

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

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

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
AGRICULTURE & FOOD SYSTEMS

Monday, January 12, 2024
2:00 PM

State Capitol, Conference Room 312 & Via Videoconference

In consideration of
HOUSE BILL 2139
RELATING TO INVASIVE SPECIES

House Bill 2139 requires the Department of Agriculture to establish and appropriate funds for an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers. This bill requires the Department of Agriculture to inspect certain establishments that are at risk of spreading invasive pests, and establishes correction and quarantine. **The Department of Land and Natural Resources (Department) is in support of this measure.**

The Department applauds the efforts of the introducers of this measure to address the spread of pests through the horticulture trade which is one of the primary pathways that pests like little fire ants, coqui frogs, and coconut rhinoceros beetle are being spread throughout the islands. The Department supports any measure that would better address this pathway and prevent the continued movement of pests that eventually move into natural areas impacting native species, cultural resources, and Hawai'i's communities.

Mahalo for the opportunity to provide testimony in support of this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 12, 2024
2:00 PM
CONFERENCE ROOM 312 & VIDEOCONFERENCE

HOUSE BILL NO. 2139
RELATING TO INVASIVE SPECIES

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

Thank you for the opportunity to provide testimony on Senate Bill No. 2139 relating to invasive species and requires the Department of Agriculture to establish and implement an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers. The Department respectfully opposes this measure, recognizes the threat that invasive species pose, and offers comments.

The Department supports the intent to provide a more robust biosecurity program to battle invasive species through a placard program. The opposition is that we do not have sufficient capacity in both personnel and operations to implement this new program. The Department of Health (DOH) implemented a placard program in 2014 where 50 DOH inspectors provided initial and follow-up inspections for 10,000 food



establishments statewide. The Department considers resources to reinstate core inspection and biosecurity programming more critical to respond to the threat of invasive species.

This measure appears to require complaint-based inspections and this could penalize businesses who receive false complaints as the Department is required to charge \$50.00 per hour, plus mileage reimbursement, for any inspection conducted away from the port or department office that does not involve release at port of arrival, pursuant to L 2010, c 173, §13.

The Department has concerns regarding its ability to determine whether an “agricultural producer” would be covered under this program as the Department does not have the means of determining gross income thresholds, nor determining whether all activities were conducted within the state or not. Additionally, as “agricultural activities” are not defined it could be interpreted to include ranching, aquaculture, Ag tourism, or even value-added products utilizing processed Hawai’i-grown commodities such as roasted Kona coffee, and it is not clear if these types of specific industries are intended to be covered under this program or not, as each of these industries have their own pest concerns.

The Department is also concerned about the definition of “invasive species” as there is way to determine which species would subject a producer to receive a placard indicating non-compliance. As currently defined, species such as feral pigs or axis deer would appear to result in non-compliant status and it is unlikely that producers, particularly smaller ones would have the capability of removing or eradicating these species from their properties, particularly in areas that are heavily infested. Additionally,

species such as coqui frogs or little fire ants could fall outside the definition as these species generally do not have direct impacts to crops and are more of an environmental nuisance or impact human/animal health.

Thank you for the opportunity to testify on this measure.



NORTH SHORE NEIGHBORHOOD BOARD NO. 27

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 106 • HONOLULU, HAWAII, 96817
TELEPHONE: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

January 27, 2024

Sharon Hurd
Chair
State of Hawaii, Department of Agriculture Board
Plant Quarantine Conference Room
1849 Auiki Street
Honolulu, HI 96819

North Shore Neighborhood Board Testimony in Support of Strong HDOA Invasive Species Rules

Aloha Chair Hurd,

The North Shore community on O'ahu is very concerned about the proliferation of invasive species – especially the Little Fire Ants (LFA) and Coconut Rhinoceros Beetle (CRB) and their negative impact on the foliage, animals, and residents of our area and the entire state.

The State of Hawaii Department of Agriculture (HDOA) has the sole authority to stop or regulate the movement of invasive pests or material infested with an invasive pest, yet the Department lacks clear, sensible rules that can better address the spread of invasive pests around or within an island. We are now finding that the CRB are moving from palm trees to non-palm trees in our area. Unfortunately, no one seems to have a clue on how to fight or prevent the spread of these evil pests. What will happen next? Infestations of our grass and shrubbery? What about our livestock and pets; not to mention our keiki. We need clear rules and the Department needs funding to fight and fine those who spread these invasive pests.

It should be illegal for nurseries and garden shops to knowingly sell plants infested with LFA or coqui frogs, bags of compost with Coconut Rhinoceros Beetles, or to sell any materials infested with serious pests. Further, HDOA should have the authority to require a nursery infested with a serious pest like LFA to control the infestation before selling infested plants and materials. The proposed changes to chapter 72 are vital to preventing the establishment and spread of the next serious invasive pest.

