for response and control to plant pests and noxious weeds.
 - 1 Manager, EM-5

- 1 Secretary III (SR-16)
- 4 Account clerks (SR-16)
- 2 Secretary II (SR-14)
- 4 Environmental Regulatory Scientists to serve as Section Chiefs for each county
- 4 Planner III (SR-22) to assist the Section chiefs with interagency planning for different pest response programs for each county
- 80 Biosecurity Specialists statewide divided within the 4 sections to execute treatment programs using chemicals and biological control agents
- Plant Pest Analysis Branch: This program will house support programs for the Plant Pest Control Division and what is now Plant Pest Control Branch. It will house functions for the identification, determination of pest distribution, data support and risk analysis.
 - 1 Manager, EM-5
 - 1 Secretary III (SR-16)
 - 1 Account clerks (SR-16)
 - 1 Secretary II (SR-14)
 - 1 Planner III (SR-22)
 - 4 Environmental Regulatory Scientists to serve as Section Chiefs for the following Sections
 - Plant Pest Diagnostics Section: Responsible for rendering definitive identifications of plant pests.
 - 10 Environmental Regulatory Scientists: Diagnosticians within the Plant Pest Diagnostic Sections will be subject matter specialists in

Entomology, Plant Pathology, Botany, Malacology and other subject matter fields and will include

- 20- Biosecurity Specialists :Support for Scientists
- Plant Pest Information Management Section: this program will house GIS specialists and IT management specialists to manage interagency mapping and data needs for the state including non-state partners such as the Invasive Species Committees and the Hawaii Ant Laboratory.
 - 1 Planner IV (SR-22)
 - 4 Environmental Regulatory Scientist GIS:
 - 4 Environmental Regulatory Scientist Data Management
 - 4 Biosecurity Specialist
- Pest Risk Analysis Section: This section will analyze data from other branches within the division to create models to predict what different pests will do within Hawaii and directly liaison with USDA to use USDA models for Hawaii's benefit.
 - 1 Planner IV (SR-22)
 - 3 Environmental Regulatory Scientists: Subject matter specialists in entomology, plant pathology and botany
 - 10 Biosecurity specialists

The 212 positions captured herein will far exceed the ability of the current Plant Industry Facilities to house. New facilities will need to be constructed to meet the specialized needs, especially of the Methods Development and Plant Pest Analysis

Branch. These Branches will need specialized containment facilities and laboratory facilities to facilitate their activities. The division will need facilities in each county and for Hawaii County and Maui County, satellite offices will be needed in Kona and Molokai and Lanai respectively. The anticipated costs for facilities would be \$120 million but a significant planning will need to be undertaken.

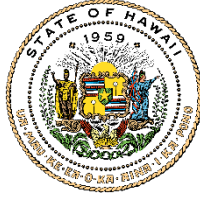
Operationally, vehicles will be needed in addition to pest management tools. This will include the need to address aquatic weeds. The Division will therefore require boats with spray rigs, drones, truck mounted, towable spray rigs for pest control operations. A budget will be needed for helicopter time for the management of Class A and B weeds.

For Statutory changes to 141-3 and 152, the anticipated annual cost for both staffing, facility operations and operating costs is \$30 million. Thank you for the opportunity to testify on this measure.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
CONSUMER PROTECTION & COMMERCE

Wednesday, February 14, 2024
2:00 PM

State Capitol, Conference Room 329 and Via Videoconference

In consideration of
HOUSE BILL 2758 HOUSE DRAFT 1
RELATING TO AGRICULTURE

House Bill 2758 House Draft 1 facilitates the control and eradication of invasive species and pests, establishes a plant nursery licensing program, requires the Department of Agriculture (DOA) to designate certain species as pests for control or eradication, imposes certain limits on imports and transportation, and updates the method by which the DOA's noxious weed list is updated. The **Department of Land and Natural Resources (Department) supports this measure.**

The threat of a new, devastating pest or disease is ever-present. As global trade and travel continues to increase and expand, there are more opportunities for new pest incursions to occur. Recent statistics for Hawai'i estimate that 80% of commodities and 90% of our food is imported, and over six million people visit Hawai'i each year, making border biosecurity critical for preventing new invasive species from arriving and spreading in the state.

Drastic changes in the State's abilities to regulate and prevent new and existing invasive species from entering and spreading are necessary and addressed in the 2017-2027 Hawai'i Interagency Biosecurity Plan. House Bill 2758 House Draft 1 addresses many of the actions identified in the plan and its passage would support continued progress on achieving the plan's goal of a more biosecure Hawai'i.

Below is a list of how some of the proposed actions in this measure align with actions in the biosecurity plan:

HB 2758 Action	HIBP Actions
Amends the chapter 150A HRS definition of pest so that a “pest” does not have to be designated by the Board of Agriculture.	Ore Border Policy 1.1, 1.2, Border Policy 1.1, 1.2, 1.3, 1.4, 2.2, Post Policy 1.1, 2.3
Proposed Chapter 72 HAR rule changes into law	Post Policies 1.1, 1.2,1.3, 1.5
Authorizes noxious weeds to be designated by a Board of Agriculture process that must occur each year	Border Policy 2.1

Mahalo for the opportunity to testify in support of this measure.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 14, 2024

2:00 PM

Conference Room 329

In **SUPPORT** of **HB2758 HD1**: RELATING TO AGRICULTURE

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS HB2758 HD1**, which establishes a long-needed, comprehensive biosecurity strategy to protect our environmental, cultural, agricultural, recreational, economic, and quality of life interests from the devastating impacts of invasive species.

Hawai'i's history has given us a host of lessons regarding the wide-ranging and potentially irreversible damage that invasive species can inflict on our islands and ways of life. Invasive plants and wildlife have overtaken entire watersheds, impacting not just native habitat but also reducing aquifer recharge, increasing our vulnerability to floods and wildfires, and smothering our nearshore reefs and waters with runoff. Parasites and other pests have impacted local food production and increased the use of toxic pesticides on farms and in home gardens, risking both public health as well as threatening stream and nearshore species critical to our aquatic ecosystems. Invasive animals have also extirpated native species, continue to threaten others with outright extinction, and continue to undermine public health by acting as vectors for zoonotic diseases.

