
A BILL FOR AN ACT

RELATING TO AQUATIC BIOSECURITY.

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

1 SECTION 1. The legislature finds that the introduction and
2 spread of alien aquatic organisms poses an unprecedented threat
3 to Hawaii's marine, estuarine, and freshwater ecosystems,
4 maritime and recreational activities, and economy. Alien
5 aquatic organisms can outcompete native species, leading to the
6 collapse of native ecosystems and negatively impact the
7 resilience of coral reefs to climate change. In order to combat
8 the introduction and spread of alien aquatic organisms it is
9 imperative that the State assess and manage the pathways of
10 introduction and spread.

11 The introduction of alien aquatic organisms may occur
12 through different pathways such as the release of unmanaged or
13 improperly managed ballast water, the spawning or budding of
14 species carried to state waters as vessel biofouling, or the
15 cleaning of fouling organisms from vessel hulls where they may
16 then become established, the arrival of species carried on
17 marine debris that washes ashore, and the escape or release of



1 species from aquaculture, scientific research, and the aquarium
2 trade or hobbyists. The legislature further finds that of these
3 pathways, there is worldwide concern and ongoing efforts to
4 address the primary pathways of vessel ballast water, hull
5 biofouling, and the in-water cleaning of biofouling without the
6 capture and mitigation of effluent. Ballast water is the
7 seawater pumped into and out of ballast tanks to stabilize
8 vessels and biofouling is the growth of marine species on the
9 hulls and in the difficult to access niche areas of vessels.

10 The legislature further finds that the Hawaii interagency
11 biosecurity plan 2017-2027 recognizes the independent research
12 finding that up to seventy-eight per cent of the non-native
13 marine algae and invertebrate species in Hawaii's waters likely
14 arrived through biofouling or a combination of biofouling and
15 ballast water, and that the presence of alien species in
16 unmanaged or undermanaged ballast water and on vessel hulls
17 remains a high risk factor for the arrival and spread of
18 invasive marine species. The Hawaii interagency biosecurity
19 plan 2017-2027 also recognizes that regulating these vectors is
20 exponentially more cost effective than post-introduction control
21 and eradication programs.



1 The legislature further finds that preliminary reports from
2 scientists regarding the rapid spread of stony coral tissue loss
3 disease through Florida and the Caribbean have found a strong
4 correlation with shipping patterns and may be related to
5 unmanaged or undermanaged ballast water or biofouling. This
6 destructive spread has led to a loss of between sixty-six and
7 one hundred per cent of stony corals coming into contact with
8 the disease in nearshore waters, with most corals dying within
9 one week to two months after contact. Preventing the arrival
10 and spread of stony coral tissue loss disease to Hawaii waters
11 through unmanaged ballast water and biofouling is critical to
12 protect our coral reefs and the economic benefits and ecosystem
13 services they provide.

14 The legislature further finds that recent developments in
15 technology used in other states and countries provide
16 opportunities to assess and mitigate the risk of introduction of
17 alien aquatic organisms. In order for emerging technologies and
18 systems to properly provide protections for the waters of
19 Hawaii, it is critical that the State embark on a program aimed
20 at testing these technologies and demonstrating proof of



1 concept, that may be followed by regulation and oversight of
2 their use.

3 The legislature further finds the Vessel Incidental
4 Discharge Act of 2018 (title IX of P.L. 115-282; 132 Stat. 4322)
5 was enacted into law on December 4, 2018. The Vessel Incidental
6 Discharge Act of 2018 has far-reaching implications for how
7 states may regulate certain discharges that are considered
8 incidental to the normal operations of a vessel. Once the
9 federal law comes into full force and effect in December 2022,
10 states will be preempted from setting or enforcing rules and
11 regulations that are more stringent than federal regulations
12 related to discharges considered incidental to the normal
13 operation of a vessel, including the management and release of
14 ballast water, the effluent resulting from the cleaning of
15 vessel hulls in state waters, and other incidental discharge
16 streams. The Vessel Incidental Discharge Act of 2018 is
17 intended to set national regulations for certain types of
18 commercial vessels and for fishing vessel ballast water, while
19 leaving states the authority to set and enforce regulations for
20 a variety of other vessel types that also pose a risk for vessel
21 biofouling and other incidental discharges.