The Hawaii Department of Agriculture should also pass the rules that re-start the compliance program to manage the spread of Coconut Rhinoceros Beetles around O'ahu in greenwaste and other host material.

Mālama 'āina,

Kathleen M. Pahinui

Kathleen M. Pahinui
Chair, North Shore Neighborhood Board #27

Cc: Council Member Matt Weyer, District II
Senator Brenton Awa
Representative Sean Quinlan
Representative Amy Perruso



Food+ Policy Internship 2024

food@purplemaia.org

February 11, 2024

To: Chair Gates, Vice-Chair Kahaloa, and members of the House Committee of Agriculture and Food Systems.

Subject: **Support of HB2139**

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

This testimony is being represented by Hawai'i Food + Policy, a group dedicated to advocating for legislative measures that support the development of a more sustainable and resilient food system in our state. We are writing to express our full support for H.B. NO.2139, "Relating to Invasive Species," which proposes the establishment of an Invasive Species Inspection Placard Program by the Department of Agriculture. The introduction of this bill signifies a significant step towards addressing the challenge to control, removal, and eradication of invasive species on the premises of agricultural producers land.

Invasive species pose a severe threat to our agricultural resources, native biodiversity, and overall ecosystem health. By requiring annual inspections or responses to complaints on agricultural premises, this program will help identify and mitigate the severe spread of invasive species before they inflict irreparable damage.

The public dissemination of inspection results through color-coded placards and the Department of Agriculture's website will raise community awareness and engagement. Empowering individuals with knowledge about the presence of invasive species in their vicinity is critical in mobilizing collective action towards invasive species management.

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2024, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



Food+ Policy Internship 2024

food@purplemaia.org

For Hawai'i Food + Policy, supporting H.B. NO.2139 aligns with our mission to advocate for legislative measures that promote a more sustainable and resilient food system. We believe that this bill is a vital step towards safeguarding our 'aina, preserving our cultural heritage, and helping alleviate the significant threat to agricultural productivity. The invasive species in Hawai'i decimate crops, reduce yields, and increase production costs for farmers, ultimately compromising the ability to yield food. By implementing a proactive inspection program to identify and address invasive species on the premises of agricultural producers, the bill directly addresses the integrity of our food production systems and encourages food security for the islands of Hawai'i.

We urge the committee to give favorable consideration to H.B. NO.2139 and to take decisive action to protect our native environment and agricultural stability. Mahalo nui loa for the opportunity to testify, and we stand ready to support the implementation of this critical legislation.

Sincerely,

Kawika Kahiapo + the Hawaii Food+ Policy Team

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2024, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



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February 12, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON HB 2139
RELATING TO INVASIVE SPECIES

Conference Room 312 & Videoconference
2:00 PM

Aloha Chair Gates, Vice-Chair Kahaloa, 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 comment on HB 2139, which requires the Department of Agriculture to establish and implement an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers.

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.

As farmers and ranchers, we understand the need for updated policies and procedures to prevent the spread of these pest species. Our way of life and our livelihood is entirely dependent upon the ecological balance of our environment.

HFB has the following concerns.

- The bill indicates that it amends HRS Chapter 150A by adding a new section to be entitled "**Invasive species inspection placard program**". It appears that this new part is intended to be in addition to the current Chapter 150A which concerns the same issues. Does this new part apply only to agriculture-related businesses, but not to nearby State, federal, or other properties that may be infested with and spreading invasive species?
- Assuming the bill's requirements are only applicable to agriculture-related businesses such as farms and ranches, is it fair to target these entities if invasive

pests are ubiquitous in the area, making it nearly impossible to prevent re-infestation, especially if there are no similar control requirements for the surrounding properties.

- Would large ranches, for example, those on hundreds of thousands of acres on Hawai'i Island that have been devastated by the two-lined spittlebug, be subject to these new laws even though there are currently no reasonable, cost-effective treatments available? Would having these pests on a farm or ranch be considered a violation?
- Because of the diversity and complexity of invasive species control, we are especially concerned about the proposed HRS Chapter 150A-(d) regarding the disclosure of the inspection report as a public document and the section requiring public placarding. These sections do not seem appropriate. Placarding could permanently stigmatize a business even if the producer is cooperative and corrects any deficiencies found upon inspection.

Department funding and staffing have long been insufficient to adequately prevent the entry and establishment of dangerous and damaging invasive species. This bill will require extensive resources and personnel to educate the public and producers, assist agricultural businesses with compliance, and conduct inspections and enforcement. Without significant funding, this measure will be impossible to implement.

