
SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF THE AUDITOR TO CONDUCT A PERFORMANCE
AUDIT OF THE PLANT PEST CONTROL BRANCH AND PLANT QUARANTINE
BRANCH WITHIN THE PLANT INDUSTRY DIVISION OF THE DEPARTMENT
OF AGRICULTURE.

1 WHEREAS, the establishment and spread of invasive species
2 is harmful to agriculture, native biota, public health, and the
3 economic well-being of the State; and
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5 WHEREAS, the State's mandated biosecurity program
6 established in 2008, pursuant to part VI of chapter 150A, Hawaii
7 Revised Statutes, is delivered by the Plant Quarantine Branch
8 within the Plant Industry Division of the Department of
9 Agriculture, which also comprises the Pesticides Branch and
10 Plant Pest Control Branch; and
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12 WHEREAS, the Plant Quarantine Branch inspects plants,
13 insects, microorganisms, and non-domestic animals that are
14 imported and certifies plants for export; the Pesticides Branch
15 regulates the manufacture, sale, and use of pesticides; and the
16 Plant Pest Control Branch not only inspects and certifies seeds,
17 but also eradicates, contains, or controls pests of plants that
18 could cause significant economic damage to Hawaii's agriculture,
19 environment, and quality of life; and
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21 WHEREAS, the Office of the Auditor, pursuant to Act 243,
22 Session Laws of Hawaii 2016, conducted a financial and performance
23 performance audit of the duties and facilities of the Plant
24 Quarantine Branch, including the Branch's biosecurity programs
25 and related programs and submitted Report No. 17-05, entitled
26 "Audit of Hawai'i Department of Agriculture's Plant Quarantine
27 Branch" to the Legislature; and
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29 WHEREAS, pursuant to section 150A-57, Hawaii Revised
30 Statutes, the Department of Agriculture is required to submit an



1 annual report on the biosecurity program to the Legislature no
2 later than twenty days prior to the convening of each regular
3 session of the Legislature; and
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5 WHEREAS, the Department of Agriculture has failed to
6 produce to the Thirty-Second Legislature, 2024, an annual report
7 on the biosecurity program pursuant to section 150A-57, Hawaii
8 Revised Statutes; and
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10 WHEREAS, Report No. 17-05 found that the Plant Quarantine
11 Branch not only lacked the data gathering and data analysis
12 functions necessary to actively and continuously assess risks
13 from invasive species, but also the organizational framework
14 necessary to manage and communicate risks from invasive species.
15 The report states, in part, that while food and farm product
16 imports continue to rise, Plant Quarantine Branch staffing
17 levels have still not recovered from a 2009 reduction-in-force
18 that cut thirty-seven positions, most of which were Inspector I
19 through III positions; and provided seven recommendations to the
20 Department of Agriculture and the Plant Quarantine Branch,
21 collectively; and
22

23 WHEREAS, pursuant to section 23-7.5, Hawaii Revised
24 Statutes, the Auditor reviewed the implementation status of its
25 seven recommendations in 2020, and submitted Report No. 20-12,
26 entitled "Follow Up on Recommendations from Report No. 17-05,
27 Audit of Hawai'i Department of Agriculture's Plant Quarantine
28 Branch" to the Legislature, finding that the Plant Quarantine
29 Branch implemented one recommendation, partially implemented
30 five recommendations, and has not implemented one
31 recommendation; and
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33 WHEREAS, it has been stated in several legislative hearings
34 and informational briefings during the Thirty-Second Legislative
35 Session, that the Plant Pest Control Branch has been utilizing
36 staff and operational capacity from the Plant Quarantine Branch
37 to carry out its duties; now, therefore,
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39 BE IT RESOLVED by the Senate of the Thirty-second
40 Legislature of the State of Hawaii, Regular Session of 2024, the
41 House of Representatives concurring, that the Office of the
42 Auditor is requested to conduct a performance audit of the Plant



1 Pest Control Branch and Plant Quarantine Branch (Branches)
2 within the Plant Industry Division of the Department of
3 Agriculture; and
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5 BE IT FURTHER RESOLVED that the performance audit is
6 requested to evaluate the efficiency and effectiveness of the
7 Branches in carrying out their statutory responsibility to
8 control and eradicate pests within the State, including via
9 enforcement actions; specifically in:

