



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

ON THE FOLLOWING MEASURE:
S.B. NO. 3237, RELATING TO AGRICULTURE.

BEFORE THE:
SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND ON
TRANSPORTATION AND CULTURE AND THE ARTS

DATE: Thursday, February 8, 2024 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 224 and Videoconference

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

Chairs Gabbard and Lee and Members of the Committees:

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 14, to page 26, line 17 (section 150A-F(e), HRS)).

In section 7, at page 25, line 14, to page 26, line 17, 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 27, following line 3, 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. Revocation of Nursery License (Section 7, page 27, line 4, to page 28, line 5 (section 150A-G, HRS)).

In section 7, at page 27, line 4, 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 4-9, be revised as follows:

§150A-G 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, a temporary plant nursery license, or a small seller plant nursery license or may suspend or revoke a full plant nursery license, temporary plant nursery license, or a 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 7, to page 52, line 21 (amendments to section 150A-5(b)(5), HRS)).

In section 13, at page 50, line 7, to page 52, line 21, 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 7, 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 6, 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 4, to read as follows, and renumbering subsequent sections accordingly:

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

Section 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 5).

In section 16, at page 60, line 5, 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 3-9, 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 2, to page 77, line 21; Section 20, page 80, lines 3-16; Section 22, page 82, lines 7-12).

In section 18, at page 66, line 1, 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. On page 80, lines 3-16, section 20, the bill amends section 152-2, HRS to repeal paragraphs (1) – (3) and remove the expounded authority of the department to adopt rules to establish “criteria and procedures for designation of plant species as noxious weeds” and instead authorizes the board to “adopt rules necessary for purposes of this chapter.” On page 82, lines 5-12, section 22, 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 sections 152-2 and 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 8-9, 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 7, page 21, line 5, replace "yeat" with "year."

- Section 13, page 50, line 13, replace "importation" with "imported."
- Section 13, page 50, lines 14-17, 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
Deputy to the Chairperson

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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 8, 2024

3:00 PM

CONFERENCE ROOM 224 & VIDEOCONFERENCE

**SENATE BILL NO. 3237
RELATING TO INVASIVE SPECIES**

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

Thank you for the opportunity to provide testimony on Senate Bill No. 3237 relating to invasive species. 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 usually consisting of state pest regulatory officials, such as 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 omitted and added to Hawaii Administrative Rules 4-69 as opposed to being in statute, especially with the new requirements to continually revise the rules on a bi-annual basis. Subsection (A)(i) refers to "high-risk pests" but there is 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.

Section 141-6 should be revised to be consistent with the replacement of SPRO to Chairperson.

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 consisting of at least 75-100 inspectors, technicians, administrative staff, and specialists to manage the license processing, inspections, and the development of location specific best management practices and standards of nursery cleanliness. 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 multiple violations since all 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 list of proposed pests and the designation of infested and restricted areas are already in 4-72,

HAR and therefore should be omitted. Additionally, being 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 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 “restricted articles” and “articles”, which are defined. As “item or material” are not currently defined, it would appear that all these items may

require inspection and disposition. If this is the intent, the Department would likely require a minimum of 300 inspectors just to accomplish this task.

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 this section already appears to have the authority to do this. Section 152-I(b), if deemed necessary, should be included in 150A-6.1. However, this section 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 directly 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.

In summary the following changes to the language of the bill are suggested:

- Throughout the bill replace State Plant Regulatory Official (SPRO) with Hawaii Department of Agriculture Chairperson or Designee
- Remove “taxa as” from 141-3.2. It should read, “Designate other taxa as pests for control or eradication by rule, and update designated taxa no less than once every two years,”
- Add prohibition to sell noxious weeds to temporary and small seller licenses,
- Add ability for temporary licensees to produce their own stock
- Add requirement to full licensees to obtain stock from a valid license

