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Governor

SYLVIA LUKE
Lt. Governor



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Chairperson, Board of Agriculture

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT

JANUARY 31, 2024
1:00 PM
CONFERENCE ROOM 224 & VIDEOCONFERENCE

SENATE BILL NO. 2560
RELATING TO INVASIVE SPECIES

Chair Gabbard, Vice Chair Richards, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2560 which provides that each lease that the Department of Agriculture (Department) enters into, renews, or extends shall authorize the Department to: (1) enter the leased premises at any time to identify, investigate, control, or eradicate invasive species; and (2) terminate the lease if the lessee refuses the Department entry or is found in violation of any applicable law, rule, or order relating to the control or eradication of invasive species.

The Department recognizes the threat that invasive species pose and has already begun to address this issue by including an invasive species provision within its standard General Lease provisions that are approved by the Hawaii Board of Agriculture (Board). The invasive species provision in the General Lease provisions covers both access to the premises and enables lease termination through the Board.

The Department supports the intent of this measure but believes that it is already addressed through the General Lease provisions that are already in place.



Thank you for the opportunity to testify on this measure.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

January 31, 2024 1:00 PM Conference Room 224

In SUPPORT of:

- SB2419:** RELATING TO AGRICULTURAL BIOSECURITY
 - SB2358:** RELATING TO THE HAWAII INVASIVE SPECIES COUNCIL
 - SB2359:** RELATING TO INVASIVE SPECIES
 - SB2411:** RELATING TO THE TWO-LINED SPITTLEBUG
 - SB2559:** RELATING TO INVASIVE PESTS
 - SB2560:** RELATING TO INVASIVE SPECIES
-

Aloha Chair Gabbard, Vice Chair Richards, and Committee Members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB2419, SB2358, SB2359, SB2411, SB2559, and SB2560**, 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, 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; and inspection and quarantine authorities for businesses and public land lessees are vital to addressing long-



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neglected gaps in invasive pest detection and eradication – gaps that have 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** SB2419, SB2358, SB2359, SB2411, SB2559, and SB2560. Mahalo nui for the opportunity to testify.



The Senate
Committee On Agriculture and Environment
Wednesday, January 31, 2024
1:00 PM Conference Romm 224
State Capitol

Testimony in Support of SB2560

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

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of SB2560**, *Relating to Invasive Species*, which will allow the Hawaii Department of Agriculture (HDOA) to enter any property it leases to identify, investigate, control, or eradicate an invasive species on the leased property.

This is a common sense amendment which will allow HDOA to access State-owned property that it leases to address invasive pests on that property. As it will only apply to leases that are made, renewed, or extended after SB2560 is enacted into law, it will not impact existing leasees, who can decide if they want to renew or extend, in light of this requirement.

We respectfully request the Committee consider the following amendments to SB2560:

- 1. Change term “invasive species” to “invasive pest” and add a definition for that term.** The chapter amended by SB2560 does not include a definition of “invasive species” and that term will be critical to HDOA in carrying out the actions authorized by SB2560. The term “invasive species” is used in many contexts by different agencies and is not defined in any HDOA statute. We suggest using the term “invasive pest” for the purpose of SB2560 and adding a definition of that term as follows:

“For purposes of this section, the term “invasive pest” means any taxa that is a pest, as defined in section 150A-2, Hawaii Revised Statutes, or that is designated as a restricted or prohibited species pursuant to chapter 150A, Hawaii Revised Statutes.”

