

SAFEGUARDING HAWAII'S ECOSYSTEM AND AGRICULTURE AGAINST INVASIVE SPECIES

HEARING

BEFORE THE

OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE, AND THE
DISTRICT OF COLUMBIA SUBCOMMITTEE

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

FIELD HEARING IN HONOLULU, HAWAII

OCTOBER 27, 2011

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SAFEGUARDING HAWAII'S ECOSYSTEM AND AGRICULTURE AGAINST INVASIVE SPECIES

THURSDAY, OCTOBER 27, 2011

U.S. SENATE,
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2 p.m., at the Hawaii Department of Agriculture (HDOA), Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii, Hon. Daniel K. Akaka, Chairman of the Subcommittee, presiding.

Present: Senator Akaka.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. I call this hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia to order.

I want to welcome our witnesses today. The hearing today is on "Safeguarding Hawaii's Ecosystem and Agriculture Against Invasive Species." Thank you all for being here today.

Hawaii has a history of being a leader in recognizing the grave threat that invasive species pose to our native agriculture, economy, and natural resources. Hawaii's efforts to safeguard ecosystem date all the way back to 1888, when King Kalakaua declared a quarantine on coffee imported into Hawaii to prevent the introduction of coffee rust and other diseases. This was decades before the U.S. Government enacted the landmark Plant Quarantine Act of 1912.

Hawaii's efforts continue to this day as invasive species arrive daily at our State's ports of entry, often hidden in agricultural cargo or inside passenger bags. Failure to detect and intercept these harmful pests imposes serious economic and social burdens on all residents of Hawaii. Invasive species already cost Hawaii hundreds of millions of dollars annually in lost agricultural revenue, property damage, and eradication programs. In light of the severe economic damage that is inflicted on the people of Hawaii, it is clear that focusing on prevention by improving agricultural inspections at our ports of entry is a very cost-effective strategy.

Of course, economic costs are just one aspect of the consequences that would result from invasive species. Hawaii's majestic natural environment, home to more endangered species per square mile

than any other area on this planet, provides the foundation of our State's culture and heritage. It also attracts millions of tourists to the State each year and has made Hawaii's tourism industry one of the strongest in the Nation.

Invasive species could permanently devastate Hawaii's fragile ecosystem and in the process destroy our State's economy and character. Nearly 60 years after its arrival in Guam, the brown tree snake (BTS) continues to inflict terrible and irreversible damage on that island's ecosystem and economy. Guam's painful experience is a stark example of the dire consequences for any Pacific Island State that fails to keep out harmful invasive species.

This hearing will examine how government agencies, stakeholders, and, most importantly, the people of Hawaii can work together to prevent invasive species from entering our State. I am particularly interested in exploring how Congress can best support Hawaii in enhancing agricultural inspections, which are critical for detecting harmful pests and diseases at our State's ports of entry.

Hawaii has made significant progress in improving invasive species prevention and response, despite having limited resources. Many of the State's reforms have been successful in improving interagency coordination and raising awareness of the important role each resident of Hawaii must play in safeguarding our State.

I am pleased that our State, under the leadership of Governor Abercrombie and Chairmen Tsuji and Nishihara, has committed to upgrading Hawaii's inadequate inspection facilities and restoring our State's agriculture inspector workforce, which was cut by 53 percent in 2009. I believe the Federal Government could be a better partner in the State's efforts against invasive species.

Following the September 11 terrorist attacks, Federal customs, immigration, and agriculture inspection officers were combined under the new Department of Homeland Security. The decision to transfer front-line agricultural inspectors from the Department of Agriculture (USDA) into the Department of Homeland Security (DHS) was controversial.

I have long been concerned that the transfer disrupted and undermined the agricultural inspection mission. Other members have expressed concern as well, and there have been efforts in Congress to return agricultural inspectors to USDA. However, I understand that a costly and potentially disruptive reorganization is not practical at this time. So given the urgency of the problem, I believe we must focus on strengthening the agricultural mission within DHS.

In recent years, the Department has made progress in stabilizing the mission. I recently introduced the Safeguarding American Agriculture Act to build upon these gains and to make sure that the agricultural mission has the leadership, structure, and authorities needed to effectively protect American agriculture. The act would enhance accountability and efficiency by placing responsibility for agricultural inspections across the Nation squarely in the hands of agriculture specialists who could make operational decisions without going through levels of bureaucracy.

To maintain a highly skilled and motivated workforce, the act would require DHS to provide agriculture specialists with the training and experience needed for a successful career. It is critical

that these improvements are implemented across the Nation and here in Hawaii. I look forward to hearing from our witnesses today.

I want to welcome our first panel witness, Neil Abercrombie, Governor of the State of Hawaii. Governor Abercrombie, I really appreciate you taking time out from your busy schedule to be here with us today.

Mr. ABERCROMBIE. It is an honor, Senator.

Senator AKAKA. It is the custom of the Subcommittee to swear in all witnesses, so——

Mr. ABERCROMBIE. I am usually being sworn at, so I am happy to swear in. [Laughter.]

Senator AKAKA. I ask that you please stand and raise your right hand. Do you solemnly swear that the testimony you are about to give this Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. ABERCROMBIE. I do.

Senator AKAKA. Thank you very much.

Let it be noted for the record that the Governor answered in the affirmative.

Before we start, I want you to know, Governor, that your full written statement will be part of the record, please proceed with your statement.

TESTIMONY OF HON. NEIL ABERCROMBIE,¹ GOVERNOR, STATE OF HAWAII

Mr. ABERCROMBIE. Thank you very much, Senator. It is a great pleasure to be with you again. I do, in fact, have the testimony, and thank you for taking it because I would like to just comment a little bit informally then on it, particularly as a result of your introductory remarks.

Although I notice, Senator, that some of the evidence with respect to invasive species is over here, I note particularly the bearded dragon. I thought I was the only bearded dragon over here, but I see there is another one.

