

MAR 08 2019

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# SENATE RESOLUTION

URGING ALL APPLICABLE STATE AGENCIES TO WORK TOGETHER WITH INTERESTED STAKEHOLDERS, INCLUDING THE HONOLULU HARBOR USERS GROUP, IN ASSESSING THE RISK OF AQUATIC INVASIVE SPECIES TO HAWAII, VECTORS, AND POSSIBLE MITIGATIONS, IN PREPARATION FOR THE ESTABLISHMENT OF NEW FEDERAL STANDARDS IN 2022.

1           WHEREAS, the State of Hawaii depends on healthy marine  
2 environments and ecosystems to support its unique cultural  
3 practices and recreational resources, preserve Hawaii residents'  
4 quality of life, support local businesses, and provide habitat  
5 and sustenance for a multitude of native species – many of which  
6 are found nowhere else on Earth; and

7  
8           WHEREAS, healthy reefs protect homes and infrastructure by  
9 mitigating the impacts of storm events; and

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11           WHEREAS, nearshore marine environments support the Hawaii  
12 tourism, aquaculture, and fisheries industries, at an estimated  
13 \$4,000,000,000 in gross revenue per year; and

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15           WHEREAS, aquatic invasive species have proven to be  
16 devastating on some nearshore reef environments in Hawaii and  
17 waters worldwide, harming the functioning of marine ecosystems,  
18 public health, and industries; and

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20           WHEREAS, the recognized vectors for the introduction of  
21 aquatic invasive species to Hawaii's marine environment are  
22 vessel ballast water and biofouling, which account for more than  
23 half of all non-native marine and estuarine species, followed by  
24 escapees or purposeful introduction from aquaculture, pet trade,  
25 and research, with arrival and possible establishment of species  
26 through marine debris; and

27  
28           WHEREAS, the *Hawaii Interagency Biosecurity Plan 2017-2027*:

- 29  
30           (1) Was developed through a public process and calls on  
31 state agencies and industry stakeholders to work



1 together to close the gaps in Hawaii's biosecurity  
2 programs;

3  
4 (2) Recognizes that programs that prevent the introduction  
5 of invasive species are far more cost effective and  
6 achievable than mitigation and eradication programs;  
7 and

8  
9 (3) Lists the vector pathways of biofouling and ballast  
10 water as areas in need of effective regulation and  
11 management, and calls for ten new positions to assess  
12 and manage risk of this and other marine invasive  
13 species pathways; and  
14

15 WHEREAS, the federal Vessel Incidental Discharge Act (VIDA)  
16 was signed into law on December 4, 2018, and requires the  
17 Environmental Protection Agency and the United States Coast  
18 Guard to consult with states and establish federal standards and  
19 a regulatory framework within four years for each discharge  
20 incidental to the normal operations of a vessel, including  
21 ballast water, vessel biofouling, and the in-water cleaning of  
22 vessel hulls; and  
23

24 WHEREAS, VIDA allows for states to pass regulations that  
25 are no more stringent than the federal regulations and to co-  
26 monitor, inspect, test, and enforce federal regulations in  
27 coordination with the United States Coast Guard; and  
28

29 WHEREAS, the State of Hawaii currently has a single person  
30 assigned to the task of developing and implementing Hawaii's  
31 ballast water and vessel biofouling program to prevent the  
32 introduction and spread of marine invasive species from  
33 commercial and recreational vessels; and  
34

35 WHEREAS, the United States Coast Guard does not currently  
36 test ballast water discharge, monitor efficacy of installed  
37 ballast water management systems, inspect vessel hulls for  
38 biofouling, or regulate the in-water cleaning of vessel hulls;  
39 and  
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41 WHEREAS, purposeful introductions of species for  
42 aquaculture, research, and pet trade in the State are now



1 regulated by the Department of Agriculture, yet species may  
2 still escape or be released; and

3  
4 WHEREAS, chapter 342D, Hawaii Revised Statutes, tasks the  
5 Department of Health with administering water pollution control  
6 regulations and enforcing water quality standards, including  
7 incidental discharges, and such regulations may be preempted in  
8 four years if new federal standards developed under VIDA are  
9 less stringent; and

10  
11 WHEREAS, the Department of Health is committed to  
12 protecting water quality for the public health of humans, marine  
13 life, and wildlife and participating in a process to develop and  
14 implement Hawaii's ballast water and vessel biofouling program;  
15 and

16  
17 WHEREAS, the Department of Transportation Harbors Division  
18 is committed to protecting Hawaii's unique, fragile, and  
19 important environment and participating in a process to evaluate  
20 invasive species vectors, including commercial shipping vessels,  
21 prevention and mitigation alternatives, and quantification of  
22 resources needed to curtail, if not prevent, the introduction of  
23 alien species that have the potential to harm Hawaii's  
24 environment; and

25  
26 WHEREAS, the shipping maritime industry is an important  
27 component of the State's economy; and

28  
29 WHEREAS, a high level of coordination between various state  
30 agencies and stakeholders will be required to assess the issues  
31 and find workable solutions where necessary; and

32  
33 WHEREAS, commercial shipping companies have made great  
34 efforts to adopt mitigation technologies, including the use of  
35 fresh water ballast, the application of less toxic protective  
36 hull coatings, and by cleaning and reapplying coatings within  
37 recommended timeframes; and

38  
39 WHEREAS, non-commercial vessels, including recreational  
40 vessels and fishing vessels also play a role in moving aquatic  
41 species through biofouling, and some through ballast water; and  
42




1 WHEREAS, because there are overlapping jurisdictions of  
 2 state agencies and new federal standards and regulations will  
 3 come into effect by the close of 2022, agencies, vessel  
 4 operators, and other stakeholders will need to work together to  
 5 assess the risks, and where necessary, develop and implement  
 6 aquatic alien species vector control programs; now, therefore,  
 7

8 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
 9 of the State of Hawaii, Regular Session of 2019, that all  
 10 applicable state agencies are urged to work together with  
 11 interested stakeholders, including the Honolulu Harbor Users  
 12 Group, in assessing the risk of aquatic invasive species to  
 13 Hawaii, vectors, and possible mitigations, in preparation for  
 14 the establishment of new federal standards in 2022; and  
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16 BE IT FURTHER RESOLVED that the Department of Land and  
 17 Natural Resources and Department of Transportation Harbors  
 18 Division are requested to submit a report on the status of their  
 19 findings and recommendations, including any proposed  
 20 legislation, to the Legislature no later than twenty days prior  
 21 to the convening of the Regular Sessions of 2020, 2021, and  
 22 2022; and  
 23

24 BE IT FURTHER RESOLVED that certified copies of this  
 25 Resolution be transmitted to the Governor, Chairperson of the  
 26 Board of Agriculture; Director of Business, Economic  
 27 Development, and Tourism; Chairperson of the Board of Land and  
 28 Natural Resources; Director of Health; Director of  
 29 Transportation; Dean of the University of Hawaii College of  
 30 Tropical Agriculture and Human Resources; and Executive Director  
 31 of the Hawaii Harbors User Group.  
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S.R. NO. 121

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