- Add ability for all nursery sizes to import necessary stock, subject to current rules
- Remove stop sale and revise HRS 150e.1 to read, “(1) Shall place a quarantine order for the affected nursery stock or location and, if appropriate, a destruction order for affected nursery stock;
- Remove 150A- as it is already in HAR 4-72.
- Remove “§150A- Cooperative enforcement of federal and state quarantines.
(a) The department may enter into cooperative agreements with the United States Department of Agriculture and other federal, state, or county agencies to assist in the enforcement of federal quarantines. The department may establish a quarantine and adopt rules relating to a pest or an area not covered by a federal quarantine. 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 requirements or, if certified, were found to be infested with the pest. (b) Interstate shipments for entry into the State are subject to the following: (1) Any regulated article that is prohibited from interstate movement or is required to be certified, if moved interstate from an area regulated by a state or federal quarantine, shall not enter this State; (2) The owner or carrier of regulated articles that are reportedly originating in nonregulated areas of a quarantined state shall provide proof of origin of the regulated articles through an invoice, waybill or other shipping document; and (3) If only a portion of a state is under a state or federal quarantine, the entry of the shipment into this State shall not be refused nor shall a certificate be required

if the article originates from a nonregulated area of the shipping state, unless the article is found to be infested or prohibited” as it already exists in HRS 141-2(5)

- Revise definition for Compliance Agreement, to include only 1) and 2).
- Revise 150A sections 7, 8 and 9 to change “item or material” to “article”

Thank you for the opportunity to testify on this measure.



The Senate
Committee On Transportation and Culture and the Arts
Committee on Agriculture and Environment
Thursday, February 8, 2024
3:00 PM Conference Room 224
State Capitol

Testimony in Support of SB 3237

Aloha Chairs Lee and Gabbard, Vice Chairs Inouye and Richards, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) is **in strong support of SB3237, *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. SB3237 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 SB3237 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 adversely affect 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

SB3237 amends section 141-3, Hawaii Revised Statutes, (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 a short list of the species that are (or would be if the species arrives in Hawaii) actual targets for active control and eradication by HDOA. The current list was last updated in 2008 and contains 89 taxa, the vast majority of which are not (or would not be) targets for active control or eradication by HDOA. (See § 4-69A, HAR, Attachment 1 "List of Insects, Mites, Other Pests, and Plant Diseases Designated as Pests for Control or Eradication Purposes by the Hawaii Department of Agriculture" dated December 16, 2008) SB3237 amends section 141-3.5 HRS to allow a county, Invasive Species Committee for an island, or the Hawaii Ant Lab (HAL) to develop or implement a program to control or eradicate a species on that new, short, up-to-date list of species designated as a pest for control or eradication ONLY if HDOA does not do so. This will allow the counties, Invasive Species Committees, and HAL to be the boots on the ground for the pests and locations that are the highest priority if HDOA does not act and will allow resources to go where they are most needed. We respectfully request clarifying language and suggest the correction of a few typographical errors in proposed subsection (b) of section 141-3.5, Hawaii Revised Statutes, beginning on page 12, line 19, which currently reads:

(b) If the department does not develop and implement a detailed control or eradication program for a taxa designated as a pest control for eradication pursuant to section 141-3 on an island where the pest in a public nuisance, the applicable county or invasive species committee, or the Hawaii ant lab, may develop or implement a program for the pest on that island or the impacted area of that island.

So that it reads as follows (proposed changes are in bold):

(b) If the department does not develop and implement a detailed control or eradication program for a taxa designated as a pest **for** control or eradication pursuant to section 141-3 on an island where the pest **is, or is likely to be, a threat to public health and welfare, or private property, and is, therefore, a public nuisance,** the applicable county or invasive species committee, or the Hawaii ant lab, may develop or

implement a program for the pest on that island or the impacted area of that island.

Another critically important amendment made by SB3237 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 late last week 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 asked the Oahu Invasive Species Committee (OISC) to check the donated plants before the Carnival. Plants donated to the Carnival have been inspected by OISC every year since LFA was found in plants sold 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. 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. It 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. To address this concern, we respectfully suggest modifying the definition of "High-priority pest" on page 17, line 17, through page 18, line 7, 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, including a noxious weed:

- (1) That is not known to appear frequently within the State;
- (2) That has a limited distribution within **the** State;
- (3) That the department or other government entity, **including the appropriate Invasive Species Committee for an island,** attempts to contain, suppress, or reduce within **the State or an area of 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.

We 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 on page 26, lines 1 through 17, which currently reads:

(1) 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):

(1) 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 16, clarifies the definition of pest and we believe it makes the list of pests set out in the amendment made by section 8 unnecessary.

