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# HOUSE CONCURRENT RESOLUTION

SUPPORTING FEDERAL RECOGNITION OF HAWAII'S UNIQUE BIOSECURITY  
NEEDS AND COORDINATION BETWEEN FEDERAL AND STATE INSPECTION  
AGENCIES, INCLUDING INFORMATION SHARING BETWEEN FEDERAL AND  
STATE INSPECTION STAFF AND THE DEVELOPMENT OF INSPECTION  
FACILITIES.

1           WHEREAS, the Commerce Clause of the United States  
2 Constitution provides that the United States Congress shall have  
3 the power to regulate commerce with foreign nations and between  
4 the States; and

5  
6           WHEREAS, the United States Plant Protection Act of 2000  
7 preempts state regulation in foreign commerce of any plant,  
8 plant pest, noxious weed, or plant product; and

9  
10           WHEREAS, the United States Plant Protection Act of 2000  
11 provides exceptions from federal preemption only for interstate  
12 commerce and only when a state demonstrates a special need for  
13 additional prohibitions or restrictions based on sound  
14 scientific data or a thorough risk assessment; and

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16           WHEREAS, the State of Hawaii receives foreign commerce from  
17 a variety of nations and from the mainland United States; and

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19           WHEREAS, the environment of the State of Hawaii is distinct  
20 from other states or political subdivisions of the United States  
21 due to its unique ecology as an isolated volcanic island chain  
22 with high rates of endemism among its plant and animal species;  
23 and

24  
25           WHEREAS, the State of Hawaii has unique biosecurity needs  
26 that are distinct from other states or political subdivisions of  
27 the United States; now, therefore,  
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# H.C.R. NO. 161

1 BE IT RESOLVED by the House of Representatives of the  
 2 Twenty-seventh Legislature of the State of Hawaii, Regular  
 3 Session of 2014, the Senate concurring, that the Legislature  
 4 supports federal recognition of the State of Hawaii's unique  
 5 biosecurity needs through measures including, but not limited  
 6 to, expedited exemptions from federal preemption for state  
 7 regulation in foreign or interstate commerce of high-risk pests  
 8 that are not present in the State of Hawaii; and  
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10 BE IT FURTHER RESOLVED that the Legislature supports the  
 11 restriction of importation of all plants in the Myrtaceae family  
 12 in order to prevent the introduction of new strains of ohia rust  
 13 (*Puccinia psidii*) into the State of Hawaii; and  
 14

15 BE IT FURTHER RESOLVED that the Legislature supports  
 16 coordination and information sharing between federal and state  
 17 inspection agencies, including but not limited to, important  
 18 manifests and interception data for the purpose of identifying  
 19 pests of both federal and state concern in all commerce; and  
 20

21 BE IT FURTHER RESOLVED that the Legislature supports the  
 22 development of federal and state inspection facilities for cargo  
 23 entering Hawaii as this is the most practical and cost-effective  
 24 option for federal and state biosecurity operations; and  
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26 BE IT FURTHER RESOLVED that certified copies of this  
 27 Concurrent Resolution be transmitted to the Governor of the  
 28 State of Hawaii, Hawaii's congressional delegation, the United  
 29 States Secretary of Agriculture, and the Chairperson of the  
 30 Board of Agriculture of the State of Hawaii.  
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OFFERED BY:

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