

**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621  
HONOLULU, HAWAII 96809

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY

**CIARA W.K. KAHAHANE**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
DAWN N. S. CHANG  
Chairperson**

**Before the 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 427, HOUSE DRAFT 1  
RELATING TO BIOSECURITY**

House Bill 427 House Draft 1 proposes to expand and restructure the Hawai'i Department of Agriculture's (HDOA) biosecurity efforts, including renaming HDOA to add "Biosecurity"; establishing a Deputy Chairperson for Biosecurity; and establishing emergency response authorities. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department supports efforts to strengthen biosecurity and works with partners within a framework recommended by the Interagency Biosecurity Plan to utilize existing resources, networks, and capacities to collectively and efficiently address biosecurity issues. The Biosecurity Plan recognized that one agency cannot do it alone. Effective prevention, management, and mitigation of invasive species impacts requires continuity of attention, responsiveness, and cohesive action. Interruptions in active management can cause setbacks or worsen environmental conditions. The work is continuous because the threats are continuous.

If HDOA's title and mandates are expanded to include all biosecurity, the Department urges that the existing functions, funding, and operations of the Hawai'i Invasive Species Council and other entities working on biosecurity remain intact until HDOA has the necessary capacity, rules and regulations, and community network to implement the mandates needed for biosecurity and outlined in the Biosecurity Plan. There are proven approaches, resources, and a collaborative network already at work to prevent, manage, and mitigate the impacts of invasive species.

Mahalo for the opportunity to provide comments on this measure.

JOSH GREEN  
GOVERNOR OF HAWAII

SYLVIA LUKE  
LIEUTENANT GOVERNOR



## HAWAII INVASIVE SPECIES COUNCIL

1151 PUNCHBOWL ST, #325  
HONOLULU, HAWAII 96813

### VOTING MEMBERS

DAWN CHANG  
DEPARTMENT OF LAND & NATURAL  
RESOURCES

SHARON HURD  
HAWAII DEPARTMENT OF AGRICULTURE

KATHLEEN HO, D.Env  
DEPARTMENT OF HEALTH

PARWINDER GREWAL, Ph.D.  
UNIVERSITY OF HAWAII

MARY ALICE EVANS  
BUSINESS, ECONOMIC DEVELOPMENT &  
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 427 HOUSE DRAFT 1 RELATING TO BIOSECURITY

House Bill 427 House Draft 1 proposes multiple actions to enhance the Department of Agriculture's biosecurity efforts. **The Hawai'i Invasive Species Council (Council) supports this measure.** The Council appreciates the efforts of this measure to provide critical language that will allow the Department of Agriculture to carry out broader biosecurity actions and address invasive species that do not only impact agriculture. Highlights of this measure include:

- Adding the term "biosecurity" to the Department of Agriculture and "Biosecurity"
- Creating a deputy chairperson of biosecurity
- Ability for the Department to declare a biosecurity emergency
- Establishing penalties for violations

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

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**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. 427, HD1**  
**RELATING TO BIOSECURITY**

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

Thank you for the opportunity to provide testimony on House Bill No. 427, HD1 relating to biosecurity. This measure does the following: part I: renames the Department of Agriculture (Department) to the "Department of Agriculture and Biosecurity" and renames the Board of Agriculture to the "Board of Agriculture and Biosecurity"; part II: establishes and appropriates funds for a Deputy Director of Biosecurity; part III: changes references to the plant and animal declaration form to the "biosecurity form"; part IV: authorizes and specifies conditions under which the Department of Agriculture and Biosecurity may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms, and also broadens the objectives and general actions of the Biosecurity Program; and part V: appropriates funds for positions for the Department of Agriculture and Biosecurity; effective 7/1/3000. The Department supports this bill and offers suggested changes.

The Department appreciates the emphasis on biosecurity as reflected by renaming the Department of Agriculture and Board of Agriculture to include "and



Biosecurity” as part of their respective titles and making the same throughout the HRS. The Department is also extremely appreciative that this measure seeks to increase positions and funding for biosecurity-related positions, and for the incorporation of proposed changes to this measure.