SB3237 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.

Hawaii'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 Hawaii's state regulations with existing and future federal regulations to prevent the introduction and spread of serious diseases and pests of citrus. SB3237 also closes a huge hole in Hawaii's biosecurity framework. Beginning on page 37, line 6, 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 is able to enter Hawaii. The proposed amendments close this huge biosecurity gap.

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;

SB3237 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 SB3237 and for consideration of our testimony.

Aloha,



Christy Martin
CGAPS Program Manager

P.S. Easley

Stephanie Easley
CGAPS Legal Fellow



ROAR

A GRASSROOTS INITIATIVE

Dear Chair, Vice Chair & Committee,

CARES testifies in strong support.

From the [NOAA](#), “Invasive species are capable of causing extinctions of native plants and animals, reducing biodiversity, competing with native organisms for limited resources, and altering habitats. This can result in economic effects, for example an important food such as potatoes that cant be sourced because of invasive species has invaded the crop, and fundamental disruptions of coastal and ecosystems.”

There needs to be invasive species management from the City, the State & Federal level. The City resolution is being heard right now. Statutory provisions as per this bill with definitions can provide a framework for making budget decisions based on program effectiveness. States have taken different steps to define terms which reflects strength of implementation.

In the discussions surrounding invasive species there is no work initiated with USDA which manages international trade and shipments which is a direct root cause of invasive species because those species are coming in from other nations. From [USDA](#), “USDA works with foreign governments, international organizations, and the Office of the U.S. Trade Representative to create international standards and rules to improve accountability and predictability for agricultural trade. USDA helps facilitate trade policy.”



ROAR

A GRASSROOTS INITIATIVE

Why wouldn't the State of Hawaii strengthen its work with USDA and get federal funding to assist instead of appropriating funds if it can access funding? The [USDA's National Institute of Food and Agriculture](#) has an Invasive Species Program which actively battles against invasive species through leadership, grant opportunities, and collaboration with partners. NIFA also has a branch, the National Animal and Plant Diagnostic Laboratory Networks, and the IPM Pest Information System for Extension and Education for the early detection and rapid response against invasive species that pose a high agricultural or biosecurity risk. There's also the resource, a [National Invasive Species Council from the US Department of Interior](#).

ROAR testifies for fair, equitable & humane strategies to deal with invasive species, and to start work with the Federal level.

Blessings,

ROAR



SB-3237

Submitted on: 2/6/2024 11:17:53 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

Alloha Chair Gabbard, Vice Chair Richards, & Committee,

My name is Dave Mulinix, CoFounder & Statewide Organizer for Greenpeace Hawaii, on behalf of our members and supporters throughout the state of Hawaii, we stand in **STRONG SUPPORT** of passage of SB3237 that establishes a suite of invasive species control and eradication tools and processes, including by designating little fire ants, coconut rhinoceros beetles, and two-lined spittlebugs as pests “for control or eradication,” while statutorily designating dozens of additional pests and noxious weeds; establishing processes and authorities for the Board of Agriculture and Hawai‘i Department of Agriculture to detect, control, and eradicate these and other invasive pests and noxious weeds, including by emergency actions; allowing the counties and other organizations such as the invasive species committees to develop and implement control and eradication programs where the HDOA has failed to do so; prohibiting the importation and transportation of known invasive species and their host materials; and establishing a plant nursery licensing program, to facilitate inspections, best management practices, and quarantines if necessary; among many other provisions.

Invasive species impact 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, and the limited window of time to eradicate newly introduced invasive species requires that we maintain robust and comprehensive biosecurity planning and response systems.

Unfortunately, the HDOA has been unable to take proactive action to fulfill its kuleana and build regulatory systems that can meaningfully protect us from such biological threats.

Hawai‘i must get serious about 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 to tolerate the business as usual status quo, if we do not want to pass on a pest-ridden future to our children and grandchildren.

Please pass SB3237 and help protect our homes from these destructive invasive species.