On a little bit more serious note, I notice that they also have the ball python over there, which, of course, is in the family, reptile family, relatively small, the ball python. But I think it is notable that as recently as yesterday evening, the Public Broadcasting System (PBS), nationally with its Nature program was featuring another invasive species in Florida, the Burmese python. The Burmese python can get to be 25 feet in length and as thick as wastewater tubular sizes, capable of swallowing a crocodile. So whether its size is not the issue, the question is that invasive species are an issue that is not just pertinent to Hawaii but literally for the whole Nation. And some of the most precious spots that we have protected nationally as well as in terms of States and other localities are put into a dangerous situation because of invasive species.

I want to just comment a bit informally because you have very distinguished panels to follow, including Representative Tsuji, as you mentioned, and Senator Nishihara, who have the responsibility here, and Dr. Lyle Wong will be testifying for our Department of Agriculture, as well as the distinguished people from the Depart-

¹ The prepared statement of Mr. Abercrombie appears in the appendix on page 36.

ment of Homeland Security, Customs and Border Protection (CBP), et cetera.

The main intent, I just want to comment then on a couple of the issues that you have outlined. We really do need the Federal support. I realize the difficulties that are taking place in Congress right now. I realize, of course, from my time in Congress just the explanations that were necessary in the Interior Committee in the House of Representatives, on which I was privileged to serve, to try to explain to somebody about the brown tree snake, because many of our colleagues, my former colleagues and your current colleagues, are used to situations in which snakes are part of the environment. But in our island context, the introduction of snakes, particularly the voracious variety like the brown tree snake or perhaps something as formidable as a Burmese python, literally puts us into a situation where other species can be wiped out, simply eliminated, and not just from our consciousness but literally from the planet. This is really serious business.

This is why your bill that elevates the agricultural inspection mission of the Department of Homeland Security, and I hope it can be incorporated with whatever legislation will be emerging from Congress this year.

We literally need all the assistance we can get in this regard because, among other things, the U.S. Department of Agriculture only inspects luggage and cargo leaving the State but not anything incoming, which leaves us really in critical danger in this regard. It is not because they do not wish to. They do not have the resources. That is why it is so critical to have partnership on the Federal side.

It is critically important that—as I mentioned, the brown tree snake in Guam, we do not have the capacity here in the State, as Dr. Wong I am sure will make clear to you, and certainly Representative Tsuji and Senator Nishihara will, while the U.S. Department does preclearance inspection, those funds may be in jeopardy with regard to Guam. And Customs and Border Protection does not inspect the snakes because they are not actionable pests. We probably need to have a good look at some of the definitions that are involved here to make sure that invasive species can be covered adequately in terms of the realities that we have to face in our island world here in the Pacific.

Also, obviously, we cannot go to Guam and do the inspections. We do not have the authority to do that, and so it is vital that the policies of the USDA and Customs and Border Protection be enhanced and enable us to partner with them to make all of this focus that we need to have on invasive species be able to be meaningful.

As you have pointed out, Hawaii has a unique biodiversity, unique in all the world that needs protection. Our water and land, ocean's resources, are our foundation for the cultural diversity that exists here in Hawaii. So this is more than just a question of our desire to do these things. This literally has to do with the concept, in Hawaiian, of acting in a "pono" way, of doing things the correct way, of recognizing our place as human beings in the spectrum of life and activity on this planet and recognizing what our obligations and responsibilities are, particularly here in the islands.

Just as a quick example, I think most of the people in this room are aware of it, but for the record that is being kept, just the coffee berry borer and the Africanized honeybee are causing havoc to our niche industries, if you will, here, agricultural industries of coffee. Everybody assumes, well, Kona coffee, Kau coffee, Molokai, I mean, coffee now is ubiquitous throughout the islands. It is not just in Kona itself. And yet the coffee berry borer puts that in jeopardy. And the same with the Africanized honeybee. At one point at a little compound that I lived in when I was a student at the University of Hawaii, we grew honey there. We had hives there. I had one in my front yard. I am very familiar with the growing of honey. It is one of the great entrepreneurial activities here in Hawaii and much sought after the world over. In jeopardy.

So, in conclusion, I want to indicate that I am not just speaking. Some of the folks that you met here today are the agricultural inspectors we brought back. Now, we are facing, the State of Hawaii, over the next 2 years, as Representative Tsuji and Senator Nishihara know only too well, a \$1.3 billion deficit that we have to come to grips with. But we put those inspectors in. We did that hiring because those inspectors are absolutely the front line that we have to address the question of invasive species. That is an investment. That is not spending. That is an investment literally in Hawaii's environmental future and in our responsibility to meet the cultural necessity of addressing invasive species.

So this hearing is very pertinent. This hearing could not be more timely, and I thank you for the opportunity of being able to appear in front of you. Mahalo nui and aloha.

Senator AKAKA. Thank you. Aloha and mahalo nui, too, for your statement, Governor Abercrombie. I have a few questions that I would like to ask you.

Mr. ABERCROMBIE. Sure. A pleasure.

Senator AKAKA. Governor, reinstating Hawaii's agricultural inspectors is a key element of your administration's New Day Plan to protect our State's ecosystem, agriculture, and economy.

Mr. ABERCROMBIE. Yes.

Senator AKAKA. As your administration continues to implement this important initiative, what are the next steps you will take to make sure sufficient resources and focus are sustained on bolstering the State of Hawaii's agriculture quarantine and inspection operations?

Mr. ABERCROMBIE. I am certain that Representative Tsuji and Senator Nishihara will give you some of the details that we are working on in conjunction with them through our Department of Agriculture, as will Dr. Wong. What we will be doing is speaking to the rest of the legislature and to the public at large about the necessity of strengthening this area. But I must be candid with you and straightforward about it. Your bill actually is crucial in this quest because we need the USDA and Customs and Border Patrol to be able to partner with. If they do not have the resources, in all honesty I think that we will be in a bit of a struggle.