Most recently, the spread of the little fire ant (LFA) and coconut rhinoceros beetle (CRB) have caused widespread concern about our ongoing lack of proactive government strategies to detect, control, and eradicate these and other potentially devastating pests. Unfortunately, the lack of such strategies has resulted in the outright infestation of Hawai'i Island by the LFA, and what many consider to be the irreversible establishment of CRB on O'ahu, notwithstanding months and years of grassroots community efforts to stop their spread. As CRB and LFA are now being found on islands where they have not yet been established, filling the gaps in our governmental biosecurity systems is a critical and imminent need if we hope to defend our islands from any more impacts from these and other invasive pest species.

Accordingly, the Sierra Club strongly supports the much needed, comprehensive biosecurity programs and authorities provided under this measure. Its expedited pest and noxious weed designation processes, control and eradication program mandates,



SIERRA CLUB OF HAWAI'I

inspection authorities, import restrictions, quarantine requirements, and nursery licensing program are all necessary and vital to avoiding and mitigating the worst impacts of our current and potential future invasive species crises.

Therefore, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS** this measure. Mahalo nui for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/12/2024 7:55:19 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kupuna for the Mo'opuna	Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

In STRONG SUPPORT of HB 2758 HD1

This measure addresses multiple long-standing gaps in invasive species planning and response programs. It also establishes comprehensive protections against the further introduction and spread of invasive pests and noxious weeds.

Our keiki and mo‘opuna deserve a Hawai‘i that is free of invasive pests and noxious weeds.

Please support and pass HB 2758 HD1. Mahalo!



House of Representatives
Committee On Consumer Protection and Commerce
Wednesday, February 14, 2024
2:00 PM Conference Room 329
State Capitol

Testimony in Support of HB 2758 HD1

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is **in strong support of HB2758 HD1 Relating to Agriculture**, which would facilitate the control and eradication of invasive species and pests, provide statutory authority for the current actions carried out by the Hawai'i Department of Agriculture (HDOA), and assist HDOA in addressing priority pests. HB2758 makes much-needed updates to prevent invasive species from entering and spreading within Hawai'i and we hope the Committee will move this bill forward.

One important change made by HB2758 HD1 is to clearly state that HDOA's statutory authority to prevent and control invasive pests and weeds is for the protection of not just agriculture and forests, but also for public health and welfare, native species, and the environment. We applaud this clarification. However, we are concerned that in one particular place, this change may need additional refinement so that it is crystal clear that HDOA may take emergency action to address an incipient infestation of a pest **before** the pest has a chance to spread and show that it adversely affects native species, the environment, or other societal values. To ensure that effects and likely negative impacts to native species and the environment are included as reasonable findings that may allow HDOA to proceed with an expedited course of action, CGAPS respectfully requests that this Committee make a small adjustment in the language on page 11, lines 14 through 20, which currently reads:

(c) Notwithstanding subsection (a), if the department finds the incipient infestation of a pest that has an adverse effect on native species or the environment or that is injurious or deleterious or that is likely to become injurious or deleterious to the public health and welfare, private property, or the agricultural, horticultural, aquacultural, or livestock industries of the State without immediate action, it may proceed

So that it reads as follows:

(c) Notwithstanding subsection (a), if the department finds the incipient infestation of a pest that ~~[has an adverse effect on the environment or]~~ is injurious or deleterious or that is likely to become injurious or deleterious to native species, the environment, public health and welfare, private property, or the agricultural, horticultural, aquacultural, or livestock industries of the State without immediate action, it may proceed

A critically important amendment made by HB2758 HD1 is the establishment of a nursery licensing program for plant nurseries, which begins on page 17. Licensing programs are a sensible approach that has been successfully used by a variety of regulatory agencies in similar forms to streamline regulations and communications, and better manage risk. One of the more familiar frameworks is the Hawai'i Department of Health's restaurant placard program. Currently, HDOA does not require nurseries and entities that sell or offer plants to be licensed or even registered with the department.

Hawaii urgently needs a program to license and inspect plant nurseries, as high-priority invasive pests such as coconut rhinoceros beetle (CRB), coqui frog, and little fire ants (LFA) are spreading across and within islands right now on infested nursery plants. The detection of LFA in the plants donated to the Punahou Carnival earlier this month exemplifies the problem. The plant sale could not begin on time because of the LFA detection and there was no clear way to determine which nursery or business donated the LFA-infested plants. ([Governor's Press Release Feb. 2, 2024](#); [KHON News Feb. 2, 2024](#)) The LFA was detected only because Punahou allowed the Oahu Invasive Species Committee (OISC) to check the donated plants before the Carnival. Plants donated to the Carnival have been inspected by OISC or Hawai'i Ant Lab staff every year since LFA were found in a plant that had been purchased at the Carnival in 2019. ([KHON News Mar 2, 2019](#)) This unfortunate situation was big news and reported by many media outlets. The sad truth is that consumers purchase plants infested with LFA every day from the same nurseries that donated plants to the Carnival, unknowingly spreading the pest to their homes and communities. A nursery licensing and inspection program is urgently needed to stop the spread of LFA and other pests via nursery plants.

Nursery licensing programs that allow announced or unannounced inspections without a warrant are common in other states, including Delaware, Maine, Nevada, New Hampshire, New York, Oregon, Vermont, and Wisconsin. These programs require each nursery business to obtain a license or permit from the state and be subject to compliance inspections without a warrant. HDOA already has the statutory authority to obtain a warrant to enter private property to control or eradicate a pest. (§141-3.6 HRS) However, for a variety of reasons, HDOA has not used that authority to control or eradicate pests on nursery plants and certain "bad actor" nurseries have continued to sell pest-infested plants for years.