Mahalo,

Dave Mulnix, CoFounder & Statewide Organizer

Greenpeace Hawaii

BIISC
23 E. Kawili St.
Hilo, HI 96720
(808) 933-3340
www.biisc.org



February 7, 2024

Hearing: COMMITTEE ON AGRICULTURE AND ENVIRONMENT
RE: SB3237

Aloha,

Thank you for the opportunity to provide comments on this bill. Hawai'i has long needed serious upgrades to our biosecurity systems, and this bill goes a long way toward filling many gaps.

There are many key positive measures offered by this bill that we feel move strongly in the right direction, much already laid out in the 2017 Hawaii Interagency Biosecurity Plan, which had strong public support. For many years, BIISC has advocated for an update to the Noxious Weed List, last revised in 1992. We launched a voluntary nursery endorsement and education program, Plant Pono, which has been very successful in reducing the number of invasive plants sold in the horticulture trade. However, we can only *request* that a nursery choose to avoid selling invasives; because they are not legally required to stop, 25% of our retail nurseries on the Big Island still sell invasive plants. More than 99% of the world's plants remain legal to import to Hawai'i - no matter how invasive! We need not just an updated Noxious Weed list, but a "living" list that can be adjusted and updated in a timely manner. This act provides exactly that - a requirement for annual updates.

We are supportive of the extension of authority to the ISCs and Counties to design and coordinate eradication programs that include the potential for admission to private property for treatment. Here on the Big Island, we have thousands of vacant parcels with absentee owners, and the lack of ability to reach those owners and obtain permission for access can often be a huge barrier to a successful control program. This is a key measure to stop incipient invasions.

For over a year, we have been steadily providing our support for the proposed updates to HAR Ch 4-72. This bill includes those key updates and ensconces them in law, allowing for critical intervention actions in the movement of potentially infested materials to stop the movement of pests. As one of the islands to only recently have detected coco rhino beetle, we welcome these key improvements to help in the battle against CRB. Similarly, streamlining the process for allowing the definition of "pest" to be update quickly in response to new detections, rather than follow the existing process which can take months or years (and severely hamper response efforts during a critical time), is a huge step forward in making Hawai'i more responsive to the increasing challenges of our modern era.

There are many other positive provisions in the bill that BIISC feels are important to improving Hawaii's biosecurity. Thank you for this opportunity to offer comments, and do not hesitate to contact me for more information.

Franny Kinslow Brewer
Program Manager
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February 8, 2024

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

TESTIMONY ON SB 3237
RELATING TO AGRICULTURE

Conference Room 224 & Via Videoconference
3:00 PM

Aloha Chairs Gabbard and Lee, Vice-Chairs Richards and Inouye, and Members of the Committees:

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.

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.



THE SENATE
KA 'AHA KENEKOA

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024

COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair

Thursday, February 8, 2024 at 3:00 PM
Conference Room 224 & Videoconference

RE: SB3237 RELATING TO AGRICULTURE

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 350 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **STRONGLY Opposes Senate Bill 3237.**

This bill seeks to take away duties of the Department of Agriculture and give it to Invasive Species committees, while asking DOA to enforce protocols that they do not have enough funding or man power to accomplish. It specifies that if HDOA does not develop a detailed control/eradication program then an Invasive Species committee may implement a program for that Island.

The Department of Agriculture is focused on production Agriculture. Invasive Species committees are primarily concerned with environment and conservation lands and where pests may infringe on the community. These committees have different priorities. HDOA, being focused on production agriculture does not go into community areas and does not have funding for outreach to community as a priority over production agriculture.



Regarding the entry into Private Properties by Invasive Species Committee to eradicate pests, we believe Invasive species committees should not be casually allowed to represent the Department of Agriculture. They have not been deputized or trained in proper procedures. This should be done by those who have the authority of the PPQ and have the necessary education and training. This should be done through proper channels in case of lawsuits and with the AG approval.

In regards of some of these pests that are listed for the chapter, some can be managed and do not need to be quarantined. This list should be scrutinized. We should only quarantine for high risk. One example of this is the anthurium white fly, which is a pest and needs to be treated at that level, although, may not require quarantine procedures.

If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,



Eric S. Tanouye
President

Hawaii Floriculture and Nursery Association



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

February 8, 2024

3:00 PM

Conference Room 224

In SUPPORT of SB3237

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

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB3237**, 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, this 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



SIERRA CLUB OF HAWAI'I

biosecurity programs and authorities provided under this measure. Its expedited pest and noxious weed designation processes, control and eradication program mandates, 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 Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.

