
A BILL FOR AN ACT

RELATING TO BIOSECURITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the unchecked spread
2 of invasive species is one of the greatest threats to Hawaii's
3 economy, natural environment, and the health and lifestyle of
4 Hawaii's people. Invasive pests can cause millions of dollars
5 in crop losses, the extinction of native species, the
6 destruction of native forests, the spread of disease, and the
7 quarantine of exported agricultural crops.

8 Island ecosystems are particularly vulnerable to the
9 destructive power of invasive pests. On Guam, the accidental
10 introduction of the brown tree snake has resulted in widespread
11 devastation. Without natural predators or competition for food,
12 brown tree snake populations have grown exponentially, causing
13 mass extinction of endemic birds. Where there were once bird
14 songs, the forests of Guam are now silent and home to as many as
15 fifteen thousand snakes per square mile. The introduction of
16 just one new pest like the brown tree snake could change the
17 ecological character of the Hawaiian islands forever.



1 Despite the State's ongoing efforts to detect and eradicate
2 invasive species, Hawaii's fragile island ecosystem is
3 constantly at risk from insects, disease-bearing organisms,
4 snakes, weeds, and other invasive pests. The coconut rhinoceros
5 beetle, little fire ant, coffee berry borer, coqui frog, and
6 other introduced invasive species are disrupting the delicate
7 balance of island ecosystems, crowding out native species, and
8 reducing the biodiversity of Hawaii.

9 The department of agriculture has created a biosecurity
10 program to fight invasive species on several fronts by:

- 11 (1) Administering pre-entry measures to minimize the risk
12 of invasive pests entering the State;
- 13 (2) Conducting port-of-entry inspections to detect and
14 quarantine or destroy pests upon arrival; and
- 15 (3) Administering post-entry measures to mitigate the
16 establishment of pests in the State.

17 The department of agriculture has also supported the growth
18 of Hawaii's agriculture industry by attempting to reduce the
19 State's dependency on imported agricultural products that may
20 contain pests. The legislature finds that the department of
21 agriculture's biosecurity program is vital to the public's



1 health and welfare, and the department must fully execute its
2 comprehensive strategy to control and prevent increasing
3 invasive species threats entering and spreading throughout the
4 State. While inspections are critical, building local capacity
5 to increase the State's ability to stop the entry of high-risk
6 products would enhance our ability to mitigate and manage
7 invasive species. This is vitally important not only to protect
8 our fragile environment, but to grow our local agricultural
9 industries and to increase levels of self-sufficiency and
10 sustainability.

11 The legislature further finds that initiatives to improve
12 Hawaii biosecurity go beyond the confines of any one branch
13 within the department, often including other groups both inside
14 and outside of state government. Groups that positively
15 contribute to Hawaii biosecurity efforts include but are not
16 limited to the Hawaii invasive species council, department of
17 land and natural resources, United States Department of
18 Agriculture, coordinating group on alien pest species, and
19 private companies that utilize best management practices when
20 transporting products and equipment throughout the State.

21 The purpose of this Act is to:



- 1 (1) Establish the biosecurity program as the
2 responsibility of the entire department of agriculture
3 rather than a branch of the department to enable the
4 program to address biosecurity issues across the
5 entire department;
- 6 (2) Reaffirm the legislature's finding that the
7 implementation of the department of agriculture's
8 biosecurity program is vital to the State;
- 9 (3) Authorize the department of agriculture to establish
10 or participate in private-public partnerships to
11 enhance the biosecurity program and quarantine
12 inspection process; provided that department employees
13 perform the actual inspections; and
- 14 (4) Appropriate funds to enable the department of
15 agriculture to complete the implementation of the
16 biosecurity program to include an integrated computer
17 manifest system.

18 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
19 amended by adding a new part to be appropriately designated and
20 to read as follows:

1 **"PART II. BIOSECURITY PROGRAM**

2 **§141- Definitions.** As used in this part, unless the
3 context requires otherwise, "department" means the department of
4 agriculture.

5 **§141- Biosecurity program; establishment.** The
6 department shall establish a biosecurity program authorized
7 under this part that shall operate in conjunction with other
8 relevant state agencies and laws.

9 **§141- Objectives of biosecurity program.** The objectives
10 of the biosecurity program shall be to:

11 (1) Establish a multi-dimensional system to prevent the
12 entry into the State and interisland movement of
13 pests, prohibited animals, or restricted organisms
14 without a permit; and

15 (2) Respond effectively to eradicate, control, reduce, and
16 suppress incipient pest populations and established
17 pests and seize and dispose of prohibited animals or
18 restricted organisms without a permit.