Without a nursery licensing program, HDOA lacks the necessary framework to quickly communicate pest alerts, regulatory information, or Best Management Practices (BMPs) with these businesses. However, we are concerned that nursery businesses may oppose this program because of concerns about the development of the program without time to educate themselves about its requirements and implement any requirements or BMPs. To facilitate an orderly roll-out of this program, we respectfully suggest giving HDOA a two-year period to develop and provide BMPs and engage nurseries in pieces of training. This could be done by inserting the following new subsection (b) on page 28, between lines 15 and 16:

(b) Not later than two years after the effective date of this Act, the Hawaii Department of Agriculture shall adopt rules and implement the plant nursery licensing program established by the amendment made by this section. During those two years, a person may sell nursery stock without a license issued pursuant to that program.

We are also concerned that there may be opposition to the proposed nursery licensing program because HDOA's current list of pests for control or eradication is out of date. As noted above, the list in attachment 1 of section 4-69A, Hawaii Administrative Rules, "List of Insects, Mites, Other Pests, and Plant Diseases Designated as Pests for Control or Eradication Purposes by the Hawaii Department of Agriculture" was last updated in 2008 and contains 89 taxa, some of which are no longer high-priority invasive species in the State and others are species that can no longer be effectively controlled in all locations. HB2758 HD1 amends section 141-3, HRS to require HDOA to update the list of species designated as pests for control or eradication once every two years. This will result in the list of pests designated for control or eradication being up-to-date, likely much shorter, and including only the actual targets for active control or eradication by HDOA. However, there is a drafting issue with the definition of "high-priority pest". To clarify the definition, we respectfully suggest modifying the definition of "High-priority pest" beginning on page 17, line 15, through page 18, line 5, which currently reads:

"High-priority pest" means a pest, including a noxious weed:

- (1) That is not known to appear frequently within the State;
- (2) That has a limited distribution within this State;
- (3) That the department or other government entity attempts to contain, suppress, or reduce within this State, including any pest or noxious weed designated by the department; and
- (4) Whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

So that it reads as follows (additions in bold):

"High-priority pest" means a pest, **with respect to a location selling nursery stock**, [~~including a noxious weed~~] that is a designated by the department as a high-priority pest for the island where the location is situated. A high-priority pest is a pest:

(1) That is not known to appear frequently within the State or that has limited distribution within the State;
[~~(2) That has a limited distribution within this State;~~]
[~~(3) That the department or other government entity, attempts to contain, suppress, or reduce within the State including any pest or noxious weed designated by the department;~~] and

[~~(4)~~] Whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Each pest designated as a pest for control or eradication by the department and each noxious weed designated pursuant to chapter 152 shall be a high-priority pest for an island where that pest is not fully established in all areas of the island.

We also respectfully request that on page 16, line 17, the Committee delete the word “inspector” and insert “state plant regulatory official, designee, or inspector”, This will ensure that an appeal before the Board of Agriculture includes the correct official of HDOA.

We further respectfully suggest modifying the language beginning on page 25, line 17 through page 26, line 13, which currently reads:

- (3) Shall place a stop sale or quarantine order for the affected nursery stock or location and, if appropriate, a destruction order for affected nursery stock;
- (2) Shall notify the person applying for or holding the full plant nursery license, temporary plant nursery license, or a small seller plant nursery license for the affected nursery stock or location of the existence of the high-priority pest, low-priority pest, or other compliance issue and advise the person on acceptable mitigation methods; and
- (3) May require the affected nursery stock or affected material be mitigated by whatever means necessary, including destruction, confiscation, treatment, return shipment, or quarantine, at the expense of the nursery or person without any form of compensation from the department or State.

So that it reads as follows (additions in bold):

- (3) Shall place a stop sale or quarantine order for the affected nursery stock or **location and mitigate potential spread; and**
- (2) Shall notify the person applying for or holding the full plant nursery license, temporary plant nursery license, or a small seller plant nursery license for the affected nursery stock or location of the existence of the high-priority pest, low-priority pest, or other compliance issue and advise the person on acceptable mitigation methods; and

(3) **Shall mitigate or shall** require the affected nursery stock, ~~[or]~~ affected material, **and affected location** be mitigated by whatever means necessary, including destruction, confiscation, treatment, return shipment, or quarantine, at the expense of the nursery or person without any form of compensation from the department or State.

We respectfully suggest that the list of pests set out in the new section added beginning on page 28, line 19, and ending on page 32, line 17, be omitted. Currently, under the definition of “pest” in section 150A-2, Hawai‘i Revised Statutes, a species must be designated as a pest by the Board of Agriculture. Unfortunately, the Board does not have a process to designate a species as a pest and has never done so. This has resulted in confusion as to what qualifies as a “pest”. The amendment made to the definition of “pest” on page 43, lines 9 through 17, clarifies the definition of pest and we believe it makes the list of pests set out in the amendment made by section 8 unnecessary.

HB2758 HD1 also addresses the importation of firewood which is currently under-regulated as a pathway for the introduction of harmful pests such as the Asian Longhorned Beetle, Emerald Ash Borer, and diseases of trees. Firewood is often low-quality wood and many states already have the common sense firewood heat treatment requirements proposed beginning on page 34, line 12. This leaves Hawai‘i in the vulnerable position as one of the few states that will take the low-quality, untreated firewood. Requiring heat treatment prior to importation into Hawai‘i is yet another sensible, low-cost, and potentially high-reward regulation that should have been implemented several years ago when federal regulations were repealed.

