
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 impacting 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 of alien aquatic organisms.

11 The introduction of alien aquatic organisms may occur
12 through different pathways, including: the release of unmanaged
13 or improperly managed ballast water; the spawning or budding of
14 species carried to state waters as vessel biofouling; 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, aquarium trade,
2 or aquarium hobbyists. The legislature further finds that there
3 is worldwide concern regarding the introduction of alien aquatic
4 organisms, and there are ongoing efforts to address the primary
5 pathways of vessel ballast water, hull biofouling, and the in-
6 water cleaning of biofouling without the capture and mitigation
7 of effluent. Ballast water is the seawater pumped into and out
8 of ballast tanks to stabilize vessels, and biofouling is the
9 growth of marine species both on the hulls and in the difficult
10 to access niche areas of vessels.

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



1 more cost effective than post-introduction control and
2 eradication programs.

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

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



1 test these technologies and demonstrate proof of concept, after
2 which regulation and oversight of their use may follow.

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

14 Section 187A-32, Hawaii Revised Statutes, designates the
15 department of land and natural resources as the lead agency for
16 preventing the introduction of alien aquatic organisms. To
17 successfully carry out the co-enforcement of the Vessel
18 Incidental Discharge Act of 2018 and address the aquatic
19 invasive species risk of those vessel types that will remain
20 under state regulatory authority, the legislature finds that the
21 department of land and natural resources requires additional



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

4 The purpose of this Act is to appropriate funds to the
5 Department of Land and Natural Resources for support staff and
6 operational costs associated with aquatic biosecurity
7 inspection, investigation, monitoring, management, compliance,
8 and enforcement.

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

16 (1) Full year funding (\$ for fiscal year
17 2020-2021) for one full-time equivalent (1.0 FTE)
18 biologist V position to oversee the aquatic
19 biosecurity team and operations;

20 (2) Full year funding (\$ for fiscal year
21 2020-2021) for one full-time equivalent (1.0 FTE)



1 program specialist IV position to analyze and develop
2 regulations and policy related to aquatic biosecurity;
3 (3) Full year funding (\$ for fiscal year
4 2020-2021) for one full-time equivalent (1.0 FTE)
5 general professional IV position to develop, manage,
6 and maintain reporting for any database and technology
7 used during aquatic biosecurity risk inspections;
8 (4) Full year funding (\$ for fiscal year
9 2020-2021) for two full-time equivalent (2.0 FTE)
10 biologist IV positions to oversee biosecurity risk
11 inspections and compliance testing;
12 (5) Full year funding (\$ for fiscal year
13 2020-2021) for the funding of one full-time equivalent
14 (1.0 FTE) conservation and resources enforcement
15 officer IV to support safety, compliance, and
16 enforcement of aquatic biosecurity laws in
17 conservation and resources enforcement;
18 (6) Full year funding (\$ for fiscal year
19 2020-2021) for four full-time equivalent (4.0 FTE)
20 biologist III positions to conduct biosecurity risk



1 inspections, monitoring, and related outreach and
2 education; and

3 (7) Full year funding (\$ for fiscal year
4 2020-2021) for benefits for the positions funded
5 pursuant to paragraphs (1) through (6).

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

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

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

17 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; Aquatic Biosecurity; Appropriation

Description:

Appropriates funds to the Department of Land and Natural Resources for staffing and operating expenditures for aquatic biosecurity. Effective 7/1/2050. (SD2)

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