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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 7, 2024

1:00 PM

CONFERENCE ROOM 224 & VIDEOCONFERENCE

SENATE BILL NO. 3365
RELATING TO PLANT CARE COMPONENTS

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

Thank you for the opportunity to testify on Senate Bill 3365 which requires the Department of Agriculture (Department) to certify treatments performed on soil, dirt, wood chips, compost, and filter socks; authorizes the Department to establish fees and places certain restrictions on the distribution or transportation of plant care components without prior treatment certification from the Department.

The Department strongly supports and offers comments on this bill.

The Department suggests adding the ability for treatment prior to shipment. Additionally, treatments occurring prior to importation are considered safer as the requirement for treatment in the State has the added risk of a pest escaping while the shipment is being transported for treatment or while it is occurring. Regarding establishing fees in subsection (a)(3), the Department already has a fee schedule for the witnessing of treatments, therefore this section is unnecessary.



In section (b), the term “entering the State” appears to conflict with HRS 150A-5(9) as a commodity is not considered as entering the State until the commodity has been inspected and passed. Normal procedure for treatments for pests either occur prior to entry or if required upon entry due to a pest infestation, the shipment is placed under quarantine until the treatment can occur and an inspector can verify that the treatment was sufficient to eradicate the pest. The Department suggests language, “No person shall distribute within the State any plant care component that originated from outside the State unless treated prior to entry or shall be placed in quarantine until treated and released for entry into the State.”

Regarding section (c), language should be included, “product shall need to be stored in a manner to prohibit infestation post treatment. As for treatment of good leaving the State, the Department does routinely certify shipments for export, but it is based off the receiving destination’s requirements and there is no requirement to certify a shipment if the destination has no requirements.

The Department notes that “soil” itself, which is defined in HRS 150A-2, is heavily regulated and importation can only occur under federal permits for extremely limited purposes, primarily in limited amounts for scientific or diagnostic purposes that ultimately result in treatment after use. As such, the Department suggests that soil be removed from this section to ensure that these activities can be conducted in a timely, cost-effective manner. “Dirt” does not have a legal definition, but the Department assumes this to be considered “soil” and should be removed. The Department would like to suggest language to specific that “filter socks” is to only cover those that contain organic plant material which is used for erosion control.

Thank you for the opportunity to testify on this measure.