

JOSH GREEN
GOVERNOR OF HAWAII

SYLVIA LUKE
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL

1151 PUNCHBOWL ST, #325
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UNIVERSITY OF HAWAII

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TOURISM

DEXTER KISHIDA
DEPARTMENT OF TRANSPORTATION

**Chelsea Arnott, HISC Coordinator on behalf of
HISC Co-Chair Sharon Hurd and Co-Chair Dawn N.S. Chang**

**House Committee on
JUDICIARY & HAWAIIAN AFFAIRS**

Tuesday, February 11, 2025

2:00 PM

State Capitol, Conference Room 325 and Via Videoconference

**In consideration of
HOUSE BILL 1449 HOUSE DRAFT 1
RELATING TO RELATING TO PLANT CARE COMPONENTS**

House Bill 1449 House Draft 1 authorizes the Department of Agriculture (HDOA) to adopt rules and establishes administrative penalties to establish and enforce the plant care component program. The Bill appropriates funds and establishes positions for purposes of the plant care component program. Plant Care components are defined as any quantity of wood chips, compost, or filter socks (mesh tube containing plant material). **The Hawai'i Invasive Species Council (Council) supports this measure.**

To protect Hawaii's agricultural and horticultural industries and State forests from injurious, harmful, or detrimental insects or plant diseases, Hawaii Revised Statute 141-2 authorizes HDOA to perform the following activities, quarantine, inspection, fumigation, disinfection, destruction, or exclusion of specified plant materials (including plant care components) upon introduction or at any time or place within the State. Additionally, no person shall distribute within the State any plant care component that originated outside the State, unless the plant care component has been treated immediately after entering the State, as certified by HDOA.

This bill proposes that any person who commits a related plant care component violation may be assessed an administrative penalty of no more than \$10,000 for each offense. When administering the fee, the Board has the authority to review each case individually based on gravity of the violation. The bill also provides for the establishment of HDOA quarantine staff positions to implement the plant care component program.

HISC supports this bill as it furthers our commitment to strengthen Hawaii's biosecurity efforts to prevent infested components from entering Hawaii, intercept infested components at the border, and prohibit them from being transported intrastate.

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

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TUESDAY, FEBRUARY 11, 2025
2:00 PM
CONFERENCE ROOM 325 & VIDEOCONFERENCE

HOUSE BILL NO. 1449, HD1
RELATING TO PLANT CARE COMPONENTS

Chair Tarnas, Vice Chair Poepoe and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1449, HD1 relating to plant care components. The bill authorizes the Department of Agriculture (Department) to adopt rules and establishes administrative penalties to establish and enforce the plant care component program and appropriates funds and establishes positions for purposes of the plant care component program, effective 7/1/3000.

The Department supports this measure and offers some amendments for clarity. The Department appreciates the ability to establish rules that enable the Department to clearly effectuate the program, including defining specific restrictions on movement, establishment of fees and penalties, including inclusion of the Department's prior suggested changes.

Regarding the proposed changes to HRS 141-2, beginning on line 12 of page 3 of this measure, the Department believes that these changes are not necessary and appear to be duplicative of language already contained in HRS 141-2. The terms, "trees", "shrubs", and "herbs" are contained in both HRS 141-2(1) and HRS 141-2(2). While the use of "plants" in HRS 141-2(1) is not used in HRS 141-2(2), the Department



has always interpreted HRS141-2(2) to include plants as generally regulated items due to the term “nursery-stock” in addition to the use of “tree, shrub, herb, vine”, “seed”, “root, or rhizome” as being plants or propagative plant parts.

The Department is appreciative of the inclusion of inspection staff to effectuate this program. The Department believes that the inclusion of (7) Plant Quarantine Inspector IIIs (3-O‘ahu, 1 each in Kaua‘i, Maui, Hilo, and Kona) and (1) Plant Quarantine Inspector IV (O‘ahu) should suffice. The estimated annual salary costs would be \$471,168 (7 x \$58,296 + \$63,096).

Thank you for the opportunity to testify on this measure.

HB-1449-HD-1

Submitted on: 2/7/2025 1:16:04 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|------------------------------|---------------------------|---------------------------|
| Carol Kwan | Carol Kwan Consulting LLC | Support | Written Testimony Only |

Comments:

Fumigation is an important tool in preventing or at least reducing the risk of spreading invasive pests or diseases.

I work in the industry as a consulting Certified Arborist.

Mahalo,

Carol Kwan



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February 11, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 1449, HD1
RELATING TO PLANT CARE COMPONENTS

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 1449, HD1, which authorizes the Department of Agriculture to adopt rules and establishes administrative penalties to establish and enforce the plant care component program and appropriates funds and establishes positions for purposes of the plant care component program.

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.

Properly treating plant care components before they are distributed or transported within and from the State would help prevent invasive species from entering and spreading throughout the State. The Legislature addressed this concern with Act 197, Session Laws of Hawaii 2024, by requiring the Department of Agriculture to certify treatments performed on wood chips, compost, and filter socks and placing certain restrictions on distributing or transporting plant care components without prior treatment certification from the HDOA.

Proper resources, authorities, and funding for HDOA are critical for protecting Hawai'i's environment and economy and the health and lifestyle of its people through the support of invasive species prevention, control, research, outreach, and planning. This measure will provide HDOA with tools and resources to help prevent new invasive species from entering Hawai'i by authorizing the HDOA to adopt rules and administrative penalties related to the program.

Thank you for the opportunity to testify on this measure.