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# SENATE 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  
4

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  
20

21           WHEREAS, the Office of the Auditor, pursuant to Act 243,  
22 Session Laws of Hawaii 2016, conducted a financial and  
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  
28

29           WHEREAS, pursuant to section 150A-57, Hawaii Revised  
30 Statutes, the Department of Agriculture is required to submit an  
31 annual report on the biosecurity program to the Legislature no



1 later than twenty days prior to the convening of each regular  
2 session of the Legislature; and

3  
4 WHEREAS, the Department of Agriculture has failed to  
5 produce to the Thirty-Second Legislature, 2024, an annual report  
6 on the biosecurity program pursuant to section 150A-57, Hawaii  
7 Revised Statutes; and

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9 WHEREAS, Report No. 17-05 found that the Plant Quarantine  
10 Branch not only lacked the data gathering and data analysis  
11 functions necessary to actively and continuously assess risks  
12 from invasive species, but also the organizational framework  
13 necessary to manage and communicate risks from invasive species.  
14 The report states, in part, that while food and farm product  
15 imports continue to rise, Plant Quarantine Branch staffing  
16 levels have still not recovered from a 2009 reduction-in-force  
17 that cut thirty-seven positions, most of which were Inspector I  
18 through III positions; and provided seven recommendations to the  
19 Department of Agriculture and the Plant Quarantine Branch,  
20 collectively; and

21  
22 WHEREAS, pursuant to section 23-7.5, Hawaii Revised  
23 Statutes, the Auditor reviewed the implementation status of its  
24 seven recommendations in 2020, and submitted Report No. 20-12,  
25 entitled "Follow Up on Recommendations from Report No. 17-05,  
26 Audit of Hawai'i Department of Agriculture's Plant Quarantine  
27 Branch" to the Legislature, finding that the Plant Quarantine  
28 Branch implemented one recommendation, partially implemented  
29 five recommendations, and has not implemented one  
30 recommendation; and

31  
32 WHEREAS, it has been stated in several legislative hearings  
33 and informational briefings during the Thirty-Second Legislative  
34 Session, that the Plant Pest Control Branch has been utilizing  
35 staff and operational capacity from the Plant Quarantine Branch  
36 to carry out its duties; now, therefore,

37  
38 BE IT RESOLVED by the Senate of the Thirty-second  
39 Legislature of the State of Hawaii, Regular Session of 2024,  
40 that the Office of the Auditor is requested to conduct a  
41 performance audit of the Plant Pest Control Branch and Plant



1 Quarantine Branch (Branches) within the Plant Industry Division  
2 of the Department of Agriculture; and  
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4 BE IT FURTHER RESOLVED that the performance audit is  
5 requested to evaluate the efficiency and effectiveness of the  
6 Branches in carrying out their statutory responsibility to  
7 control and eradicate pests within the State, including via  
8 enforcement actions; specifically in:  
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- 10 (1) Adopting rules pursuant to section 141-2, Hawaii  
11 Revised Statutes;  
12
- 13 (2) Designating pests for control or eradication,  
14 including any emergency designation of a pest for  
15 control or eradication, pursuant to section 141-3(a)  
16 and (c), Hawaii Revised Statutes;  
17
- 18 (3) Providing assistance to individuals for the control or  
19 eradication of insects, mites, diseases, noxious  
20 weeds, or other pests pursuant to section 141-3(b),  
21 Hawaii Revised Statutes;  
22
- 23 (4) Developing and implementing a detailed control or  
24 eradication program pursuant to section 141-3.5(a) and  
25 (b), Hawaii Revised Statutes, for each pest designated  
26 for control or eradication;  
27
- 28 (5) Identifying best practices for the treatment of little  
29 fire ants and posting those practices on the website  
30 of the Department of Agriculture pursuant to section  
31 141-3.5(c), Hawaii Revised Statutes;  
32
- 33 (6) Conducting pest control or eradication programs on  
34 private property pursuant to section 141-3.6, Hawaii  
35 Revised Statutes;  
36
- 37 (7) Controlling invasive plants by designating certain  
38 plant species as noxious weeds pursuant to section  
39 152-4, Hawaii Revised Statutes;  
40
- 41 (8) Preventing the introduction and establishment of  
42 noxious weeds in areas declared free or reasonably



1 free of those noxious weeds pursuant to section 152-5,  
2 Hawaii Revised Statutes; and

- 3  
4 (9) Controlling or eradicating noxious weeds pursuant to  
5 section 152-6, Hawaii Revised Statutes; and  
6

7 BE IT FURTHER RESOLVED that the performance audit also is  
8 requested to evaluate the efficiency and effectiveness of the  
9 Plant Quarantine Branch in carrying out its statutory  
10 responsibilities to prevent the introduction of, and to control  
11 and eradicate, pests within the State, including via enforcement  
12 actions; specifically in:

- 13  
14 (1) Implementing a risk analysis process to define and  
15 respond to threats of invasive species introduction;  
16

- 17 (2) Incorporating data-driven elements to monitor,  
18 evaluate, adjust, and improve inspection activities  
19 and rules adopted pursuant to section 141-2, Hawaii  
20 Revised Statutes;  
21

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

- 27 (4) Determining the personnel necessary to implement and  
28 operate a data-driven biosecurity program;  
29

- 30 (5) Developing appropriate policies and procedures to  
31 ensure that the Plant Quarantine Branch inspectors  
32 carry out the Hawaii Interagency Biosecurity Plan;  
33

- 34 (6) Providing the appropriate training to the Plant  
35 Quarantine Branch staff;  
36

- 37 (7) Periodically reviewing and updating policies and  
38 procedures to ensure continued relevance;  
39

- 40 (8) Developing an electronic process for submission of  
41 permit applications under chapter 150A, Hawaii Revised  
42 Statutes;



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- 2 (9) Processing applications for biocontrol organisms under
- 3 chapter 150A, Hawaii Revised Statutes;
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- 5 (10) Developing a list of restricted plants requiring a
- 6 permit to enter the State pursuant to section 150A-
- 7 6.1(a), Hawaii Revised Statutes;
- 8
- 9 (11) Developing a list of restricted plants that may be
- 10 detrimental or potentially harmful to agriculture,
- 11 horticulture, the environment, or animal or public
- 12 health, or that spread or may be likely to spread an
- 13 infestation or infection of an insect, pest, or
- 14 disease that is detrimental or potentially harmful to
- 15 agriculture, horticulture, the environment, or animal
- 16 or public health pursuant to section 150A-6.1(b),
- 17 Hawaii Revised Statutes;
- 18
- 19 (12) Preventing the sale and transportation of pests and
- 20 commodities infested with a pest pursuant to section
- 21 150A-8 and rules adopted pursuant to section 141-2,
- 22 Hawaii Revised Statutes;
- 23
- 24 (13) Adopting other rules pursuant to section 141-2, Hawaii
- 25 Revised Statutes; and
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- 27 (14) Cooperating with the Department of the Attorney
- 28 General to provide information on persons who may be
- 29 eligible for a penalty under section 150A-14, Hawaii
- 30 Revised Statutes; and
- 31

32 BE IT FURTHER RESOLVED that the Auditor is requested to  
 33 submit a report of their findings and recommendations, including  
 34 any proposed legislation, to the Legislature no later than  
 35 twenty days prior to the convening of the Regular Session of  
 36 2025; and

37  
 38 BE IT FURTHER RESOLVED that certified copies of this  
 39 Resolution be transmitted to the Auditor and Chairperson of the  
 40 Board of Agriculture.