19 **§141- General actions to achieve objectives.** (a) To
20 achieve the objectives of the biosecurity program, the



1 department shall plan for and, within available funds, implement
2 the following:

3 (1) Work with government agencies and agricultural
4 commodity exporters of other states and countries to
5 establish pre-entry inspection programs under which
6 inbound cargo into the State is inspected at the ports
7 of departure or other points outside the State;

8 (2) Establish, operate, or participate in operating port-
9 of-entry facilities where multiple government agencies
10 may inspect, quarantine, fumigate, disinfect, destroy,
11 or exclude, as appropriate, articles that may harbor
12 pests or exclude articles that are prohibited or that
13 are restricted without a permit, with the goals of:

14 (A) Performing inspections in an efficient,
15 effective, and expeditious manner for the
16 government agencies involved and for cargo
17 owners, carriers, and importers;

18 (B) Providing for the proper and safe storage and
19 handling of cargo, especially agricultural and
20 food commodities, awaiting inspection; and



- 1 (C) Establishing or participating in private-public
2 partnerships to enhance the biosecurity program
3 and quarantine inspection process with on-port
4 and off-port facilities, including inspection and
5 treatment facilities, transitional facilities,
6 and consolidation and deconsolidation facilities;
7 provided that actual inspections shall be
8 performed only by department employees and not
9 private contractors or their employees;
- 10 (3) Develop, implement, and coordinate post-entry measures
11 to eradicate, control, reduce, and suppress pests and,
12 as appropriate, eradicate or seize and dispose of
13 prohibited animals, or restricted organisms without a
14 permit that have entered the State;
- 15 (4) Collaborate with relevant government agencies,
16 agricultural commodity importers, and other persons to
17 examine and develop integrated systems to better
18 implement the biosecurity program;
- 19 (5) Improve cargo inspection capabilities and methods,
20 including enhancement of the content and submission



1 requirements for cargo manifests and agricultural
2 commodity ownership and movement certificates;

3 (6) Promote the production of agricultural commodities in
4 the State to reduce cargo shipments of imported
5 commodities into the State; and

6 (7) Provide public education on the negative effects of
7 pests and prohibited animals or restricted organisms
8 without a permit, to the environment and economy of
9 the State.

10 (b) The department shall adopt rules to establish
11 parameters and construction requirements for biosecurity
12 facilities that provide for and ensure the safety of
13 agricultural and food commodities consumed by Hawaii residents,
14 including for cold storage facilities established by private-
15 public partnerships to preserve the quality and ensure the
16 safety of the commodities arriving at the State's airports and
17 harbors.

18 §141- Biosecurity program; charges; costs. (a) The
19 department shall set and impose charges for the inspection,
20 quarantine, and eradication of pests in accordance with this
21 chapter and chapter 150A. The department shall deposit the



1 charges into the pest inspection, quarantine, and eradication
2 fund established pursuant to section 150A-4.5.

3 (b) The department shall set the charges at amounts
4 intended to generate revenues that, when combined with federal
5 and other funds, are sufficient to pay for the operating and
6 maintenance cost of the program and debt service on bonds issued
7 to fund facilities constructed for the program.

8 §141- Federal and other funds. The department shall
9 place high priority on seeking and applying for federal and
10 other funds for the biosecurity program.

11 §141- Annual report. The department shall submit an
12 annual report on the biosecurity program to the legislature no
13 later than twenty days prior to the convening of each regular
14 session of the legislature."

15 SECTION 3. Chapter 141, Hawaii Revised Statutes, is
16 amended by designating sections 141-1 to 141-10 as part I,
17 entitled "General Provisions".

18 SECTION 4. Chapter 150A, part VI, Hawaii Revised Statutes,
19 is repealed.

20 SECTION 5. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2015-2016 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2016-2017 for the biosecurity program of the department of
4 agriculture; provided that the sums appropriated shall be used
5 for the following projects:

- 6 (1) An electronic manifest system for maritime cargo
7 inspections;
- 8 (2) Import replacement of high risk crops and the
9 development of systems management to enhance pest
10 management practices;
- 11 (3) Research on new generation pesticides and development
12 of integrated pest management methods;
- 13 (4) Development of quarantine treatment options;
- 14 (5) Development and implementation of diagnostics to
15 quickly and reliably identify new and evolving pests
16 and diseases;
- 17 (6) Improvement of productivity of inspection capacity;
18 and
- 19 (7) Public and agriculture industry education activities.

20 The sums appropriated shall be expended by the department
21 of agriculture for the purposes of this Act.



1 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Department of Agriculture; Biosecurity Program; Objectives;
General Actions; Program Charges; Private-Public Partnerships;
Appropriation

Description:

Establishes the Hawaii biosecurity program as a function of the entire DOA. Requires DOA to establish or participate in private-public partnerships to enhance the biosecurity program and quarantine inspection process. Appropriates funds for specified projects. Takes effect 7/1/2050. (SD2)

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