

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
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE

THURSDAY, FEBRUARY 20, 2025
2:00 PM
CONFERENCE ROOM 308 & VIDEOCONFERENCE

HOUSE BILL NO. 427, HD2
RELATING TO BIOSECURITY

Chair Yamashita, Vice Chair Takenouchi and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill No. 427, HD2 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;”

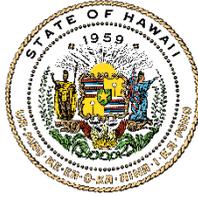
The Department suggests a change to HRS 150A-53 for clarity. On line 15 of page 40, the Department suggests removing the added language “prohibited or restricted organisms or” as it appears to be unnecessary. A prohibited organism cannot be imported into the State and the importation of a restricted 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.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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
FINANCE

Thursday, February 20, 2025
2:00 PM

State Capitol, Conference Room 308 and Via Videoconference

In consideration of
HOUSE BILL 427, HOUSE DRAFT 2
RELATING TO BIOSECURITY

House Bill 427, House Draft 2 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) supports this measure.**

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. Preventing and controlling invasive species requires statewide coordination amongst the state and federal agencies and partner entities. Even with the addition of the term "biosecurity" to the Department of Agriculture, other state agencies still need to be included in biosecurity efforts that address public health, the environment, and economic drivers beyond agriculture.

Mahalo for the opportunity to provide testimony in support of 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

FINANCE

Thursday, February 20, 2025

2:00 PM

State Capitol, Conference Room 308 and Via Videoconference

In consideration of
HOUSE BILL 427 HOUSE DRAFT 2
RELATING TO BIOSECURITY

House Bill 427 House Draft 2 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 safeguard Hawaii from invasive species by expanding Hawaii Department of Agriculture's role to address biosecurity by:

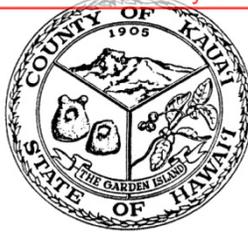
- Adding the term "biosecurity" to the Department of Agriculture and "Biosecurity"
- Creating a deputy chairperson of biosecurity
- Ability for the Department to declare a biosecurity emergency
- Establishing penalties for violations

The Hawaii Invasive Species Council was formed with the understanding that invasive species impact every sector and do not abide by landowner boundaries or jurisdictions. Preventing and controlling invasive species requires statewide coordination amongst the state and federal agencies and partner entities. Even with the addition of the term "biosecurity" to the Department of Agriculture, there still needs to be the inclusion of other state agencies in biosecurity efforts that address public health, the environment, and economic drivers beyond agriculture.

Mahalo for the opportunity to provide testimony in support of 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
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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 19, 2025

TESTIMONY OF FERN HOLLAND
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 427, HD 2, RELATING TO BIOSECURITY AND
HB 643, HD 2, RELATING TO THE COCONUT RHINOCEROS BEETLE
PROGRAM
House Committee on Finance
Thursday, February 20, 2025
2:00 p.m.
Conference Room 308
Via Videoconference

Dear Chair Yamashita and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 427, HD 2, Relating to Biosecurity and HB 463, HD 2, Relating to the Coconut Rhinoceros Beetle Program. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

Regarding HB 427, HD 2, 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.

Regarding HB 643, HD 2, please ensure that resources to fight infestations are effectively utilized and **explicitly ensure equitable distribution of funds based on severity of infestations, the risk level and specific needs on each island, including Kaua'i**. I urge you to consider fast tracking response efforts for Kaua'i to prevent further spread, as the situation is urgent on Kaua'i.

Please support all efforts to increase and support more robust biosecurity for Hawai'i and please help Kaua'i battle the impacts and spread of CRB, before it is too late for.

Chair Yamashita and Members of the Committee
Re: HB 427, HD 2, Relating to Biosecurity and HB 643, HD 2, Relating to the Coconut
Rhinoceros Beetle Program
February 19, 2025
Page 2

Kaua'i is facing a growing infestation of Coconut Rhinoceros Beetles (CRB) and is in a critical time where we have gone from detection to an explosion in populations. Kaua'i may still be in the window of eradication, and we need all the support we can get to accomplish this.