This bill further emphasizes statewide biosecurity by establishing a new position with funding for a Deputy Director of Biosecurity through a new section to HRS 141, further enabling the Department to maintain biosecurity activities. The Department is supportive of this position being appointed by the Governor.

The Department is in strong support of the inclusion of the provision enabling the declaration of a Biosecurity Emergency with concurrence from the Governor. On page 30 of the bill, the Department believes that sections (d)(1)(A) and (d)(1)(B) should be amended as vessels with anti-fouling coatings or who properly manage ballast water would be the preferred vessels for emergency use as the aforementioned mechanisms help to prevent the spread of aquatic invasive species. Suggested changes are below:

- “(A) [~~Has~~] Does not have an anti-fouling hull coating; and
- (B) [~~Does not d~~]Discharges ballast water, uses [~~fresh~~]seawater for ballasting, or is not equipped with ultraviolet filtration systems for ballast water;”

The Department suggests a change to HRS 150A-53 for clarity. On line 10 of page 36, the Department suggests removing the added language “prohibited or restricted organisms or” as it appears to be unnecessary. A prohibited organism cannot be imported into the State and the importation of a restricted organism requires a permit issued by the Department prior to importation. During the course of an inspection of regulated articles, should a prohibited organism or restricted organism without a permit be found associated with a shipment, or within the regulated articles, the shipment and/or the articles would be quarantined until appropriate actions are taken to remove the organism. Should there be no appropriate way to do this, the Department has the

authority to send the shipment or the regulated articles out of the State or compel destruction.

Thank you for the opportunity to testify on this measure.

**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Fern Holland  
Arryl Kaneshiro



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188  
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Email: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

February 10, 2025

**TESTIMONY OF FERN HOLLAND  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
HB 427, HD 1, RELATING TO BIOSECURITY  
House Committee on Judiciary & Hawaiian Affairs  
Tuesday, February 11, 2025  
2:00 p.m.  
Conference Room 325  
Via Videoconference**

Dear Chair Tarnas and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 427, HD 1, Relating to Biosecurity. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

We need to support all efforts to increase biosecurity in Hawai'i.

Hawai'i is decades behind and already considered one of the most invaded ecosystems anywhere on Earth. We are in critical need of a functioning biosecurity effort in Hawai'i.

I have been advocating for years for increased biosecurity that protects our communities and environment, and I continue to today on behalf of Kaua'i and our people.

Investing in biosecurity will save us money in the future, protect our way of life and environment, cultural practice and history.

Please support all efforts to increase and support more robust biosecurity for Hawai'i.

Thank you again for this opportunity to provide testimony in support of HB 427, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

**FERN HOLLAND**  
Councilmember, Kaua'i County Council

AAO:mdt

**HB-427-HD-1**

Submitted on: 2/7/2025 1:24:24 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carol Kwan	Carol Kwan Consulting LLC	Oppose	Written Testimony Only

Comments:

HDOA has been incompetent for years in carrying out its duties, and I don't believe it's wise to reward an incompetent department by giving it more responsibility.

Please note that I do not have a problem with the lower level employees at HDOA. They are hardworking professionals who know their business. I do have a major problem with its leadership. For years, the leaders have ignored the good advice from the lower rank professionals who are trained experts regarding how best to handle pests like Coconut Rhinoceros Beetles (CRBs) and Little Fire Ant (LFA). If a quarantine had been implemented in 2014, we would have been able to eradicate CRB on Oahu before it spread to other islands. The last thing that we should be doing is to put HISC, the individual island ISCs, and Hawaii Ant Lab under HDOA so that HDOA's leadership has more lower level employees that they can ignore.

I am an industry professional, a consulting Certified Arborist with my own business.