In terms of priorities, obviously I will be siding with the Representative and the Senator in terms of trying to maximize the attention the legislature would give priority to the area of inspection, the area of dealing with invasive species, because the consequences

are so dire. Other than that, the cooperation and collaboration with the Federal side that is emphasized in the hearing today is just fundamental to the likelihood of success.

Senator AKAKA. Thank you very much, and thank you for your support, Governor.

I share your view that prevention is the most effective management strategy for invasive species. As you noted in your testimony, we have worked together as Members of Congress to push USDA and HDOA to enter into a cooperative agreement that would allow both agencies to develop a comprehensive prevention strategy that secures all pathways into the State. Please elaborate on why it is so critical that USDA work together with Hawaii to create an innovative prevention strategy.

Mr. ABERCROMBIE. If we are unable to do it, if we are unable to accomplish this, the task for the inspectors we do have will simply be extremely formidable. It is not that they will not devote every effort to it, and it is not that we will not give every emphasis to it with the personnel that we have. But I think absent the collaboration that you have just cited—I have to be straightforward about it—we will have to be in a struggle with other equally pressing interests during the legislative session for priority. I guess some kind of triage will have to take place. We will have to decide where we will place the fiscal emphasis in terms of personnel and material support operating budgets against, I am certain, two, three, four, five other pressing areas, in education or in health care or in human services, all of which will be able to make a strong case for whatever, as case managers in human services, for example, for families in distress, foster children, early childhood education, which we are trying to emphasize now, so that we make an investment in zero to five, both in health terms and in preparing young children for kindergarten and their first years in elementary school so that they are not behind when they get started.

These are very powerful incentives to address. They are very powerful social, economic, and cultural incentives to support those areas as well. So we do not want to put what we are trying to do with invasive species into competition with those other areas of concern and proper focus.

So what we need is to understand that in and of itself the effort to combat invasive species is simply something that has to be done in order to meet our obligations, both moral and legal. And the best way to do that is to have professional personnel that know what they are doing, that have that commitment, have that background, have that capability. And USDA, Customs and Border Patrol, and our Agriculture Department have that capacity. We have the background through the University of Hawaii in terms of research and support that can be done.

And, again, as I am sure that Dr. Wong and Representative Tsuji and Senator Nishihara will tell you, we know what to do. We have a game plan. What we need is the support, and the Federal support is crucial to that. Absent that, we will do the very best we can to continue to have that focus and to raise the necessary funds and make the necessary moves legislatively speaking to support this effort.

Senator AKAKA. Thank you, Governor. As you know, preventing foreign pests and diseases from entering the United States is the responsibility of the Federal Government. My final question to you is: What are your top three recommendations for how the Federal Government can improve its agriculture quarantine and inspection operations to meet the unique needs of Hawaii?

Mr. ABERCROMBIE. If I say three, it is not necessarily in order, but it is a cumulative orientation. I think it is critical that the Federal Government support an appropriate level of inspection to keep invasive species out of Hawaii. I think, second, that there be an appropriate level of fiscal support for that inspection; that is to say, the necessary funding to support that personnel. And then the third thing would be that we have an action game plan between the Federal and the State government to enable those inspectors and that funding to be well utilized so that we can come back to the Congress and point out that the money and the personnel that was put forward has been well utilized in every respect.

I realize there is a certain level of faith and trust that has to go into that. All we can do is say give us the opportunity to effect what we want to accomplish with a game plan like that, and we will prove that it can be done.

We are in a little bit of a difficult position in this sense: When the invasive species are here, then you can take pictures of it and you can write stories about it and all the rest of it. In a certain sense, we are trying to prove the negative. If we get the commitment to the appropriate level of inspection, get the appropriate level of fiscal support, then have a game plan, the success will be that nothing happens. And so the best thing that we will be able to say to you and the best way we can be able to prove that it works is at the end of any given year, at the end of any given inspection period that the Congress would like to set as its benchmark, we will be able to say nothing happened, we caught it, we headed it off, we nailed it before it got started.

Of course, that is what inspection, professional inspection, people with professional capabilities are capable of. It is the idea that there is no story. So if we can get those three things done, I am confident that at the end of any given period set for measurement as to whether it worked or not, we will be able to say that there is no story here.

Senator AKAKA. Well, I want to thank you very much, Governor, for your testimony as well as your responses. Without question, it is going to be helpful to us to help Hawaii in this respect.

Mr. ABERCROMBIE. Thank you very much, Senator. I have to tell you, it is a great pleasure, it is an honor, and it is a great privilege for me and a personal joy to be able to speak with you and spend some time with you again. But I have to tell you in all candor, I am so happy not to be doing this with you in Washington. [Laughter.]

Senator AKAKA. Well, aloha and mahalo, and I wish you well in your work here in Hawaii.

Mr. ABERCROMBIE. Thank you very much, Senator. Mahalo.

Senator AKAKA. Thank you, Governor.

I would ask our second panel of witnesses to please come forward. I welcome our second panel: Clifton Tsuji, Chair of the Ha-

waii House Committee on Agriculture; Clarence Nishihara, Chair of the Hawaii Senate Committee on Agriculture; and Dr. Lyle Wong, Plant Industry Administrator for the Hawaii Department of Agriculture.

As I told the Governor, it is the custom of the Subcommittee to swear our witnesses in, so would you please stand and raise your right hands? Do you swear that the testimony you are about to give this Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. TSUJI. I do.

Mr. NISHIHARA. I do.

Mr. WONG. I do.

Senator AKAKA. Thank you. Let it be noted that the witnesses answered in the affirmative.

Before we start, I want you all to know that your full written statements will be made a part of the record, and I would like to remind each of you to please limit your oral remarks to 5 minutes.

Representative Tsuji, will you please proceed with your statement?

TESTIMONY OF HON. CLIFTON K. TSUJI,¹ CHAIR, HOUSE COMMITTEE ON AGRICULTURE, HAWAII STATE LEGISLATURE

Mr. TSUJI. Thank you very much, Chairman Akaka and Members of your Subcommittee. I sincerely thank you because during my half dozen years or so with the House of Representatives, this is the first time I saw a sincere effort, at least in Agriculture, that a congressional member or a congressional team has come to Hawaii to listen to our concerns and, in particular, invasive species and its impact on agriculture. So to begin with, thank you very much, and I cannot help but think the invitation is so sincere when I look around in the back of me, our invasive species are all around here welcoming you also from snakes of Florida to everywhere else.