Hawai‘i’s citrus industry is an example of how we can be successful in diversifying agriculture, yet protective regulations have not been enacted, leaving this multi-million dollar industry at serious risk. This bill would harmonize Hawai‘i’s state regulations with existing and future federal regulations to prevent the introduction and spread of serious diseases and pests of citrus. HB2758 HD1 also closes a huge hole in Hawai‘i’s biosecurity framework. Beginning on page 37, line 17, through page 38, line 13, it prohibits the domestic importation into Hawaii of items that the United States Department of Agriculture (USDA) has quarantined from moving interstate to prevent the spread of invasive pests. Currently, HDOA inspectors do not have the authority to enforce USDA interstate quarantines and USDA does not inspect items imported into Hawaii, so restricted material from federally quarantined areas are able to enter Hawaii. The proposed amendments close this huge biosecurity gap. Section 436(b) of the federal Plant Protection Act, preempts any state law that attempts to restrict “the movement in interstate commerce of any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order to control a plant pest or noxious weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed, if the Secretary [of the United States Department of Agriculture] has issued a regulation or order to prevent the dissemination of the biological control organism, plant pest, or noxious weed within the United States.” (7 USC 7756(b)(1)). However, there is an exception for such State restrictions that “are consistent with and do not exceed the regulations or orders issued by the Secretary [of USDA].” (7 USC 7756(b)(2)(A)).

To clarify that there is no issue with the Federal preemption under section 436(b) of the Plant Protection Act (7 USC 7756(b)), we suggest borrowing language from section 2(1) of the Idaho Plant Pest Act of 2002 (Idaho Code Ann. § 22-2013 (1)), which provides in part “The department may seize, destroy or require treatment of products moved from a federally regulated area if they were not moved in accordance with the federal quarantine rules or, if certified, they were found to be infested with the plant pest.” Therefore, we respectfully ask the Committee to consider modifying the language beginning on page 37, line 19 through page 38, line 2, to read as follows (additions in bold):

- (1) Any regulated article that is prohibited from interstate movement **pursuant to a quarantine issued by the United States Department of Agriculture or a valid quarantine issued by a state**, or is required **by the United State Department of Agriculture** to be certified **to prevent the movement of a pest and is found to be infested with the pest**, [~~if moved interstate from an area regulated by a state or federal quarantine,~~] shall not enter the State;

Although the language on page 50, lines 10 through 15 corresponds to a USDA inspection authority, it is not clear why some but not all U.S. Territories are listed. We also note all of that text should appear as underscored text. Therefore, we respectfully propose the language below which includes all U.S. Territories (additions in bold):

- (A) May conduct inspections of person, baggage, cargo, and any other articles destined for movement between the islands of Hawaii or importation into this State from the continental United States, **American Samoa, Commonwealth of the Northern Mariana Islands**, Guam, Puerto Rico, or the United States Virgin Islands for the purpose of determining whether an insect, pest, disease, or regulated or restricted taxa is present;

Finally, we note that throughout HB2758, the term “State Plant Regulatory Official” is used and it is defined on page 43, lines 6 and 7, as “the state plant regulatory official for the State, or the official’s designee.” In some cases, the bill takes authority given to the “Chief of the Plant Quarantine Branch” (chief) in HDOA’s regulations and makes the decision-maker the “State Plant Regulatory Official.”

Each state and territory has a State Plant Health Regulatory Official. In Hawaii, the State Plant Regulatory Official is designated by the Chairperson of HDOA (Chairperson). Typically, it is the Plant Industry Administrator (Administrator), but that is not a requirement. We cannot imagine any situation where the Chairperson would designate a person who is not an employee of HDOA as the State Plant Regulatory Official. It just wouldn’t make sense. The chief (who is the

Plant Quarantine Branch Manager) is a civil service position who is supervised by the Administrator. The chief position has been vacant since May 2019, and once a permanent chief is hired that person could stay in that position for years, as Chairpersons change with gubernatorial elections. The authorities set out in HDOA's pest-prevention statutes are serious and critically important authorities that can lead to the seizure or destruction of private property that is prohibited, restricted, or pest-infested. It is appropriate that the Chairperson designate the appropriate official to carry out those authorities. While typically, the State Plant Regulatory Official is the Administrator, the Chairperson could appoint the chief if she finds that person to be the appropriate official. The State Plant Regulatory Official could also designate the chief to carry out certain authorities if he or she finds it appropriate. However, the Chairperson should have the final authority over how the authorities are carried out. Therefore, changing the decision maker to the State Plant Regulatory Official provides the Chairperson that needed oversight.

HB2758 HD1 is a much-needed update for Hawaii's invasive species protection statutes that will make a meaningful difference in preventing the introduction and spread of harmful and expensive invasive species. Mahalo for the opportunity to support HB2758 HD1 and for consideration of our testimony.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
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February 14, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TESTIMONY ON HB 2758, HD1
RELATING TO AGRICULTURE

Conference Room 329 & Via Videoconference
2:00 PM

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau provides comments on HB 2758, HD1, which facilitates the control and eradication of invasive species and pests, establishes a plant nursery licensing program, requires the Board of Agriculture to designate certain species as pests for control or eradication, imposes certain limits on imports and transportation, and updates the method by which the Department's noxious weed list is updated.

HFB recognizes the importance of preventing destructive invasive species from entering the State and how difficult it is to manage those that become established in our islands. We appreciate the difficult work of HDOA and its partners in preventing entry and their efforts to eradicate or control these detrimental animals, insects, weeds, diseases, and other pests.

The livelihood of farmers and ranchers is entirely dependent upon the health and ecological balance of our environment. We understand the need for updated policies and procedures to prevent the spread of these pest species; however, invasive species control is not always straightforward and is rarely easy. Agricultural producers rely on the expertise and assistance of HDOA in its battle to control invasive species because HDOA understands the operations of farmers and ranchers and works cooperatively with them to ensure that they are not put out of business while addressing pest control.