Carol Kwan



**HAWAI'I  
FOOD+  
POLICY**

Honolulu, HI 96813  
food@purplemaia.org

February 9, 2025

To: Chair Tarnas, Vice Chair Poepoe, and the House Committee on JHA

Subject: **HB 427 HD 1**, Relating to Biosecurity

Aloha,

Please pass **HB 427 HD 1**. This multipart amendment would expand the Department of Agriculture and rename it as the Department of Agriculture and Biodiversity with the support of the University of Hawai'i. The integration of biosecurity with agricultural oversight is critical in safeguarding Hawaii's environment, economy, and unique ecosystem from the increasing threats posed by invasive species. The establishment of a dedicated biosecurity focus within the department will also provide the necessary resources to protect our agricultural community, ensure the integrity of our food systems, and mitigate risks to our natural resources.

The proposed amendments to financial assistance programs, especially the participation loan structure for aquaculturists, is a needed step in supporting Hawaii's agricultural industries. By creating a new way to secure funding for those unable to access traditional loans, HB427 HD 1 helps local farmers and aquaculturists to thrive in an increasingly competitive market. The financial support mechanisms provided will allow agricultural businesses to grow sustainably, increase productivity, and maintain economic resilience.

I urge you to say "yes" to **HB427 HD 1**.

Mahalo,  
Jeanette Burdick & the Food+ Policy Team  
#fixourfoodsystem

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**The Food+ Policy internship** develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2025, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



P.O. Box 253, Kunia, Hawai'i 96759  
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February 11, 2025

HEARING BEFORE THE  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**TESTIMONY ON HB 427, HD1**  
**RELATING TO BIOSECURITY**

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 427, HD1**, which renames the Department of Agriculture to the "Department of Agriculture and Biosecurity," renames the Board of Agriculture to the "Board of Agriculture and Biosecurity," establishes and appropriates funds for a Deputy Director of Biosecurity, changes references to the plant and animal declaration form to the "biosecurity form," authorizes and specifies conditions under which the Department of Agriculture and Biosecurity may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organism, broadens the objectives and general actions of the Biosecurity Program, and appropriates funds for positions for the Department of Agriculture and Biosecurity.

Invasive species have become one of the most devastating problems impacting Hawai'i. Many invasive species are damaging Hawai'i's environment and economy. Agriculture has a vested interest in this matter. Agriculture suffers when invasive species are introduced. Every year, numerous new pests are introduced into the State, such as the coqui frog, coffee berry borer, macadamia felted coccid, little fire ant, coconut rhinoceros beetle, small hive beetle, and varroa mite, to name a few. Control measures take time to develop, leaving farmers and ranchers at risk. This is inconsistent with the State's goal of increasing self-sufficiency and sustainability.

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. HDOA's

Biosecurity Program is essential to fully execute a comprehensive strategy to address the increasing number of invasive species entering the State. This measure will provide the tools and resources to HDOA to help prevent new invasive species from entering Hawai'i and to control and hopefully eradicate invasive species already established in Hawai'i.

Thank you for the opportunity to testify on this measure.

LARRY JEFTS FARMS, LLC  
PO BOX 27  
KUNIA, HAWAII 96759  
(808) 688-2892

HB427hd1, Relating to Biosecurity  
House JHA Hearing – 2:00 PM  
Tuesday, February 11, 2025

Testimony By: Larry Jeffs  
Position: Support

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

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC. We have more than 42 years of Hawaii farm experience on Molokai and Oahu. Our family farms grow about 1 million pounds weekly of import replacement produce. I am a volunteer director, serving as Chair of the West Oahu Soil and Water Conservation District (SWCD). I have also served as an officer of the Hawaii Farm Bureau for many years.

There is an urgency and heightened awareness of the severe damage to agriculture caused by invasive species and the quality of life of our communities.

We appreciate this comprehensive measure to strengthen Hawaii's capacity to control and eradicate harmful invasive species infestations and prevent the entry of other harmful invasive species.

Thank you for the opportunity to testify on this bill.



House of Representatives  
Committee on Judiciary & Hawaiian Affairs  
Tuesday, February 11, 2025  
2:00 PM Conference Room 325  
State Capitol

### **Testimony Providing Comments on HB427 HD1**

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

Thank you for the opportunity to provide testimony regarding HB427 HD1, *Relating to Biosecurity*.