- 2. Clarify that the provision would allow HDOA to access its leased property to survey for and identify an invasive pests.** This authority is important since surveying for the presence of an invasive pest on a particular parcel is the first step to controlling that invasive pest and not all invasive pests can be detected from a distance or from outside the property. This amendment could be made on page 1, line 9 and 10, by striking “identity,” and adding the language in red below:

“(1) Enter the leased premises at any time to [~~identify,~~ **survey for, identify,** investigate, control, or eradicate invasive [~~species;~~ **pests;**”

3. **Add a provision that allows HDOA to require lessees to maintain control of invasive pests on the leased property.** HDOA is under-resourced and struggling to fill vacancies. Currently, HDOA does not have staff available to control or eradicate invasive pests on leased land. Authorizing HDOA to require a lessee to maintain control of invasive pests would incentivize lessees to prevent the introduction of invasive pests onto leased land and to control infestations as early as possible. This amendment could be made by adding a paragraph (2) on page 1, between lines 10 and 11, as follows:

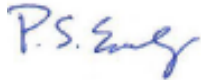
“(2) Require a lessee to maintain control of an invasive pests on the leased premises, at the lessee’s expense;”

Mahalo for the opportunity to support SB2560 and for consideration of our testimony.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow



LATE

January 23, 2024

Subject: Testimony to the Hawai'i State Senate regarding Senate Bill 2560 "Relating to Invasive Species"

Aloha Chair Gabbard, Vice-Chair Richards, and Esteemed Committee Members,

I am submitting testimony on behalf of the O'ahu Invasive Species Committee (OISC) in **strong support** of Senate Bill 2560 which would provide the Hawai'i Department of Agriculture (HDOA) with another tool to help limit the spread of high-priority invasive species that threaten our State through revisions to leasing agreement requirements.

This piece of legislation would increase biosecurity statewide by providing HDOA another means to hold accountable agricultural growers to ensure that they are not knowingly and willingly cultivating or spreading species detrimental to the agricultural industry and our natural resources. The current voluntary model is not successfully limiting the spread of injurious invasive species like little fire ant (*Wasmannia auropunctata*) and coconut rhinoceros beetle (*Oryctes rhinoceros*). As a State, we are at a tipping point for these two species, among a slew of others, and if we do not act quickly with every tool possible then a successful containment or eradication program will be unfeasible.

Granting HDOA the ability to limit the spread of invasive species through lease agreements will also act as a preventative measure by deterring bad actors with clear and direct consequences to harboring invasive pests that will harm our communities. Given that prevention costs substantially less than active management, we should be utilizing all possible preventative actions to limit the spread of the aforementioned and other injurious species that continue to threaten our islands. This piece of legislation would grant HDOA with another tool for the invasive species management toolkit.

We very much appreciate your continuing leadership and support for invasive species management. For these reasons I lend OISC's full support behind SB 2560 and thank the Committee for providing our organization with the opportunity to testify.

Mahalo nui loa for your time and consideration,

Nate Dube
Manager, O'ahu Invasive species Committee

SB-2560

Submitted on: 1/27/2024 10:31:38 PM

Testimony for AEN on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine Jane Agas	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-2560

Submitted on: 1/28/2024 5:06:51 PM

Testimony for AEN on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Redfeather	Individual	Support	Written Testimony Only

Comments:

HDOA already performs these protocols.

SB-2560

Submitted on: 1/30/2024 11:49:31 AM

Testimony for AEN on 1/31/2024 1:00:00 PM

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

Comments:

Thank you for considering this bill.

State leases should not be allowed to businesses or organizations that are acting as a public nuisance by spreading invasive species.

Particularly for species where government response groups are funded and staffed (eg, LFA and the Hawai'i Ant Lab) collaboration and access to the property for eradication should be a requirement of the lease.

Knowing that HDOA is understaffed, the likelihood of this been abused is low. That said, I think making sure that we highlight HDOA's role (with CTHAR Extension Agents' support) in encouraging and supporting businesses to come into invasive species management best practices before leases are terminated. There are many current barriers to farming, we need to make sure we prevent invasive species spread from discouraging agriculture while also making sure that government regulation does not become too heavy-handed. That said, bad actors refusing to take action to manage invasive species should loose their leases.

I support this bill.

SB-2560

Submitted on: 1/31/2024 1:26:13 AM

Testimony for AEN on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

Aloha nui,

I strongly support this bill and its intention to hold the highest levels of expectation. I look forward to following this and seeing how it may progress in the favor of the public, economy, state, and environment.

Mahalo nui,

Kimeona Kane