HFB has concerns about parts of this measure; for example, Section 141-3.5(b) and (c), and Section 141-3.6(a) and (b) that would unnecessarily remove authority from HDOA. We respectfully suggest that HDOA retain control of invasive species programs and be adequately funded and staffed to accomplish its mandates. Shifting authority from HDOA to the ISCs, the Hawaii Ant Lab, or the applicable county, will

present organizational and management problems and should instead be at the discretion of HDOA if it is unable to develop and implement a control or eradication program itself. We believe a better solution would be for HDOA to retain control of its responsibilities, with the ability to contract other entities at its discretion, on a case-by-case basis, to develop or carry out control programs.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.



Hawai'i Forest Industry Association

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Date: 02/13/24

TO: CPC Chair Nakashima, Vice Chair Sayama and CPC Committee Members Amato, Belatti, Gates, Hashem, Hussey-Burdick, Lowen, Onishi, Tam, Pierick

FROM: Hawai'i Forest Industry Association (HFIA)

SUBJECT: Testimony in Support of HB2758 HD1 Relating to Agricultural Biosecurity

Dear Chair Nakashima and Committee Members,

On behalf of the Directors of the Hawai'i Forest Industry Association (HFIA), this testimony is in support of HB2758 HD1 Relating to Agriculture *with amendments*.

The Hawai'i Forest Industry Association (HFIA) supports the funding of agricultural biosecurity programs including those outlined in this measure. However, as an Association composed of various professionals and experts on forestry and resource management, we encourage the language of the measure to include commercial forestry. Just as various other aspects of Hawaii's economy, infrastructures and livelihood (agricultural, horticultural, aquacultural, poultry, livestock, irrigation etc.), which are outlined multiple times in this measure, commercial forestry is also negatively impacted by invasive species and pests.

Section 3, subsection 3Aii (page 10, lines 15, 16, 17 and 18) lists "public health and welfare, private property, or the agricultural, horticultural, aquacultural, or livestock industries of the State;" and the HFIA would like the legislature to recognize that pests designated for control or eradication also pose a threat to commercial forestry as well and to include "commercial forestry" in this list.

Section 4, Subsection 4, the amended definition of "noxious weed", specifically in lines 19 and 20, should also include "commercial forests" in the list of products damaged or injured by these invasive weeds.

The HFIA hopes that you will support but seriously consider amending the language of HB2758 HD1 to include commercial forests/commercial forestry which may also be endangered by high risk invasive pests.

Mahalo,

Guy Cellier, President
Hawai'i Forest Industry Association

HFIA's mission is to promote healthy and productive forests and a sustainable forest industry through management, education, planning, information exchange, and advocacy. HFIA has over 130 members including woodworkers, landowners, sawyers, foundations, foresters, growers, educators, environmentalists, architects, millers, ranchers, and others interested in HFIA's mission and goals.

HFIA Board of Directors

Officers: President Guy Cellier, Vice President Irene Sprecher, Secretary Taylor Coons, Treasurer Wade Lee
Directors: Jeremy Campbell, Aaron Hammer, Nicholas Koch, Michael Sowards, Aileen Yeh



Testimony Before The
House Committee on Consumer Protection and Commerce (CPC)
IN SUPPORT OF HB2758 HD1
February 14, 2024, 2:00PM, Room 329 & Via Zoom

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). “Kua'āina Ulu 'Auamo” stands for “grassroots growing through shared responsibility,” and our acronym “KUA” means “backbone.” **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a “backbone organization” that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) almost 40 mālama 'āina (caring for our 'āina or “that which feeds”) community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a (“caretakers of fishponds”); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things “limu” or locally-grown “seaweed.” Our shared vision is to once again experience what our kūpuna (ancestors) referred to as **'āina momona** – abundant and healthy ecological systems that sustain our community resilience and well-being.

KUA strongly supports HB2758 HD1 as an incremental step toward 'āina momona.

This bill provides necessary and urgent solutions to tackle the growing infestation of invasive pests across our islands. Communities we work with are intimately familiar with the impacts that invasive species can have on every aspect of life in Hawai'i—jeopardizing our native ecosystems, food security, cultural practices, public health, fire safety, climate resiliency, economy, and overall quality of life. The impacts from invasive pests and noxious weeds may also be irreversible once they are established, eroding cultural practices and resources that Kānaka Maoli communities are perpetuating and regenerating in furtherance of cultural integrity, food self-sufficiency, and connections to 'āina and each other that will carry us through the difficult times ahead. For example, **we have heard several horrifying stories from our network members of Little Fire Ants hugely impacting their mālama 'āina operations and quality of life both personally and professionally.**

Supporting HB2758 HD1 is imperative. Our Department of Agriculture has little capacity to fulfill its kuleana and build regulatory systems that can meaningfully protect us from the existential, biological threats that our state now faces. Organizations and initiatives in our networks have long dedicated considerable energy and resources to educate and engage their

people and the general public to act in defense of our islands from invasive species. These efforts may continue to be in vain if we do not have the support of government agencies and the vast resources and authorities they exclusively yield.

We implore you to prioritize our biosecurity systems before it is too late. This measure addresses multiple long-standing gaps in invasive species planning and response programs and establishes comprehensive protections against the further introduction and spread of invasive pests and noxious weeds. We cannot afford the “business as usual” status quo – we must take serious steps before things become irreparable for present and future generations. **‘Āina Momona is not achievable without prioritizing the urgent eradication of these invasive pests to best protect our precious biocultural resources and those that care for them.**

Please **PASS** HB2758 HD1. Mahalo for the opportunity to support this important issue.

Aloha ‘Āina Momona no nā kau ā kau.

HB-2758-HD-1

Submitted on: 2/13/2024 1:49:08 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Greenpeace Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Dave Mulinix, CoFounder of Greenpeace Hawaii and we stand in STRONG SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, we strongly urge the Committee to PASS HB2758 HD1.