The Coordinating Group on Alien Pest Species (CGAPS) appreciates the Legislature's continued focus on invasive species. During the 2024 Legislative Session, the Legislature passed Act 231, landmark funding for the Hawaii Department of Agriculture's (HDOA) biosecurity efforts. HB427 HD1 continues this momentum by providing new authorities and much-needed and appreciated funding to HDOA for biosecurity and even proposes renaming HDOA the Department of Agriculture and Biosecurity. Investing in support of HDOA's efforts to carry out their statutory responsibilities related to invasive species is critically important. After decades of lower funding amounts for HDOA's capacity and invasive species-related activities, we note that HDOA has a lot of work ahead to modernize its invasive species program and we look forward to that progress.<sup>1</sup>

We respectfully raise the following issues for the Committee's consideration:

#### Addition of biosecurity experts to the Board of Agriculture and Biosecurity

Part I of HB427 HD1 renames HDOA as the Department of Agriculture and Biosecurity and the Board of Agriculture as the Board of Agriculture and Biosecurity. We applaud this expanded focus on broader issues of biosecurity. We believe the Board of Agriculture and Biosecurity should reflect this new focus by adding a member from the invasive species response community and the environmental conservation community with biosecurity expertise.

**We respectfully request the Committee amend page 2, lines 3 through 7 to read as follows:**

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<sup>1</sup> For instance, HDOA's administrative rules relating to invasive species are out of date. HDOA's rules related to noxious weeds and the list of noxious weeds were last updated in 1992. (HAR Ch. 4-68). The list of pests designated for control or eradication was last updated in 2008. (HAR Ch. 4-69A Attachment 1) Section 141-3.5, Hawaii Revised Statutes, requires HDOA to develop and implement a control or eradication program for each designated pest, using the best available technology. To date, HDOA has not developed a program for any designated pest.

**“The majority of the members of the board described in paragraphs (1) through (4) shall be from the agricultural community, ~~or the agricultural support sector[-],~~ the invasive species response community, and the environmental conservation community with demonstrated biosecurity expertise, with at least one member from each such category. The appointment, tenure, and removal of the members and the filling of vacancies on the board shall be as provided in section 26-34. The governor shall appoint a chairperson of the board from the members.”**

### Hawaii Invasive Species Council

We strongly support and are grateful for the amendment made by the Committee on Agriculture & Food Systems on page 30, lines 7-9 of HB427 HD1 related to the Hawaii Invasive Species Council (HISC). HISC is a policy-level Council comprised of the chairs or directors of the Department of Land and Natural Resources (DLNR), the Department of Agriculture (HDOA) Department of Health (HDOH), Department of Transportation (HDOT), Department of Business, Economic Development and Tourism (DBEDT), and the President of the University of Hawaii (UH), or their designees. (HRS 194-2). The amendment in HB427 HD1 prevents HISC from being demoted to an entity that reports to one of its component members (HDOA) during a declared biosecurity emergency.

**We respectfully suggest that this Committee consider striking “Notwithstanding chapter 194 to the contrary,” on page 30, line 7, as a technical amendment.** HISC, working with the Chairperson of the Hawaii Department of Agriculture and Biosecurity (HDOAB) is authorized by chapter 194, Hawaii Revised Statutes (HRS) and is not in conflict with its requirements.

### Quarantine Authority in HDOAB’s Biosecurity Program

HB427 HD1 deleted the authority for HDOAB to quarantine a farm, facility, or business known to be infected with a pest or prohibited or restricted organism to prevent the movement of materials to or from the location as part of the biosecurity program under section 150A-53(b) HRS. The Committee made this deletion at the request of HDOA. HDOA indicated that the authority was duplicative of the authority HDOA already has in the recently adopted amendments to chapter 4-72, Hawaii Administrative Rules (HAR). We note that the authority in chapter 4-72 allows the Chief of the Plant Quarantine Branch to stop the movement of pest-infested material and require treatment of the area only if the material is for sale to (or otherwise available directly to) the public. Having the authority to quarantine an area without going through the rule-making process will allow HDOAB to, for instance, quarantine an area of Hawaii Island or Maui if a coconut rhinoceros beetle (CRB) infestation is found. In that example, the quarantine could apply to prevent the movement of all green waste from a location where CRB is found, not just individual pieces of material that are found to actually have CRB on them. This is a common authority that is utilized by other states to prevent the

movement of pests<sup>2</sup> and granting the authority to HDOAB is critical to stopping the spread of a newly detected pest or the spread of an existing pest in the State.