Yes, I have submitted my written testimony and supplemental attachments, and with that I will summarize and make myself available for questions that you have. And certainly if I do not have the appropriate answers, I hope you will so state, and I will endeavor to followup on such inquiries.

But in the State legislature and the people of Hawaii, invasive species has been one of those silent invaders from years gone by. The exception maybe is the noisy coqui frog. They attack our economy. They attack our lifestyles, our economy, our whole environment, probably one of the single biggest threats to Hawaii. And the damages, the downside is the damages to the crops, extinction of native species, and other destructive elements has gone into the millions year after year after year and over a period of continuous—maybe a half dozen years or so, maybe it got into the millions of dollars, maybe \$15 million has been spent in trying to counter invasive species.

My personal feeling, it is very difficult, if not impossible nearly, to quantify the amount of investment that goes into invasive species from the Federal, State, and county level and even inde-

¹The prepared statement of Mr. Tsuji appears in the appendix on page 39.

pendent citizens in Hawaii, and to see what the return for this is the end result.

Mr. Abercrombie mentioned—and I think you questioned him basically on one of the concerns, and he used the term “actionable products.” And some of our invasive species are not on the actionable list and, therefore, and because of Federal preemption the Hawaii inspectors are not notified, at least, or not mandated to be notified from the USDA or the Federal level and, therefore, they do not treat or cannot treat these commodities. I think this is a very serious concern and it should be looked into.

And I commend you, Senator Akaka, for the bill that you have brought forth and are bringing forth to Congress with the Honorable Representative from California. But I would say I think it touches what the concerns are, including all the ports of entry in the United States, as it mentioned. But if I may say, too, Senator Akaka, when people collectively say United States of America, somehow the State of Hawaii is left out. We are the last outpost. It seems like we are the Alamo of the entire United States, and we cannot stand alone before we self-destruct.

So I have one recommendation before I close. It is my summarization. In 2007, there was this very comprehensive document that was produced by USDA, called “Pathway Analysis of Invasive Species Introduced into the State of Hawaii,” and not unless I do not have the most current document, it is stamped “A Draft.” And I believe this would be very helpful in particular to Hawaii and the rest of the United States if some of the thoughts would be taken into consideration as you journey through with your very important legislation. But if this is not complete, well, I do not think you can manage to say that we will use it, but I hope for some reason we will find a final draft and you would take consideration of this.

With that, in summarizing within the time limit expanded, thank you very much again, and I would be more than happy to attempt to answer your questions.

Senator AKAKA. Thank you very much, Mr. Chairman, for your testimony.

Senator Nishihara, would you please proceed with your statement?

TESTIMONY OF HON. CLARENCE K. NISHIHARA,¹ CHAIR, SENATE COMMITTEE ON AGRICULTURE, HAWAII STATE LEGISLATURE

Mr. NISHIHARA. First, aloha, Senator Akaka.

Senator AKAKA. Aloha.

Mr. NISHIHARA. I appreciate your coming back to chair this important issue. I think it is one that has been in our newspapers, the issue of invasive species, over a number of years, and certainly it is good that you then take it forward in your efforts to maybe at the Federal level make some corrections that will help us to better do our jobs here.

On that note, first I would like to thank you for sharing our concerns here regarding invasive species and their impact on our agriculture and environment. Whenever invasive species become estab-

¹ The prepared statement of Mr. Nishihara appears in the appendix on page 42.

lished, there are profound impacts for our State as well as other States.

We have heard today that 75 percent of the pests that have become problematic are of foreign origin. We are the recipients of these pests. We are not giving them out. We have also heard about the importance of preventing invasive species from impacting the environment and natural resources. However, agriculture also suffers greatly from invasive species, not only through increased costs of production, but also from Federal policies that prevent Hawaii growers from accessing domestic markets due to an archaic Federal quarantine on Hawaii. I think some of these regulations were here that preceded us becoming a State, when we were a territory.

Currently, Hawaii is quarantined from the continental United States primarily due to a fruit fly infestation that was introduced to the islands years ago. Because of this Federal quarantine, there are over 450, maybe 200 full-time equivalent (FTE) positions, Federal positions, here to protect the mainland from Hawaii, with very little of this huge manpower resource protecting Hawaii from foreign countries and the mainland. So it is kind of backward. Because of this attention toward protection of the mainland, there has been very little improvement in prevention systems to mitigate the increasing threat from the Asia-Pacific pathway. As such, Hawaii is always susceptible to having additional quarantines on our agricultural commodities due to weaknesses in the Federal quarantine system. And, in addition, there is always pressure to implement other quarantines on Hawaii to protect the Pacific Island regions, the countries, and the territories by the U.S. Department of Interior (DOI).

We support your initiatives to improve the Federal quarantine system. This is a vital step. We also encourage you to review and evaluate how Federal resources are being utilized here. If existing resources are creatively used to protect Hawaii and the continental United States, then I think we will all benefit. Taking manpower away from the x-ray machines at the airports and incorporating them into systems approach pest management systems in Hawaii's production areas may, in fact, lessen pest incursions into the mainland and reduce the impacts of those species to both this Nation and our State.

So I think it is an appropriate time to review and modernize the Federal and State policies and systems, and in doing the same thing because it has all been done—doing the same thing again and again because it has always been done is not acceptable, as you are well aware of in your dealings in Congress. It has never been more important for Federal and State to move together in a strong cohesive manner.

On that note, Senator, I think we have numerous incidents where invasive species have come into our State which then become—Hawaii then has to protect ones that came to the mainland of the United States, and I think it is time to maybe change some of the dynamics, and I would be happy to answer any questions you have.

Senator AKAKA. Thank you very much, Senator, for your testimony.