Mahalo,

Dave Mulinix, CoFounder & Statewide Organizer

Greenpeace Hawaii



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Consumer Protection and Commerce

LATE

Testimony by
Hawaii Government Employees Association

February 14, 2024

H.B. 2758, H.D. 1 – RELATING TO AGRICULTURE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes H.B. 2758, H.D. 1 which facilitates the control and eradication of invasive species and pests, establishes a plant nursery licensing program, requires the Board of Agriculture to designate certain species as pests for control or eradication, and imposes certain limits on imports and transportation.

While we understand and can generally support the intent of H.B. 2758, H.D. 1 to facilitate the control and eradication of invasive species and pests and assist the Department of Agriculture (DOA) in carrying out its responsibilities, we have serious concerns due to the potential impact it will have on the department and its current civil service employees. This proposed legislation removes authority and responsibility from the Department of Agriculture and allows for duties and responsibilities currently performed by state employees, to be performed by outside agencies who are not employees of the state's plant regulatory agency.

Authority and control of the state's pest and invasive species programs should remain solely with the DOA and duties performed by this program should continue to be performed by civil service employees. These programs must continue to be performed by civil servants and 'private entities' should not be allowed to do this work – civil service duties and responsibilities should solely be reserved for civil servants.

Thank you for the opportunity to provide testimony in opposition of H.B. 2758, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

LATE

HB-2758-HD-1

Submitted on: 2/13/2024 5:00:38 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Kaaumoana	Hanalei Watershed Hui	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and committee members, our organization works hard to support community efforts to restore and manage the Watershed of Hanalei. Invasive are a threat to ALL resources and specific threats such as LFA are dangerous to people and animals alike.

The strongest possible response must be mustered now. No delay or dilution of effort can be tolerated.

Mahalo for your support of this crisis.

LATE

HB-2758-HD-1

Submitted on: 2/14/2024 10:03:21 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jesse Kealiinohomoku	Elepaio Social Services/NiuNow	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama and the House Committee on Consumer Protection & Commerce.

I am writing to you folks that i SUPPORT HB2758 - Speaking on facilitating the control and eradication of invasive species and pests. We are experiencing a detrimental affect by Coconut Rhinoceros Beetle (CRB), to which they are killing our Niu (Coconuts), Loulu (Endemic fan palm), and other mea kanu. Both putting our hawaiian culture and food system at great risk. If continued without proper controls on the life cycle of CRB, we will not only lose our palm (Niu and Loulu) diversity here in Waianae but also the mo'oleo(stories) that comes with it. Though my focus is on Waianae and our potential loses. We are also experiencing this great pest threat throughout the state and they to are at great risk. If not handled now, then when?

Me ke aloha,

Jesse Piliialoha Mikasobe-Kealiinohomoku

HB-2758-HD-1

Submitted on: 2/12/2024 8:00:00 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Barbara Barry from Maui and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/12/2024 8:22:32 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

Strong support!

HB-2758-HD-1

Submitted on: 2/12/2024 8:26:53 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Greg Puppione and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/12/2024 8:40:08 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

*Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,
As a small farmer and constituent of Chair Nakashima, I STRONGLY SUPPORT HB2758 HD1.*

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Your consideration is most appreciated.

Elizabeth Hansen, Hakalau HI 96710

HB-2758-HD-1

Submitted on: 2/12/2024 8:42:07 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

As a small farmer and constituent of Chair Nakashima, I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

Rodger Hansen

Hakalau HI 96710

HB-2758-HD-1

Submitted on: 2/12/2024 8:45:44 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharde Freitas	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Sharde Freitas and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/12/2024 11:34:58 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Kunitake	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee on Consumer Protection and Commerce,

My name is Caroline Kunitake and I STRONGLY SUPPORT HB2758.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

Mahalo,

Caroline Kunitake

HB-2758-HD-1

Submitted on: 2/13/2024 12:35:55 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrick Chee	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama and members of the Consumer Protection and Commerce Committee,

As a resident of Hawaii, and wildlife biologist who has worked in invasive species control and prevention, I am in **support of HB 2758**. It is important for the Hawaii Department of Agriculture (HDOA), the island Invasive Species Committees (ISCs), and the Hawaii Ant Lab (HAL) be able to address priority invasive species in a timely manner. Approving this bill will significantly increase the potential of HDOA, the ISCs, and HAL to address invasive species like Little Fire Ant (LFA) more quickly and efficiently when they are found in areas around the State of Hawaii.

Currently the HDOA has the mandate to protect Hawaii from the impacts of invasive species but they lack the rules to allow them to stop the sale of goods that are themselves invasive species or are infested with invasive species like HAL or Coconut Rhinoceros Beetle (CRB). This bill, if approved, would give HDOA the ability to stop the sale of these infested goods. By doing so, this would significantly reduce the spread of these priority invasive species and protect both consumers and related commerce that could be impacted by the spread of these invasive species.

Just ask people on Hawaii Island what impact LFA is having on their lives. In many places, agriculture workers have a difficult time harvesting without getting stung by LFA raining down on them from the trees and covering them with painful stings. People can no longer enjoy going to some parks without the threat of LFA making the trip one filled with stinging ants. Even people's pets and farm animals are going blind because the LFA repeatedly sting their eyes causing them to cloud over. These are just a few examples of how LFA is impacting Hawaii Island residents now. LFA is not established on all parts of every island in the State. If HDOA, ISCs, and HAL can prevent the spread of LFA to areas where they are not, and also quickly work to control and eradicate them where they are new, this would prevent significant harm to all residents and businesses of Hawaii and visitors to our islands.

For the above reasons, **I urge you to support HB 2758.**

Mahalo,
Patrick Chee

HB-2758-HD-1

Submitted on: 2/13/2024 2:28:54 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Marilyn Mick and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

Marilyn Mick, Honolulu

HB-2758-HD-1

Submitted on: 2/13/2024 8:23:18 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Bo Breda and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/13/2024 8:26:42 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Peter Wilson and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/13/2024 8:31:48 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

No doubt this should pass.