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Helping to keep Hawai'i
clean, green, beautiful,
livable and sustainable
since 1912



RE: The Outdoor Circle Full Support of SB3237/HB2758 on combatting invasive pests

February 6, 2024

Dear Senators and Representatives,

The threat of invasive pests to Hawaii is enormous and cause massive damage to our islands. We needn't repeat the reasons why we face these threats or the specifics of them as many others have testified. Suffice it to say that we are currently lacking in sufficient resources in our biosecurity planning and response systems that would be helped by passing this measure.

Please support SB3237/HB2758.

Mahalo,

Winston Welch
Executive Director
The Outdoor Circle



February 6, 2024

Aloha, Conservation Council for Hawai'i **STRONGLY SUPPORT HB2758/SB3237.**

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 intraisland 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 actions to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication strategies, 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/SB3237. Thank you for the opportunity to testify.

Aloha nui,

Jonnetta Peters
Executive Director

Telephone/Fax: 224.338-6511 | email: info@conservehi.org

web: www.conservehawaii.org | P.O. Box 2923, Honolulu, HI 96802

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National Wildlife Federation Pacific Region Associate Director: Emily Martin

Kō Hawai'i leo no nā holoholona lōhiu – Hawai'i's voice for wildlife | State Affiliate of the National Wildlife Federation



Testimony Before The
Senate Committee on Transportation and Culture and the Arts (TCA)
Senate Committee on Agriculture and Environment (AEN)

IN SUPPORT OF SB3237

February 8, 2024, 3:00PM, Room 224

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 SB3237 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 SB3237 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** SB3237. Mahalo for the opportunity to support this important issue.

Aloha ‘Āina Momona no nā kau ā kau.

Hawai'i State Senate Committees on Agriculture and Environment &
Transportation and Culture and the Arts
SB3237 – Relating to Agriculture

RE: Strong support of SB3237

February 8, 2024

The Council for Native Hawaiian Advancement (CNHA) writes in **strong support of SB3237**. This bill is critical to mitigate the ongoing and worsening 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.

Invasive species, like little fire ants and coconut rhinoceros beetles, pose an existential threat to Hawai'i's agricultural resilience. These pests can infest in plants, fields, farms, and properties; harm or kill crops, native species, and people; and irreversibly damage our delicate ecosystems. While communities across the pae 'āina are taking action to detect, control, and eradicate pests in their neighborhoods, these efforts should be supported by sufficient government support from the Hawai'i Department of Agriculture (HDOA).

SB3237 authorizes HDOA to be significantly more aggressive in its planning, programming, and management of invasive species, pests, and noxious weeds. The bill's comprehensive biosecurity strategy establishes multiple solutions, including regular updates of its list of pests, quarantine measures, and pest and weed control and eradication programs. It also significantly expands comprehensive detection, control, and eradication strategies, including the licensing of nurseries and regulatory mechanisms and authorization of invasive species committees to inspect properties for control and eradication program purposes. These updates to our biosecurity systems are necessary to mitigate the problem before it gets even worse.

This measure gives our communities a much better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species. For these reasons, we humbly ask that you **PASS SB3237**.

Me ka ha'aha'a,

Madelyn McKeague
Policy Manager, CNHA



February 7, 2024

Subject: Testimony to the Hawai'i State Senate regarding Senate Bill 3237 "Relating to Agriculture"

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 3237 which would establish quarantine tools, a nursery licensing system, and streamline rules to help monitor, control, and eradicate high-priority invasive species spread through the state.

The Hawai'i Department of Agriculture (HDOA) is the only current Department with the authority and ability to address invasive species spread throughout our islands through regulation. In order for HDOA to successfully regulate the inter-island and intra-island movement of injurious pests, the State must provide HDOA with the necessary tools to adequately address the threats of invasive species expanding via the nursery trade.