Dr. Wong, will you please proceed with your testimony?

TESTIMONY OF LYLE WONG, PH.D., PLANT INDUSTRY ADMINISTRATOR, HAWAII DEPARTMENT OF AGRICULTURE, ON BEHALF OF HON. JAMES J. NAKATANI,¹ DEPUTY TO THE CHAIRPERSON, BOARD OF AGRICULTURE, STATE OF HAWAII

Mr. WONG. Thank you, Senator. The testimony that I am presenting today is actually testimony from James Nakatani, who happens not to be here. He is at another public hearing, and it is something that he has to do because Chairman Kokubun had a family emergency on the mainland and is not here to participate as well. But, in reality, the best person to present this testimony is actually the head of Plant Quarantine, Carol Okada, who had scheduled a visit to Korea to visit her daughter who is in the service there. So on behalf of the Department of Agriculture and the Deputy, James Nakatani, I will present the statement from the Department of Agriculture.

I would like to actually start off by saying that, despite the challenges that we have in Hawaii, plant quarantine over the years and the programs within the Department of Agriculture have been remarkably successful in keeping out some of the worst pests of agriculture in the world, and we have failed in other regards, along with our Federal counterparts. But we were one of the last places in the world to get the varroa mite, which is a serious pest of honeybees. We got it about 3 or 4 years ago. We still have not gotten the red imported fire ant, which has infested most of the southern tier States right now and is a very serious pest, and a pest that has gotten into New Zealand and Australia despite their very robust quarantine programs, but we have yet to get it.

Unfortunately, we just got the small hive beetle 2 years ago, and that pest with the varroa mite will probably seriously set back our opportunity to do commercial beekeeping in the State of Hawaii.

So we have had success. We have had miscues and lost opportunities and some failures. And the presence of invasive species in Hawaii has been devastating for our native biota and our agriculture, and that is, I guess, the thing that we will always remember and have to struggle with.

The Department of Agriculture strongly supports the congressional legislation to strengthen State and Federal quarantine programs to mitigate pest risk through the movement of cargo and passengers, through both domestic as well as foreign pathways into the State of Hawaii.

As noted in Mr. Nakatani's prepared testimony, the rate of new species entry into Hawaii is 2 million times the natural colonization rate. This was prior to man's presence in the State of Hawaii, in the Hawaiian Island. Adding to the challenge for Hawaii, non-native species and potential invasive species to Hawaii are 500 times more likely to become established in the State of Hawaii than in the continental United States, and this is obviously due to our year-round mild climate and opportunity to provide good habitat for these species in the absence of biocontrols that would set them back.

Most new pests found in Hawaii are of foreign origin. Foreign cargo and passenger baggage inspection programs at Honolulu Na-

¹ The prepared statement of Mr. Nakatani appears in the appendix on page 44.

tional Airport are essentially identical to that of all other international ports in the United States. Federal inspectors take action based on a list of pests for which specific legal authority is deemed to exist. Most pests on the actionable list pose a serious threat to U.S. mainland agriculture, but in practice, this actionable list often has little to do with the organisms that would affect Hawaii agriculture, native biota, or public health.

As a consequence, while we are concerned about actionable pests that the Feds are concerned about, we are also concerned about organisms that are not known to occur in Hawaii, and this is because an organism not known to occur in Hawaii could become a serious pest, and we have numerous examples of this, where in the home range it is of no consequence, but once it gets into Hawaii, its numbers explode and it becomes a pest of either agriculture, environment, or public health. So if our inspectors find a not-known-to-occur pest in Hawaii, we can take action. The Feds may not be able to do so.

To compound the problem for Hawaii, under the Federal Plant Protection Act, a State is expressly prohibited from regulating in foreign commerce and in turn to take independent State action to inspect, quarantine, control, eradicate, or prevent the introduction of plant pests and plant products in foreign commerce.

The Federal preemption clause of the Federal Plant Protection Act prohibited Hawaii from requiring nurseries at risk of red imported fire ant infestation to pesticide-treat plants prior to shipment to Hawaii and prevented New Zealand from transshipping through the State of Hawaii cargo bees to the U.S. mainland and New Zealand, and prevented Hawaii from requiring Taiwan to pesticide-treat their phalaenopsis, potted phalaenopsis, when USDA approved movement of potted phalaenopsis from Taiwan to the U.S. mainland. So the Federal preemption prevents us from taking the necessary steps for Hawaii to have those procedures in place to mitigate pest risk.

So we support the efforts of your measure to enhance the position of CBP inspectors, and we would recommend an amendment to the Federal Plant Protection Act to give Hawaii an opportunity to participate in some of these quarantine inspection programs with the Feds to be more protective of the State of Hawaii.

Thank you.

Senator AKAKA. Thank you very much, Dr. Wong.

I have a question for the entire panel. Since 2008, The Kahului Joint Inspection Facility has protected Maui against invasive species. However, only a small portion of air cargo enters the State through Maui. Most comes through Honolulu International Airport, which does not have a similar facility.

Should building a joint inspection facility at Honolulu International be a high priority for the State? And if so, what steps can the Federal Government take to support doing so as soon as possible? Representative Tsuji.

Mr. TSUJI. Thank you, Senator. I will attempt to answer that. This question about a joint inspection facility or a biosecurity facility has not been one that happened overnight or whatever it may be. The facility that you mentioned on Maui, although it is not a high-traffic area, it is definitely very important. Whether you view

it on a comparative basis, flow of traffic, Oahu Island compared to Maui Island, definitely it should be here on Hawaii Island—or, should I say, Oahu Island.

Last year, House Bill 1568 required the Department of Transportation (DOT) and the Department of Agriculture to facilitate work on this import-export facility—regarding inspection of commodities, and it requires the Department of Transportation to provide space at commercial harbors for biosecurity inspection facilities.