1 The legislature further finds that the Vessel Incidental
2 Discharge Act of 2018 does not provide for additional funding to
3 expand United States Coast Guard resources to cover its
4 increased mandate under the Act; consequently, the United States
5 Coast Guard has indicated that it will rely on state agency
6 technical expertise, personnel, and equipment to test vessel
7 ballast water to verify treatment efficacy and assess residual
8 risk. In addition, the United States Coast Guard does not
9 currently conduct routine biofouling risk inspections for
10 vessels intending to clean in state waters. Instead, the
11 legislature finds that the Vessel Incidental Discharge Act of
12 2018 calls for states to co-enforce the federal standards and
13 regulations with the United States Coast Guard once they come
14 into force.

15 Section 187A-32, Hawaii Revised Statutes, designates the
16 department of land and natural resources as the lead agency for
17 preventing the introduction of alien aquatic organisms. To
18 successfully carry out this co-enforcement and to address the
19 aquatic invasive species risk of those vessel types that will
20 remain under state regulatory authority, the legislature finds
21 that the department requires additional capacity to develop and



1 maintain a program to assess, monitor, and co-regulate, or
2 regulate, these top pathways of alien aquatic organisms.

3 The purpose of this Act is to appropriate funds to support
4 staff and operational costs associated with aquatic biosecurity
5 inspection, investigation, monitoring, management, compliance,
6 and enforcement.

7 SECTION 2. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2020-2021 for
10 the funding of the following positions to support the
11 prevention, detection, and management of aquatic alien and
12 invasive species associated with ballast water and vessel
13 biofouling pathways from all vessel types:

14 (1) Full year funding (\$ for fiscal year
15 2020-2021) for one biologist V position to oversee the
16 aquatic biosecurity team and operations;

17 (2) Full year funding (\$ for fiscal year
18 2020-2021) for one program specialist IV position to
19 analyze and develop regulations and policy related to
20 aquatic biosecurity;



- 1 (3) Full year funding (\$) for fiscal year
2 2020-2021) for one general professional IV position to
3 develop, manage, and maintain reporting for any
4 database and technology used during aquatic
5 biosecurity risk inspections;
- 6 (4) Full year funding (\$) for fiscal year
7 2020-2021) for two biologist IV positions to oversee
8 biosecurity risk inspections and compliance testing;
- 9 (5) Full year funding (\$) for fiscal year
10 2020-2021) for the funding of 1.0 FTE conservation and
11 resources enforcement officer IV to support safety,
12 compliance, and enforcement of aquatic biosecurity
13 laws in conservation and resources enforcement;
- 14 (6) Full year funding (\$) for fiscal year
15 2020-2021) for four biologist III positions to conduct
16 biosecurity risk inspections, monitoring, and related
17 outreach and education; and
- 18 (7) Full year funding (\$) for fiscal year
19 2020-2021) for benefits for the positions funded in
20 paragraphs (1) through (6).



1 The sum appropriated shall be expended by the department of
2 land and natural resources for the purposes of this Act.

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2020-2021 for
6 operating expenditures in the ecosystem protection and
7 restoration program for aquatic biosecurity including contracts
8 for specialized laboratory work, purchase and maintenance of
9 field and laboratory equipment and supplies, and travel costs.

10 The sum appropriated shall be expended by the department of
11 land and natural resources for the purposes of this Act.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Aquatic Biosecurity; Appropriation

Description:

Appropriates funds for staffing and operating expenditures for aquatic biosecurity. (SD1)

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