This invasive species is one of the largest invasive threats we may have ever faced in recent years. This species threatens many of our core agricultural crops and important cultural sites and plant species (such as our endemic Loulu, *Pritchardia*, palms and Hala, *Pandanas*) as well as our renowned and historical groves along the Royal Coconut Coast and the overall landscape look and tropical visual image of Kaua'i and Hawai'i.

It is hard to even begin to calculate the economic cost that CRB will have on Kaua'i. We must work collaboratively to be all in on eradication efforts and respond with unprecedented biosecurity actions.

Please do everything you can to fast-track action and response, education and funding for the management and, wherever possible, eradication of CRB.

We need to invest in both immediate responses and eradication efforts and long-term biological control options.

Please support HB 643, HD 2 and help provide as much support as possible to address the CRB crisis in every way possible.

Thank you again for this opportunity to provide testimony in support of HB 427, HD 2 and HB 643, HD 2. 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:dmc

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

HB427hd2, Relating to Biosecurity
House FIN Hearing – 2:00 PM
Thursday, February 20, 2025

Testimony By: Larry Jeffs
Position: Support

Chair Yamashita, Vice Chair Takenouchi, and Members of the House FIN
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.



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February 20, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

**TESTIMONY ON HB 427, HD2
RELATING TO BIOSECURITY**

Conference Room 308 & Videoconference
2:00 PM

Aloha Chair Yamashita, Vice-Chair Takenouchi, 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, HD2, 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.



House of Representatives
Committee on Finance
Thursday, February 20, 2025
2:00 PM Conference Room 308 & Videoconference
State Capitol

Testimony Providing Comments on HB427 HD2

Aloha Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee,

Thank you for the opportunity to provide testimony regarding HB427 HD2, *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 HD2 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.¹

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 HD2 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 8 to read as follows:

¹ 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 and the Committee on Judiciary & Hawaiian Affairs on page 34, lines 16-17 of HB427 HD2 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.

Quarantine Authority in HDOAB’s Biosecurity Program

HB427 HD1 deleted the authority for the Hawaii Department of Agriculture and Biosecurity (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 on Agriculture & Food Systems made this deletion at the request of HDOA in their written testimony. 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. The deleted quarantine authority is not duplicative of the authority in chapter 4-72 HAR. HDOA agreed with this analysis during the Committee on Judiciary & Hawaiian Affairs hearing on February 11, 2025. 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 pests² and granting the

² 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

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 42, between lines 13 and 14, 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 13 of HB427 HD2 authorizes the HDOAB, 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.³

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 chapter 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 194-2(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.

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)

³ See Act 99 (H.B. 2120) (2022)

Although this testimony provides comments, CGAPS notes that HDOA receives less than half of a percent of the state budget to support all of its branches and functions. We appreciate and support an increase in funds to rebuild HDOA's core functions.

Mahalo for the opportunity to provide testimony on HB427 HD2.

Aloha,

A handwritten signature in blue ink, appearing to read "Christy Martin".

Christy Martin
CGAPS Program Manager

A handwritten signature in blue ink, appearing to read "Stephanie Easley".

Stephanie Easley
CGAPS Legal Fellow

HB-427-HD-2

Submitted on: 2/18/2025 12:47:31 PM

Testimony for FIN on 2/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcia Kemble	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Chair and Committee members,

I support HB427. Invasive species like the little fire ant and coconut rhinoceros beetle are already causing serious harm to Hawai‘i’s environment, agriculture, and communities, and we must make major transformative shifts in our biosecurity strategy to mitigate the impacts of these and other invasive pests on our islands and future generations.

Mahalo,
Marcia Kemble
Makiki

HB-427-HD-2

Submitted on: 2/19/2025 1:04:42 PM

Testimony for FIN on 2/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theresa M Thompson	Individual	Support	Written Testimony Only

Comments:

I support HB 427... Part I: Renames the Department of Agriculture to the "Department of Agriculture and Biosecurity". 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. Broadens the objectives and general actions of the Biosecurity Program. Part V: Appropriates funds for positions for the Department of Agriculture and Biosecurity.

Mahalo,

Theresa Thompson