Senator Akaka, it was a very contentious bill. I know it was because I introduced this bill, and I tried to shepherd it through the House committee, with the cooperation and the help of the Senate committee. But because of lack of funding, the only reason that this bill was finally signed into law is because we pulled back the appropriations amount. That sounds so ironical, what is a bill like this, which needs so much capital improvement funds, to proceed forward.

So to answer your question, the next step is both at the State level and the Federal level to participate in some type of funding that we are trying to work right now with the Hawaii Department of Agriculture and also with the Hawaii Department of Transportation and we look forward to your assistance in this matter, Senator.

Senator AKAKA. Thank you very much for your response. Senator Nishihara.

Mr. NISHIHARA. Well, I do agree with Chair Tsuji on the issue, and, unfortunately, with I guess not only our State but other States as well, with the economic downturn and the subsequent cutback of funds for services, this was one of those where, as important as it was, no funding was able to be provided. And as we all know, you cannot advance anything. At some point you do need money. And having the Federal support at least funding this effort I think would go a lot further to making it a reality instead of just a good idea.

Senator AKAKA. Thank you. Dr. Wong.

Mr. WONG. The Hawaii Department of Agriculture started looking at a joint use inspection facility in 2006, and we were able to do that because of \$100,000 funding from State Civil Defense. And in moving forward the proposal to assess the feasibility, we did meet with Customs and Border Protection as well as the Animal and Plant Health Inspection Service (APHIS), and because of the support of these two Federal agencies, we were able to get the funding from the State Civil Defense, which was money from Homeland Security.

I think what set back the serious planning for this initiative was the downturn in the State economy and the loss of inspectors. We had to build the workforce up, which Plant Quarantine was able to do, but then we lost essentially all of those inspectors. Now we are getting the inspectors back through the current administration, and that disruption I think will soon be behind us, and we can seriously start looking at the feasibility of a joint use inspection facility. And it is critical because none of the agencies have the adequate facilities to provide good quarantine inspection because the State Department of Transportation cannot provide the space re-

quired by the three agencies to do so. So I think it will end up being a joint use inspection facility in one fashion or another.

Senator AKAKA. Thank you, Dr. Wong.

Mr. TSUJI. Senator Akaka, if I may, I think I did not answer one of your points. The higher traffic is in Oahu, the lesser traffic is in Maui, but why did you agree to Maui? The irony of it all, it was not a legislative action. This went through the courts and it was a court mandate that directed this facility to be built there because of invasive species concerns, and realizing what happens to food safety, food security, languishing out in the climate on the island.

Senator AKAKA. Thank you very much for that addition.

Mr. TSUJI. Thank you.

Senator AKAKA. Representative Tsuji, Federal agencies use actionable pest lists to determine what should not be allowed to enter the United States. However, as you noted in your testimony, it is estimated that about 3,000 pests that would damage Hawaii are not included on this Federal list.

Since Hawaii is the only U.S. State comprised solely of islands, would it be preferable and feasible to use a modified list to meet the exceptional challenges posed by invasive species to Hawaii?

Mr. TSUJI. A modified list?

Senator AKAKA. Yes.

Mr. TSUJI. Yes, I would see no disadvantage of that. The actionable list, I think something like that would be very helpful. I might be led to believe that the Department of Agriculture, the invasive species section, is working on something like this. But it is very important. We should not say, no, this cannot happen or that can happen. It is very important. Federal border agencies—and I think I mentioned in my testimony previously due to Federal preemption, Hawaii inspectors are not notified, so we cannot—we are handicapped. We cannot treat these commodities or even identify these commodities. We should not stop there. We should look to alternatives, as you mentioned, and, yes, I agree.

Senator AKAKA. Thank you, Dr. Wong.

Mr. WONG. Well, to—I am sorry, Senator. To some extent there is not necessarily a modified list, but a procedure in place that is based on policy. For example, there are seven genre of ants that are prohibited on the actionable list, but USDA by policy has given its inspectors the opportunity to reject any ant that is not known to occur in the State of Hawaii. So it does not have to be on the actionable list. And so a system of that nature might be available to expand the scope of authority for the inspectors in the field.

Senator AKAKA. I have a question for the entire panel. Each of your statements highlighted the need for USDA to increase the priority it places on protecting Hawaii from the threat of invasive species. As you all noted, there are currently hundreds of USDA employees conducting outbound inspections to protect the mainland. Yet the Department only has a few inspectors for cargo and passengers entering Hawaii.

Do you believe this is a sufficient number of Federal inspectors to effectively protect Hawaii? And if not, how many should there be? This is to the panel. Representative Tsuji.

Mr. TSUJI. Senator Akaka, may I?

Senator AKAKA. Yes.

Mr. TSUJI. OK. Thank you. Do I believe that this is a sufficient amount or whatever it may be? I think there is an extreme inequity as far as inbound and outbound inspection of cargo. I think that the USDA has about 450 inspectors, or about 250 full-time equivalent. But when you look at a comparison, Senator, Hawaii has right now less than 100 State inspectors. They are supposed to be on the job, but it is well known that in the last couple of years we have had a reduction in force. We also have had a number of people retire that have not been replaced.

So if you use that on a ratio basis, on, let us say, 2.5:1 or 3:1 and the one that has a higher degree of inspectors are much more effective. And using that as a baseline, then on that basis the other one with the lower threshold must be totally ineffective. And I use that as a guideline. We have hard-working State inspectors. They work hard. They do the job beyond what is required. But that is not hard enough. We need the manpower. We need the foot soldiers there.

The Governor is not here right now; thank you to the Governor, because a couple of years ago we said because of the demise of the economy, we are not able to fund these inspectors. Where are we going to get the money?

Again, we do not end there. What we did is there was a cargo fee bill that was legislated—in other words, 50 cents per thousand. For every thousand pounds of cargo that came into the State of Hawaii through our ports of entry—air and maritime—the assessment was 50 cents per thousand.

The calculation of that—and that was during the time when the economy was at a peak—was that the annual derived revenue for special funds would have been about \$7 million. What happened right after that calculation? The economy went down and the annual revenue was somewhere about \$3 to \$3.5 million. This past legislative session, because the fund was being depleted, we increased it from 50 cents to 75 cents per thousand. We had the full cooperation of the Governor. In fact, he followed us and fast-tracked and had a special bill signing on that.