HB-2758-HD-1

Submitted on: 2/13/2024 8:48:47 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

This bill wil fill critical gaps in our biosecurity planning and response, mitigating potential impacts of invasives on our native ecosytems, preserving our quality of life.

Mahalo

HB-2758-HD-1

Submitted on: 2/13/2024 9:12:08 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leah Kocher	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Leah Kocher and I strongly support HB2758 HD1.

I have been fortunate in my life so far to have lived all over the country. I previously lived in Hawai'i from 2002 through 2012 and recently returned in June 2023 for the foreseeable future. One of the things that I love most about Hawai'i is the unique environment, landscape, people, culture, and aloha spirit. You cannot find this combination in any other part of the country and that is something to be revered and protected. It is not only our duty to protect these islands, but in fact should be held as an honor. We are here, at a critical time in Hawai'i's fight for survival, and need to band together to what is necessary and what is right to protect these islands.

Invasive species pose a threat to many aspects of what I hold dear in my heart for Hawai'i. Not only do these pests threaten other plant and animal species, but our people and our children as well. These pests also threaten the land and native ecosystems, but additionally our quality of life. I have spoken with many business owners in the plant industry here and I can say that they are outraged and exhausted with trying to fight this battle alone. They do not want to transmit invasive species. They do not want to harm our landscape or ecosystems. But, they cannot fix this problem alone. They need help and government support to accomplish this. We all need to work together to combat the spread of invasive species such as the little fire ant, coconut rhinoceros beetle, and coqui frog.

HB2758 HD1 will grant power to the Hawai'i Department of Agriculture (HDOA) to ensure that counter-measures can be taken to combat these pests. This measure will also ensure that HDOA acts and establishes proper quarantine protocols, detection and eradication methods, and will hopefully establish licensing options to the nurseries to further biosecurity of our islands.

Accordingly, I am writing to strongly support the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/13/2024 10:26:28 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah Ward	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Deborah Ward and I STRONGLY SUPPORT HB2758 HD1.

I have been a commercial farmer in Mountain View since 2003 and for 20 years I have seen introductions of banana bunchy top virus, papaya ring spot virus, Erythrina Gall Wasp, Stinging Nettle caterpillar, avocado lace bug, Queensland Longhorn Beetle, Coconut Rhinoceros Beetle, Little Imported Fire Ant and more—repeatedly devastating my farm and the products I grow to feed Hawaii’s local community. Your famers need to be supported, not inundated by pests!

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intra-island movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

Deborah War, Laiku Farm 808-769-2403

HB-2758-HD-1

Submitted on: 2/13/2024 11:47:03 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jennifer valentine	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

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Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/13/2024 12:15:34 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

I STRONGLY SUPPORT HB2758 HD1.

Earlier this month, **little fire ants showed up at the Punahou Carnival**. What more do I have to say other than *PLEASE* pass this critical measure that will help protect our communities and environment. Mahalo!

HB-2758-HD-1

Submitted on: 2/13/2024 12:23:32 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Choy	Individual	Support	Written Testimony Only

Comments:

Dear Chair Nakashima and Vice Chair Sayama: I strongly support this bill. Please get priorities straight and act to protect the land and environment. Without it all else is gone.

HB-2758-HD-1

Submitted on: 2/13/2024 2:40:03 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

My name is Diane Ware _ and I STRONGLY SUPPORT HB2758 HD1. I live Moku o Ka'u.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify!

HB-2758-HD-1

Submitted on: 2/13/2024 2:53:38 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurel Nakanishi	Individual	Support	Written Testimony Only

Comments:

To Whom It May Concern,

My name is Laurel and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

Sincerely,
Laurel Nakanishi

HB-2758-HD-1

Submitted on: 2/13/2024 4:47:32 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mariko Whitenack	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou! To Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Mariko Whitenack and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Mahalo nui for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/13/2024 4:50:55 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph Wat	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

Thank you for this opportunity to write in **STRONG SUPPORT** of this bill to clarify the kuleana of the Hawai‘i Department of Agriculture. Protection from invasive species is an essential service to the people, ‘āina, and businesses of Hawai‘i.

There are a multitude of reasons why the HDOA has been unable to step up and prevent the spread of invasive species, leaving community members (such as myself) to step up and fill these gaps. Navigating the HDOA Administrative Rule Change process is a years long process that moves far slower than incoming invasive species threats. This legislation is an awesome opportunity to close these gaps decisively, push HDOA to step up, and protect our land and natural resources for generations to come.

As an example, the many many delays in implementation of on-island management of infested materials on O‘ahu has led to the loss of control over CRB. Had HDOA acted decisively to shut down and destroy mulch piles 5 years ago, we could have avoided the unprecedented destruction of coconut trees through Leeward O‘ahu and the North Shore that is quickly spreading around the island. On-island management is what would allow us the capacity to stop further spread to the outer islands, although HDOA’s acknowledged kuleana of preventing inter-island CRB spread has already failed multiple times.

Little Fire Ants are also approaching the point of no-return on O‘ahu. With stings that are painful, discouraging to farmers, and that can blind pets, we must do whatever we can to prevent their spread. I have volunteered dozens and dozens of hours with the goal of managing LFA in my community but, until HDOA will close nurseries with LFA infestations until they are proven to be gone we will continue to be spreading these ants around our islands. With the Punahou Carnival as an example, potted plants from nurseries can be spread all over the island. Each infested plant put into the ground will require at least a year of treatment with another 3 years of monitoring. While the infested materials were removed from the carnival (thanks to OISC monitoring of the event) the nursery that donated LFA-covered plants to the carnival is likely open and selling these ticking time-bombs each day. We need the HDOA to step up, acknowledge its role as a regulatory agency, and act in the public interest.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive

detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

With respectful urgency and frustration, I strongly urge you to pass this measure. Funding will be needed for HDOA to follow through with these measures but establishing the expectation so these services can be budgeted for and implemented is essential.

Mahalo again for the opportunity to submit testimony.