**We respectfully request this Committee provide HDOAB quarantine authority under its Biosecurity Program by inserting on page 38, between lines 7 and 8, the following:**

**"(2) Quarantine any farm, facility, or business that is known to be infested with a pest or prohibited or restricted organism to prevent the movement of materials to or from the location;"**

### Biosecurity Emergency

Section 11 of HB427 HD1 authorizes the Department of Agriculture and Biosecurity, with the approval of the Governor, to declare a "biosecurity emergency" if: (1) there is a new outbreak or occurrence of a pest or harmful organism in the State; (2) there is a pest or harmful organism established in one area of the State that could cause significant economic or environmental loss if the pest or organism expands to other areas; or (3) a pest or harmful organism is or threatens to be beyond the State's ability to control.

Issue 1: These conditions are currently met for multiple pest species in the State, including little fire ant (LFA), coconut rhinoceros beetle (CRB), and coqui frog. We note that HDOA has not sought an emergency designation for these species under the existing chapter 127A Hawaii Revised Statutes (HRS), which was amended in 2022 to specifically include impacts to the environment.<sup>3</sup>

Issue 2: The authority to declare an emergency for any invasive species already exists and is well placed with the Governor or the Mayor of a county under section 127A HRS, to allow the appropriate chief executive to manage the resources under their control to address the emergency.

As a final note, the HISC is also charged with meeting "no less than twice annually to discuss and assess progress and recommend changes to the invasive species programs based on results of current risk assessments, performance standards, and other relevant data." (HRS 194-

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<sup>2</sup> See, e.g., authority granted to the Tennessee Commissioner of Agriculture to: "Declare a quarantine against any area, place, nursery, forest, orchard, farm lot, or other boundary of whatever size or description, or any county or counties within this state, ... and prohibit the movement within the state or any part of the state .... of all plants, plant propagating material, plant products, or other articles or things including soil from quarantined places or areas that are likely to carry dangerous insect pests, pest plants, or plant diseases if the quarantine is determined, after due investigation by the commissioner to be necessary in order to protect the agricultural, horticultural, and silvicultural, or other interests of this state. In such cases, the quarantine may be made absolute, or rules and regulations may be adopted prescribing the method and manner under which the prohibited articles may be moved into or within, sold, or otherwise disposed of in this state[.]" Tenn. Code §43-6-106(9)

<sup>3</sup> See Act 99 (H.B. 2120) (2022)

2(d)) Many of the changes proposed in this and similar bills have not been discussed at meetings of the full Council and would likely benefit from those discussions.

We appreciate the language to update the paper declaration form to an electronic format and support an increase of general funds to rebuild HDOA's core functions.

Mahalo for the opportunity to provide testimony on HB427 HD1.

Aloha,



Christy Martin  
CGAPS Program Manager



Stephanie Easley  
CGAPS Legal Fellow



House of Representatives  
Committee on Judiciary & Hawaiian Affairs  
Tuesday, February 11, 2025  
2:00 PM Conference Room 325  
State Capitol

SUBJECT: Testimony – Providing Comments on HB427 HD1 “Relating to Biosecurity”

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

I am writing on behalf of the O‘ahu Invasive Species Committee (OISC) to provide comments on this bill.

Firstly, I would like to thank the AGR Committee for the amendment that changed the language regarding the Hawai‘i Invasive Species Council (HISC) from “reports directly to” to “works with” the biosecurity chairperson during a biosecurity emergency (p. 30, lines 7-9). It is important to maintain the HISC’s multi-agency autonomy so that resources can be pooled from appropriate agencies during biosecurity emergency responses. Organizational capacity will continue to be key to successful rapid-response. OISC strongly supports this amendment.

