

ACT 134

H.B. NO. 1949

A Bill for an Act Relating to Alien Aquatic Organisms.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the introductions of alien aquatic plants and animals, as well as alien terrestrial plants and animals, are potentially harmful to both the environment and economy of the State.

In other parts of the world, the harmful effects of similar arrivals have been dramatic. Most alarming is the transport of organisms that create public health problems. For example:

- (1) Cholera bacteria found in water samples from Mobile Bay, Alabama, are thought to have been brought in by ballast water discharged from ships from South America, which took on coastal water contaminated by a 1991 cholera epidemic. The presence of this disease, in turn, was blamed on bacteria-contaminated ballast water carried by ships from Asia;
- (2) Dinoflagellates transported by ballast water have caused toxic red tides in Australia and elsewhere, killing fin fish and rendering shellfish poisonous to humans;
- (3) In San Francisco Bay, the establishment of an inedible Asian clam has caused the recreational fishery to collapse;
- (4) In the Great Lakes, the zebra mussel has not only destroyed valuable commercial and recreational fisheries, it has also clogged the water intake lines of dozens of shoreline communities, causing tens of millions of dollars in damage; and
- (5) In 1991, the governor of Washington designated \$100,000 in emergency funds to control the introduction and spread of green crab in order to protect shellfish growers.

In Hawaii, several species of alien aquatic organisms, intentionally introduced or brought in by ballast water or on the hulls of boats, have already become

established, displacing native species, altering aquatic ecosystems, and causing economic damage. For example:

- (1) The seaweed *Acanthophora*, which arrived in Hawaii in 1950, on the hull of a barge towed from Guam, spread rapidly to most of the islands by 1960, displacing native limu;
- (2) An alcyonarian (soft coral), *Carijoa riisei* from the Caribbean, probably arrived on the hull of a ship, and by the end of the 1970s, covered a portion of Honolulu Harbor; and
- (3) A South Pacific goby, *Mugilogobius cavifrons*, which was probably introduced via ballast water in Pearl Harbor in 1987, has moved into streams and competes with the native o'opu.

The most recent example is a barnacle normally found in the Caribbean, the Gulf of Mexico, and Brazil. It was probably introduced into either Pearl Harbor or Honolulu Harbor from the hull of a ship that travelled through the Panama Canal. This barnacle has now spread throughout Hawaii, and is even found as far away as Midway.

Based on these and other experiences, it is apparent that once introduced, the control of alien aquatic organisms is both difficult and expensive. Complete eradication is probably impossible. Therefore, the ideal solution is to prevent their introduction.

In 1999, President Clinton announced a \$29,000,000 plan to boost efforts against costly and troublesome non-native species of plants and animals. The President directed all federal agencies to address the spread of non-native species and called for the preparation of a national management plan by July 1, 2000.

Hawaii needs to be a part of this federal effort, not only to prevent the introduction of alien terrestrial species such as the brown tree snake, but alien aquatic species as well. Unfortunately, there is no lead state agency designated to prevent the unintentional introduction of alien aquatic organisms or to control these organisms once they have become established in Hawaii's aquatic ecosystems.

Act 237, Session Laws of Hawaii 1997, established the alien aquatic organism task force which determined that current law does not address the unintentional introduction of alien aquatic species via vessel. Neither does current law address the disposition of ballast water and fouling agents.

The purpose of this Act is to implement certain recommendations of the task force by:

- (1) Designating the department of land and natural resources as the lead agency to prevent the introduction of alien aquatic organisms into Hawaii's environment; and
- (2) Authorizing the department to draft rules and guidelines to address the problem.

The legislature recognizes the severity of the problem of alien species introduction and that there is currently a lack of sufficient funds to effectively address this problem. The purpose of designating the department of land and natural resources as the lead state agency is to facilitate the seeking of federal and other funds, should these funds be available. The legislature also recognizes that should these funds not be available, the department of land and natural resources will be limited in its ability to prevent alien species introductions.

SECTION 2. Chapter 187A, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . ALIEN AQUATIC ORGANISMS

§187A- Definitions. For the purposes of this part, “high risk vessel” includes fishing and recreational vessels and floating structures, such as barges, dry docks, drilling rigs, and cranes, which have spent extended periods of time tied up in out-of-state ports.

§187A- Alien aquatic organisms; lead agency; rules. (a) The department is designated as the lead state agency for preventing the introduction and carrying out the destruction of alien aquatic organisms through the regulation of ballast water discharges and hull fouling organisms. The department may establish an interagency team to address the concerns relating to alien aquatic organisms.

(b) The department may adopt rules in accordance with chapter 91, including penalties, to carry out the purposes of this part. The rules may include standards for the department and the United States Coast Guard to use as part of their respective inspection protocols. The rules may also include implementation of a course of action in relation to the arrival or pending arrival of a high risk vessel.

(c) The governor may enter into an agreement with the U.S. Secretary of Transportation to carry out the purposes of this part, including but not limited to the enforcement of state law.”

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 2000.)