- 10
- 11 (1) Adopting rules pursuant to section 141-2, Hawaii
12 Revised Statutes;
- 13
- 14 (2) Designating pests for control or eradication,
15 including any emergency designation of a pest for
16 control or eradication, pursuant to section 141-3(a)
17 and (c), Hawaii Revised Statutes;
- 18
- 19 (3) Providing assistance to individuals for the control or
20 eradication of insects, mites, diseases, noxious
21 weeds, or other pests pursuant to section 141-3(b),
22 Hawaii Revised Statutes;
- 23
- 24 (4) Developing and implementing a detailed control or
25 eradication program pursuant to section 141-3.5(a) and
26 (b), Hawaii Revised Statutes, for each pest designated
27 for control or eradication;
- 28
- 29 (5) Identifying best practices for the treatment of little
30 fire ants and posting those practices on the website
31 of the Department of Agriculture pursuant to section
32 141-3.5(c), Hawaii Revised Statutes;
- 33
- 34 (6) Conducting pest control or eradication programs on
35 private property pursuant to section 141-3.6, Hawaii
36 Revised Statutes;
- 37
- 38 (7) Controlling invasive plants by designating certain
39 plant species as noxious weeds pursuant to section
40 152-4, Hawaii Revised Statutes;
- 41



1 (8) Preventing the introduction and establishment of
2 noxious weeds in areas declared free or reasonably
3 free of those noxious weeds pursuant to section 152-5,
4 Hawaii Revised Statutes; and
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6 (9) Controlling or eradicating noxious weeds pursuant to
7 section 152-6, Hawaii Revised Statutes; and
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9 BE IT FURTHER RESOLVED that the performance audit also is
10 requested to evaluate the efficiency and effectiveness of the
11 Plant Quarantine Branch in carrying out its statutory
12 responsibilities to prevent the introduction of, and to control
13 and eradicate, pests within the State, including via enforcement
14 actions; specifically in:

15
16 (1) Implementing a risk analysis process to define and
17 respond to threats of invasive species introduction;
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19 (2) Incorporating data-driven elements to monitor,
20 evaluate, adjust, and improve inspection activities
21 and rules adopted pursuant to section 141-2, Hawaii
22 Revised Statutes;
23

24 (3) Implementing and operating an up-to-date database
25 system that houses important taxonomic data,
26 communicates with other databases, and supports an
27 e-manifest program;
28

29 (4) Determining the personnel necessary to implement and
30 operate a data-driven biosecurity program;
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32 (5) Developing appropriate policies and procedures to
33 ensure that the Plant Quarantine Branch inspectors
34 carry out the Hawaii Interagency Biosecurity Plan;
35

36 (6) Providing the appropriate training to the Plant
37 Quarantine Branch staff;
38

39 (7) Periodically reviewing and updating policies and
40 procedures to ensure continued relevance;
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- 1 (8) Developing an electronic process for submission of
- 2 permit applications under chapter 150A, Hawaii Revised
- 3 Statutes;
- 4
- 5 (9) Processing applications for biocontrol organisms under
- 6 chapter 150A, Hawaii Revised Statutes;
- 7
- 8 (10) Developing a list of restricted plants requiring a
- 9 permit to enter the State pursuant to section 150A-
- 10 6.1(a), Hawaii Revised Statutes;
- 11
- 12 (11) Developing a list of restricted plants that may be
- 13 detrimental or potentially harmful to agriculture,
- 14 horticulture, the environment, or animal or public
- 15 health, or that spread or may be likely to spread an
- 16 infestation or infection of an insect, pest, or
- 17 disease that is detrimental or potentially harmful to
- 18 agriculture, horticulture, the environment, or animal
- 19 or public health pursuant to section 150A-6.1(b),
- 20 Hawaii Revised Statutes;
- 21
- 22 (12) Preventing the sale and transportation of pests and
- 23 commodities infested with a pest pursuant to section
- 24 150A-8 and rules adopted pursuant to section 141-2,
- 25 Hawaii Revised Statutes;
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- 27 (13) Adopting other rules pursuant to section 141-2, Hawaii
- 28 Revised Statutes; and
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- 30 (14) Cooperating with the Department of the Attorney
- 31 General to provide information on persons who may be
- 32 eligible for a penalty under section 150A-14, Hawaii
- 33 Revised Statutes; and
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35 BE IT FURTHER RESOLVED that the Auditor is requested to
 36 submit a report of their findings and recommendations, including
 37 any proposed legislation, to the Legislature no later than
 38 twenty days prior to the convening of the Regular Session of
 39 2025; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Auditor and
3 Chairperson of the Board of Agriculture.