Without special funds, we would have not been able to have the Governor declare that we are going to reinstate 10 inspectors immediately. That may not seem much, but that is a stop-gap. But we cannot use only emergency stop-gaps. It has to be for the long term.

To answer your question, no, it is not adequate.

Senator AKAKA. Thank you.

Mr. TSUJI. Thank you.

Senator AKAKA. Thank you very much. Senator Nishihara.

Mr. NISHIHARA. Well, Senator, I do not know what is the right number or the right size of number of personnel, but it is clear that when most of them are directed toward preventing things from entering their States, going out of Hawaii, and nothing prevents this from coming in, clearly when the statistics show that predominantly 75 percent is what is outside coming in, it seems like a change in how you use the personnel that you need to protect not only us but the States as well, if we were able to do a better job here preventing what comes in, because where we are situated, these species will be coming more and more from probably over-

seas, from the Far East and those areas. And if you look at what has happened with global warming as an issue, what is happening in Haleakala and some other places where the climate has been getting increasingly warmer, there has been a movement of some of these invasive species up toward the higher reaches.

And so if we do not get the resources we need from the Federal Government, because the States are really having a hard time finding the resources, and putting it to where we really need it, then I think Hawaii's economy will go downhill. And it is so important for us as a State to be able to produce enough food for ourselves, which is also a very serious issue for us, but also our ability to export goods as well. And so if we cannot get that support, it certainly is going to make it much more difficult for us.

Like I said, I am not sure what the right number or the right size is, but I do know what we do have is inadequate. And I leave it to those who are better able to give you a number to give you that number.

Senator AKAKA. Thank you.

Mr. NISHIHARA. Thank you.

Senator AKAKA. Dr. Wong.

Mr. WONG. I agree with the Senator and Representative Tsuji 100 percent on that. The best data we have is from Maui from a massive blitz inspection program that we did almost 10 years ago, and what resulted from that risk assessment was a staffing at the airport of 14 inspectors for the tonnage throughput that they have on Maui. And now we have on Maui a state-of-the-art or pretty close state-of-the-art quarantine inspection station.

We ran some numbers at that time, what the equivalent level of coverage would be at Honolulu International Airport for the tonnage throughput going through Honolulu International Airport, and the number we came up with was something like 221.

Now, there is one thing for certain, and that certainty is that the number of inspectors we have in the State program is totally inadequate. There is an immediate consequence to running a program with an inadequate workforce. Despite how good these inspectors might be when they come in, eventually they will burn out and they will conclude that what they are doing is really not for real in terms of a serious effort to keep out invasive species, because when you put an inspector at, say, Continental Airlines and there are 15 LD3 cans there and he cannot inspect 15 LD3 cans that evening, he knows that a decision has been made to allow those cans to go through without thorough inspection. So we end up losing good inspectors or discourage them to the point where they will not function as best they can.

I suspect the Department of Agriculture will need several hundred inspectors, and when that critical number becomes an opportunity for the State, then you will have inspectors asking more empowering questions and managers asking more empowering questions, and the legislators, and we will fine-tune the program. But with the workforce we have right now, it is very difficult.

I am very sympathetic to CBP and APHIS and their efforts to help Hawaii, and as they do in this transition period, I think we will have coverage—not as good as we would like to have, but certainly better than what we had just several months ago.

Senator AKAKA. Thank you very much, Dr. Wong.

Here is a question for the entire panel: As you know, USDA and the Defense Department cooperate to inspect military cargo flights to protect Hawaii from the introduction of the brown tree snake. DOD has an interest in keeping brown tree snake—which has caused widespread power outages and other serious problems in Guam—out of Hawaii, which hosts the U.S. Pacific military headquarters. However, USDA has eliminated funding for the program, leaving its future in jeopardy.

If the preclearance program is not continued, what will the consequences for Hawaii be and our Nation's military readiness?

Mr. TSUJI. Senator Akaka, simply stated, I think the results would be catastrophic. We have been very successful in having Federal aid preventing the brown tree snake in particular from entering Hawaii. But other than the brown tree snakes, we do have other snakes coming into the State of Hawaii right now. The accusation and the fingerprinting is through air cargo, like United Parcel Service (UPS), et cetera. We have an amnesty program here in Hawaii. If you do turn in your snakes, you will not be prosecuted. But what are the results? Monetarily, it is millions upon millions on our environment, our ecosystems, our endangered species.

But I would like to go back and think if one incident happened, not in particular brown tree snake, but brown tree snake and what Governor Abercrombie alluded to—and I believe it happened in Florida. A young couple failed to protect their 2-year-old child. The child got asphyxiated in her crib. The child died. So what do I think of the result? Even if one person lost his or her life because of a snake invasion, I think that is one infestation too much.

On the other side, when we talk about brown tree snake, working with the military, what about our exports to Guam? Guam has already detected and confiscated in air cargo, potted plants infested with coqui frog from Hawaii, so we have to work more cooperatively, we have to make sure things like this do not happen again. Prevention ahead of time.

Senator AKAKA. Thank you.

Mr. NISHIHARA. Senator, it strikes me as a bit ironic that, on the one hand, the military is making great efforts to increase more alternative energy sources, photovoltaics and all of that. But at the end it is still electricity that flows. But if you allow a brown tree snake infestation, which would lead to shutting down the system, it does not quite make sense to increase production at one end and decrease it with the infestation of the brown tree snake.

Senator AKAKA. Yes. Dr. Wong.

Mr. WONG. Senator Akaka, when I came back to the Department of Agriculture—I think it was in 1991—within a year or two after that, the eighth, I believe, brown tree snake was found in Hawaii. In fact, that day two were found on the tarmac. One was dead. The other one was about to die. That is eight.