HB-2758-HD-1

Submitted on: 2/13/2024 4:53:05 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clemens Mayer	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Clemens Mayer and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai'i Department of Agriculture (HDOA). For example, the HDOA's failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O'ahu, which has now spread to Maui and Hawai'i Island. The HDOA's lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

LATE

HB-2758-HD-1

Submitted on: 2/13/2024 8:51:12 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Breanne Fong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee,

My name is Breanne Fong and **I STRONGLY SUPPORT HB2758.**

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are now taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758. Thank you for the opportunity to testify.

LATE

HB-2758-HD-1

Submitted on: 2/13/2024 10:35:51 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
LorrieAnn Santos	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Lorrie Ann Santos and I STRONGLY SUPPORT HB2758 HD1 and ask for your support. We can no longer wait for the Hawaii Department of Agriculture to take the actions needed to comprehensively address the real and present threat of invasive pests and noxious weeds. This means comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import, inter- and intra-island spread, and sale of invasive pests and noxious weeds.

Your support of this measure will give our communities a fighting chance at mitigating and protecting the potential impacts on our native ecosystems, cultural practices, food security, public health, economy, and overall quality of life of present and future generations.

I respectfully and strongly urge the Committee to PASS HB2758 HD1. Mahalo for the opportunity to testify.

Lorrie Ann Santos, a Windward O'ahu resident and community member facing imminent danger from invasive pests and noxious weed infestation.

LATE

HB-2758-HD-1

Submitted on: 2/13/2024 10:59:58 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bret Mossman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Bret Mossman, and I am writing from Hilo. I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the

21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

LATE

HB-2758-HD-1

Submitted on: 2/14/2024 5:24:16 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rachel Morgan	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Rachel Morgan and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

LATE

HB-2758-HD-1

Submitted on: 2/14/2024 8:56:09 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Committee Members,

I Strongly Support HB 2758, HD1. Immediate action is required, especially with the invasion of Little Fire Ants and the Coconut Rhinoceros Beetle. Hopefully it is not too late.

HB-2758-HD-1

Submitted on: 2/14/2024 9:37:25 AM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Heimuli	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Malia Heimuli and I STRONGLY SUPPORT HB2758 HD1.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

As kama‘āina to Hawai‘i, I desire a future where I can grow and harvest food without worrying about pests taking over my garden. I desire a future where I can pick the flowers and ferns needed to make lei without having to worry about little fire ants biting me when I where them. I desire a future where invasive species are kept out of our ‘āina and doesn't impede on the practices of our kanaka ‘ōiwi culture and ways of life.

I respectfully but strongly urge the Committee to PASS HB2758 HD1.

Mahalo for the opportunity to testify,

Malia Heimuli

LATE

HB-2758-HD-1

Submitted on: 2/14/2024 12:56:57 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily Gillmar	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Chairs and Members,

I would like to strongly support HB2758 HD1.

I've been meaning to buy a large lime tree, and figured I'd go over to Waimanalo. After seeing the publicity about little fire ants at the Punahou Carnival, I got worried about bringing ants home. I would love to patronize a nursery that is vigilant in controlling invasive species, but since there is no listing of "bad actor" nurseries it's hard to want to spend the money on a nice tree -- this situation gives less incentive for nurseries to follow good practices and win my business.

Personal experiences trying to manage the coqui population at my in-laws' house on the Big Island underscore the need to have a swift, coordinated, governmental response to interisland as well as out-of-state invasive species threats. Enjoying inexpensive potted plants from other islands is not worth the pain of fire ant stings or sacrificing a good night's sleep to coqui frogs. Being able to live outside without fear of snakes and ants is very valuable to residents and visitors alike.

Costs of new programs is always a concern, but to say that the choice is between doing nothing or creating hundreds of new staff positions seems like giving up before we've even started to fight back to reclaim our outdoors.

Thank you for your consideration,

Emily

LATE

HB-2758-HD-1

Submitted on: 2/14/2024 1:10:05 PM

Testimony for CPC on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Natasha Latta	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Natasha Latta and I STRONGLY SUPPORT HB2758 HD1.

As a farmer and livestock owner, I urge you to please take the necessary action to control this resilience and damaging critter.

This measure will fill critical gaps in our biosecurity planning and response systems, and mitigate the present and future potential impacts of invasive pests and noxious weeds on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

While communities across the islands are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts have been frustrated by a lack of sufficient government support, including and particularly from the Hawai‘i Department of Agriculture (HDOA). For example, the HDOA’s failure to prohibit the intransland movement and sale of infested plants and other commodities has likely contributed to the establishment of the coconut rhinoceros beetle on O‘ahu, which has now spread to Maui and Hawai‘i Island. The HDOA’s lack of comprehensive planning and programming to detect and control or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O‘ahu, and leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the HDOA to take the actions we need to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds, are needed now. This measure will help to bring our biosecurity systems into the 21st century, and give our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I respectfully but strongly urge the Committee to PASS HB2758 HD1. Thank you for the opportunity to testify.

HB-2758-HD-1

Submitted on: 2/14/2024 1:56:46 PM

Testimony for CPC on 2/14/2024 2:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Michele Harman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee,

My name is Michele Harman and I STRONGLY SUPPORT HB2758 HD1.

Invasive species threaten our natural resources, food systems, livelihoods, recreation, cultural practices, resilience, and much more. Many negative stories have been in the news lately regarding the harmful impacts of invasive species on our islands. We need a strong framework, with help from government to implement comprehensive detection, control, and eradication programs. These measures should include the licensing of nurseries and regulatory mechanisms to prevent the import and inter- and intra-island spread of invasive pests and noxious weeds. This system gives our communities a much better chance to protect our islands and future generations from the wide-ranging harms of invasive pest species.

As someone working in natural resource management and environmental education, I respectfully and strongly urge the Committee to PASS HB2758 HD1. Mahalo nui for the opportunity to testify. Aloha, michele