This piece of legislation would increase biosecurity statewide by providing HDOA with an inspection model and refining quarantine methods for a site determined to be infested by a high-priority pest. The current voluntary model is not successfully limiting the spread of dangerous species like little fire ant (*Wasmannia auropunctata*), coqui frog (*Eleutherodactylus coqui*) and coconut rhinoceros beetle (*Oryctes rhinoceros*), and instead is helping to catalyze the expansion due to only a few bad actors. A more publicly visible system that provides HDOA with the necessary tools to prevent the spread of this high-impact species will also act as a preventative measure to limit invasive species expansion by deterring potential bad actors with substantial consequences.

We very much appreciate your continuing leadership and support for invasive species management. For these reasons I lend OISC's full support behind SB 3237 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-3237

Submitted on: 2/6/2024 9:00:10 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Testifying for Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition is in FAVOR of SB3237 as well as the companion Bill HB2758 which addresses the invasive bugs and plants coming to Hawaii. The tools to combat these threats need to be given before the Hawaii eco-system is completely compromised.

Mahalo for your time.

SB-3237

Submitted on: 2/6/2024 6:28:48 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	Written Testimony Only

Comments:

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

I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

www.WeAreOne.cc

SB-3237

Submitted on: 2/6/2024 6:06:07 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Hwaaii Reef and Ocean Coalition SUPPORTS this legislation!

This bill is critical for biosecurity and protecting ecosystems by controlling invasive species.

Please pass this bill!

SB-3237

Submitted on: 2/6/2024 7:03:13 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I stand in support of SB3237.

Seeing the examples in the bill of quarantine efforts made by other states to control invasive species, I wonder why Hawaii hasn't done the same, given our small land mass and delicate ecosystem. The bill does indicate that DOA is understaffed and unable to carry out their responsibilities in regards to invasive species control.

I do feel that this is a step in the right direction, providing DOA with rule changing powers, as well as designating pests for control as a focus. This is a bill that I feel would have been best if passed decades ago, but the next best time is now.

Also, I applaud any efforts to protect our environment, our resources, and our people, which this effort does.

Mahalo for your time and consideration.

Keoni Shizuma

SB-3237

Submitted on: 2/6/2024 4:34:54 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

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

My name is Bo Breda and I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/6/2024 5:56:48 PM

Testimony for AEN on 2/8/2024 3:00:00 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/SB3237. I live in Ka'u and we are adversely impacted by invasives that continue to come into the state with little or no controls.

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 actions to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication strategies, 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/SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/6/2024 3:56:19 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure

SB-3237

Submitted on: 2/6/2024 4:33:40 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

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

My name is Peter Wilson and I STRONGLY SUPPORT SB3237.

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 intrainland 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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/6/2024 6:29:17 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Support	Written Testimony Only

Comments:

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

My name is Mary True and I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

Mary True, Pepekeo, 96783

SB-3237

Submitted on: 2/6/2024 6:47:32 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

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

My name is Nancy Harter and I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/6/2024 6:57:58 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

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

My name is Michele Nihipali and I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

SB-3237

Submitted on: 2/6/2024 9:05:04 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cullen Hayashida	Individual	Support	Written Testimony Only

Comments:

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

*My name is Cullen Hayashida of the Moanalua Gardens Community and I am **definitely in support** of HB2758.*

This measure will fill critical gaps in our biosecurity planning and response systems and address 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, that department's failure to prohibit the interisland 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. Its lack of comprehensive planning and programming to detect, control, or eradicate invasive pests and noxious weeds is now confounding efforts to stop the spread of little fire ants across O'ahu. It leaves all islands at risk of experiencing the devastating consequences of these or other invasive species.

We simply can no longer wait for the Department of Agriculture to take the necessary actions to address the threat of invasive pests and 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 bring our biosecurity systems into the 21st Century and give our communities a better chance at protecting our islands and future generations from the wide-ranging harms of invasive pest species.

Accordingly, I urge this Committee to PASS HB2758.

Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/6/2024 9:15:09 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

Aloha Chair Gabbard, Chair Lee, Vice Chair Richards, and Vice Chair Inouye, and Members of the Committees,

Just this week little fire ants were found at the Punahou Carnival... do I really need to say more? I urge you to PASS SB3237.

MAHALO!