HISC provides OISC with the ability to be that second layer of protection from high-priority invasive pests that are not caught at the border. Without the HISC, OISC would not be able to provide the much needed relief to residents and business owners when a pest infiltrates their property. The ability for OISC to provide surveillance and control efforts for high-priority pest species like little fire ant and coqui frog, across all land-ownerships, is made possible by HISC. The role that OISC plays in preventing priority pests from reaching high-value forest areas is also incredibly important and would not be possible without the multi-agency collaboration that HISC provides.

Secondly, OISC would like to encourage this committee to put back the language regarding quarantine that was removed during the last hearing. The original HB427 draft included an amendment to section 150A-53(b) HRS from AGR that would provide the Department of Agriculture and Biosecurity with the ability to “*Quarantine any farm, facility, or business that is known to be infested with a pest or prohibited or restricted organism to prevent the movement of materials to or from the location;*” This language was removed on the basis that it was duplicative to Chapter 72 HAR which permits the the Chief of the Plant Quarantine Branch to stop the movement of infested merchandise on a case by case basis but does not clearly provide the Department with the ability to quarantine on a larger scale that may be necessary.

If the Department of Agriculture and Biosecurity had the ability to temporarily quarantine a farm that was infested with little fire ants, for example, that could be the action that determines whether a response will take weeks versus years. This also translates into immense cost savings with regards to how quickly responding agencies could achieve eradication in this scenario. Increased quarantine ability for the Department of Agriculture and Biosecurity will result in

fewer infestation sites, which will mean fewer resources will be needed to successfully eradicate priority pests from the island. This would free OISC and other stakeholders to direct control and eradication efforts to other priority pest species.

OISC greatly appreciates the time and hardwork of this Committee and the legislature. Thank you for your time and consideration on this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nate Dube".

Nate Dube, OISC Manager

Testimony of Matson Navigation Company, Inc.  
Comments on HB427, HD1  
Before the Committee on Judiciary and Hawaiian Affairs  
February 11, 2025

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

Matson Navigation Company, Inc. (“Matson”) appreciates the opportunity to share our **comments** and concerns with HB427, HD1, especially with respect to the ability for the Governor to declare a biosecurity emergency and take control of any goods, real property, or watercraft.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii’s imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable, and efficient cargo transportation and handling to service our residents and businesses. The maritime industry is heavily regulated, including with respect to cargo vessels’ discharges incidental to their normal operation, and should not be further burdened with unnecessary additional requirements on cargo operations. The federal government strictly regulates ocean cargo vessels, including through the Vessel Incidental Discharge Act of 2018 (VIDA). Matson strictly complies with environmental regulations, including for invasive species control.

The language on page 29, lines 4 to 20 are overly broad as they allow a biosecurity emergency to be declared if there is the potential to cause economic or environmental loss from a pest or organism. There is no requirement that an organism be a pest as the language says: “pest **or** organism” (emphasis added). Further, there is no limit on how likely the potential to cause such loss should be before such an emergency can be declared.

Allowing the Governor to requisition and take control of any watercraft, or requisition and take control of the temporary use thereof can have significant adverse impacts on the flow of goods into our State. Requisitioning a vessel is a serious action that usually only occurs when the United States has declared a wartime emergency and needs the vessel to ensure military readiness. (*see* 46 U.S.C. section 56301). The *potential* to experience economic or environmental loss from an organism that is *not* required to be a pest does not appear to rise to the similar level of urgency as a wartime emergency. Matson does appreciate that certain vessels that take precautions to prevent the spread of invasive species appear to be exempted from requisition.

Further, this measure encourages interference with interstate commerce as requisitioning a vessel carrying interstate commerce and seizure of such goods for a potential rather than actual economic or environmental loss raises issues of Dormant Commerce Clause of the United States Constitution. Finally, this measure usurps the United States Department of Transportation’s authority to requisition vessels for just compensation. This measure’s lack of language requiring just compensation for a requisitioned vessel also violates the United States Constitution’s Takings Clause of the Fifth Amendment.

Thank you for allowing Matson to share our concerns.