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



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

February 12, 2024 2:00 PM Conference Room 312

In SUPPORT of:

HB2104: RELATING TO THE HAWAII INVASIVE SPECIES COUNCIL

HB2131: RELATING TO THE TWO-LINED SPITTLEBUG

HB2132: RELATING TO INVASIVE SPECIES

HB2133: RELATING TO INVASIVE SPECIES

HB2139: RELATING TO INVASIVE SPECIES

HB2537: RELATING TO INVASIVE SPECIES

HB2644: RELATING TO LITTLE FIRE ANTS

HB2672: RELATING TO LITTLE FIRE ANTS

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

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS HB2104, HB2131, HB2132, HB2133, HB2139, HB2537, HB2644, and HB2672**, which will help to mitigate the ongoing and future impacts of invasive pests on our native ecosystems, cultural practices, food security, public health, economy, and the overall quality of life of present and future generations.

Hawai'i's history provides us with 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 invasive pests such as the little fire ant, coconut rhinoceros beetle, hala scale, two-lined spittlebug and others will require substantial and long-needed policies and investments over the long-term, to prevent additional and even greater impacts to our islands and our future generations.

Accordingly, the Sierra Club strongly supports the much needed policies and investments contemplated in these measures. More financial support is critical for the Hawai'i Invasive Species Council to fulfill its biosecurity mission; funding for targeted campaigns to address the little fire ant and two-lined spittlebug are critical to preventing the ecological, cultural, agricultural, public health, and economic impacts of these pests; financial support for



SIERRA CLUB OF HAWAI'I

businesses and organizations to engage in invasive species control and eradication will engage more of the community in the all-hands-on-deck fight to combat their spread; agricultural invasive species placards will encourage agricultural producers to proactively employ best management practices and other measures to prevent and address invasive species on agricultural lands; and quarantine requirements will help to fill a critical gap in our regulatory toolbox that has allowed the sale of infested plants and other communities – a gap that has likely contributed to the establishment of coconut rhinoceros beetle on O‘ahu, and the ongoing spread of little fire ants across the islands.

Much remains uncertain as we continue to reckon with the consequences of Hawai‘i’s longstanding failure to enact critical biosecurity protections. However, it is certain that much stronger action, including but not limited to the proposals in the aforementioned bills, will be necessary to mitigate or prevent the worst of these and other future impacts to our lives and that of our children and future generations.

Accordingly, the Sierra Club of Hawai‘i respectfully urges the Committee to **PASS** these measures. Mahalo nui for the opportunity to testify.

RECEIVED
Date & Time

Feb 13, 2024, 10:28 am



COORDINATING GROUP ON
ALIEN PEST SPECIES

LATE

House of Representatives
Committee On Agriculture and Food Systems
Monday, February 12, 2024
2:00 PM Conference Room 312
State Capitol

Testimony with Comments on HB2139

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

The Coordinating Group on Alien Pest Species (CGAPS) provides our comments on **HB2139**, *Relating to Invasive Species*, which requires the Department of Agriculture to establish and implement an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers.

We appreciate the intent of this bill but we have several concerns. First, this bill is focused on setting up a placard program for all agricultural producers. There are several bills also being heard this session that focus more narrowly on the issues of nursery regulation via a nursery licensing program and other bills on a nursery placard program. We prefer these, with a preference for the nursery licensing program because it sets up a framework for regulation and communication on this high-risk pathway for receiving and then spreading pests via commodities for sale directly to the public. Currently, HDOA does not have a list of all nurseries, plant sellers, or even agricultural producers. Many other agricultural producers such as farms and ranches may have infestations and we must work towards addressing these, but food processing requirements under the Food Safety Modernization Act and others minimize the chances of these pests spreading to consumers. Therefore, we prefer to work on nursery regulation, possibly with the inclusion of a placard system, because nurseries and plant sellers are an extremely high-risk pathway and therefore it is a critical control point for preventing the establishment and movement of pests.

As a final note, Hawaii Department of Health had several years of preparation work with food establishments prior to enactment. This, along with the fee structure, allowed the hiring of enough inspectors to provide education and bring all of the restaurants into compliance and allows immediate service once violations are addressed. Our HDOA would need at least a year to set up a program, followed by at least two years of outreach and working with agricultural producers to launch a similar, effective program.

Thank you for this opportunity to provide late testimony on HB2139.

Aloha,

A handwritten signature in blue ink, appearing to read 'Christy Martin'.

Christy Martin
CGAPS Program Manager

A handwritten signature in blue ink, appearing to read 'Stephanie Easley'.

Stephanie Easley
CGAPS Legal Fellow

HB-2139

Submitted on: 2/10/2024 10:58:22 AM

Testimony for AGR on 2/12/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

RELATING TO INVASIVE SPECIES.

Requires the Department of Agriculture to establish and implement an invasive species inspection placard program to enhance the control, removal, and eradication of invasive species on the premises of an agricultural producer and inform the public of the most recent invasive species inspection results for agricultural producers.

HB-2139

Submitted on: 2/12/2024 12:36:19 PM

Testimony for AGR on 2/12/2024 2:00:00 PM

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

Comments:

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

I support HB 2139. I like the idea of the Placard Program.