SB-3237

Submitted on: 2/6/2024 10:26:30 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

Aloha kāua e Chair Gabbard, Chair Lee, Vice Chair Richards, Vice Chair Inouye, and Members of the Committee,

My name is Pua Heimuli, resident of Kahalu‘u, O‘ahu and **I strongly support SB3237**. My family and I live on the windward side near the presence of known Little Fire Ant infestations and as a professional working in Hawai‘i Conservation I've seen first hand the affects of invasive pests and noxious weeds on our unique and precious island landscape.

We need this measure to take the actions that are lacking currently. Comprehensive detection, control, and eradication programs, including the licensing of nurseries and regulatory mechanisms to prevent the spread of invasive pests and weeds between islands are needed now.

Please give our communities a better chance at protecting our islands and the generations who live here, a future without the harms of invasive pest species. I respectfully but strongly urge the Committee to **PASS SB3237**. Mahalo for the opportunity to send in my testimony.

Mālama Pono,

Pua Heimuli

SB-3237

Submitted on: 2/6/2024 11:24:09 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

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

My name is Breanne Fong and I STRONGLY SUPPORT SB3237.

I am currently a graduate student pursuing my master's in environmental management at UH Mānoa. It is the HDOA's kuleana, their responsibility, to take immediate action against biological threats like invasive species to protect the 'āina, people, and culture.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

Breanne Fong

SB-3237

Submitted on: 2/6/2024 11:42:29 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

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

I STRONGLY SUPPORT SB3237 and strongly urge the Committee to pass the measure as written. We cannot afford to ignore the emergency situation we are facing and the HDOA must be commanded to take responsibility for one of the fights of our lifetime to protect and save our precious 'aina. This measure is a no-brainer.

Thank you.

SB-3237

Submitted on: 2/7/2024 5:45:06 AM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha

Please pass this critical bill! As a farmer it will help us all for generations to come.

Mahalo
Maki Morinoue
Holualoa, HI

SB-3237

Submitted on: 2/7/2024 7:45:50 AM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

To mitigate hspd in our biosecurity planning and response systems to protect native ecosystems, cultural practices, food security, public health, economy, and quality of life, please pass this measure. Mahalo

SB-3237

Submitted on: 2/7/2024 7:58:40 AM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicole Nakata	Individual	Support	Written Testimony Only

Comments:

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

I strongly support SB3237. This measure will ensure critical biosecurity planning and response system gaps are filled and will help mitigate the present and future impacts from invasive pests and noxious weeds on Hawaii's native ecosystems, cultural practices, food security, public health, economy, and quality of life for island residents.

I respectfully and strongly urge the Committees to PASS SB3237.

Mahalo for the opportunity to testify.

SB-3237

Submitted on: 2/7/2024 8:03:24 AM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorraine Waianuhea	Individual	Support	Written Testimony Only

Comments:

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

My name is Lorraine Waianuhea and I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/7/2024 8:47:59 AM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vic Bostock	Individual	Support	Written Testimony Only

Comments:

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/7/2024 1:34:50 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

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

Comments:

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

I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/7/2024 7:26:51 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

String support for this measure.

- U'ilani Naipo

SB-3237

Submitted on: 2/7/2024 5:36:32 PM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Support	Written Testimony Only

Comments:

Aloha Senators,

Please support SB3237.

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 actions to comprehensively address the real and present threat of invasive pests and noxious weeds. Comprehensive detection, control, and eradication strategies, 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/SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/8/2024 7:03:25 AM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelei Tancayo	Individual	Support	Written Testimony Only

Comments:

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

My name is Michelei Tancayo and I STRONGLY SUPPORT SB3237.

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.

Accordingly, I respectfully but strongly urge the Committees to PASS SB3237. Thank you for the opportunity to testify.

SB-3237

Submitted on: 2/8/2024 8:49:35 AM

Testimony for AEN on 2/8/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erin Bishop	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support of this bill.

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.

Failure to prioritize invasive species prevention and management, either by inability or unwillingness, has allowed high-threat pests to move not just between islands but also inability and/or unwillingness to stop the movement of pests into farms, ranches, and backyards. Common sense measures are needed to ensure that regulatory agencies can stop the movement of pests, as well as provide funding and accountability to make sure they fulfill mandated authority.

Mahalo for prioritizing this issue and for the opportunity to testify.