Now, to my knowledge, we have not—and there was another example of quite a healthy snake found in Schofield. So we are at risk. The programs in place in Guam—I am not sure the best protection is preclearance programs, but through the other programs that USDA has there, where they are trying to reduce populations in and around the airport. But those programs catch a lot of

snakes. The predeparture may not be that effective because it is very difficult to catch a snake on an airplane. And we have never found a snake on an airplane. But the reality is we are at great risk of the movement because of the activity on Guam. And the last thing we want to see is that program go away because then it will fall on us to try and prevent entry. And, clearly, that level of risk becomes substantially higher if there is no activity on Guam.

Senator AKAKA. Thank you, Representative Tsuji, Senator Nishihara, and Dr. Wong. Each of your statements raised an important issue about the uncertain future Hawaii's farmers face because foreign exporters have easier access to mainland markets than Hawaii farmers who have been forced to work under an outdated Federal quarantine.

What short-term and long-term policies must USDA implement to restore parity to Hawaii's growers?

Mr. TSUJI. Thank you.

Senator AKAKA. Representative Tsuji.

Mr. TSUJI. If I may partially quote you—and I hope I do not misquote—in your preamble to us about quarantine and Hawaii and agriculture, this was before, a long ways ago, I think you mentioned, during King Kalakaua's reign that Hawaii had established quarantines on our important crops. I think we have to take a deep consideration, looking at the Federal and State quarantine laws. I think the Federal quarantine on Hawaii is old, I believe it is archaic, and it should be seriously reviewed. But not, the quarantines established by the Hawaii Department of Agriculture. It is with USDA and with Homeland Security. Why? Because the bottom line, if you talk about economically speaking, Hawaii becomes economically disadvantaged.

Hawaii, if I may repeat, is the last outpost. Why is Hawaii singled out—and I could be wrong—the only quarantine station or State in the entire United States—maybe we are the last outpost and the last frontier, but our small farmers suffer under the Federal quarantine and we have many small farmers. The plantation days are practically over. But as an example, we have this quarantine on certain types of items that we export to the Mainland. First of all, personal feeling, besides the law or the administrative ruling being archaic, I think our Federal and State facilities need to be improved. Only a small percentage of Hawaii's agricultural products can be exported to the Mainland because the process requires a rule amendment, and by the time they are ready to be exported to the rest of the United States for sale or for purchase. What happens? Your cost rises, and it has an inverse relationship as far as sales margin profitability and livelihood for agricultural people.

Well, what about the foreign shipments that are imported and go directly to the United States through an expedited process? They have about a 6-month or more leeway, a half-year-leeway. So profitability and survivability are much more advantageous to the foreign farmers. But does this mean that we have to relinquish our very deep thought about consideration for invasive species? I don't know. But we should take into effect the consideration—as you go on your pathways that we should take that quarantine portion into consideration deeply and what should be done.

Again, I think it is archaic, outmoded, open to deep consideration and discussion.

Senator AKAKA. Senator.

Mr. NISHIHARA. Like I said earlier, some of the policies probably were created when Hawaii was a territory. I think since we have been admitted into the Union, well over 50 years ago, it is time for the rest of the country to recognize the fact that we do have—or should have the same protections as what they expect us to give to them. And so I think you may look at the kinds of goods and services or products we may want to sell to the mainland.

The flowering plant industry is really huge in the United States, in Hawaii, and any kind of plant disease that is inadequately checked for and that gets into Hawaii's soils and into our plants diminishes that resource, that economic value to the farmers who make it as a living. And I think we should make every effort to ensure the support that we would give to the farmers in Hawaii.

If this was a war they would talk about how many boots on the ground, how many people are doing the job, how many eyes are looking at these issues. I see that there does not seem to be a great deal of interest, at least on the national level, at least for the other States. Where we are, we are a small State, and the kind of production we do is not the same as States that have huge mono-crops that they may have that have a bigger interest. But I think it is time that they take a look at States like ourselves, especially Hawaii, where small farmers really have serious concerns about the kind of protections we will be able to provide to them so they will be able to sell and increase the economic value of what they have.

Senator AKAKA. Thank you. Dr. Wong.

Mr. WONG. Senator, we are talking about building a better quarantine program in the State of Hawaii, certainly on a State level, the Plant Pest Control Branch in the Department of Agriculture, but there is a downside to having a very good plant quarantine inspection program. And the downside is inspectors will find pests, and when they find pests, a regulatory action has to be taken, and either you have to clean it up or you send it back or you destroy it here. And that is just the reality.

Now, the other reality is the big shippers on the mainland do not have to ship to Hawaii. They can ship to Boise, Idaho. They can ship to Miami, Florida, or whatever. They do not have to ship to Hawaii. Our growers have to ship to the U.S. mainland. So when we ship to the most important market in the U.S. mainland, say California, they take a hard look at what they ship and they take action, and our growers in Hawaii eat the full costs of the regulatory action, which is generally destruction and sending it back to Hawaii, and our growers take the full hit.

A lot of the shippers in California right now, as they have to deal with our plant quarantine program, are saying to the importers in Hawaii, "You have to participate in the risk." California is, the reality is, the 300-pound gorilla, and we have to increase—to incur some of that cost of an effective quarantine program in Hawaii to keep out invasive species.

Now, we certainly want to have good quarantine programs. How do we live in a situation where it is not a fair playing field? And I think the practicality is we have to have Plant Quarantine De-

partment of Agriculture managers that are not tying up all of their time in crisis management, because the head of Plant Quarantine or the head of Plant Industry Division has to be out there with the California Department of Food and Agriculture (CDFA), and APHIS coming up with programs, negotiating deals to minimize our risks of getting pests through programs that shippers in California can agree to so that we can continue to do what we have to do, keep out pests, but not put ourselves in jeopardy of eating additional costs and increasing the cost of living in the State of Hawaii.

And so the Plant Quarantine Biosecurity Program is trying to do exactly that with the help of actually these two gentlemen here, a biosecurity program for import replacements, for increased production so we do not have to bring in high-risk commodities, and to have the resources and the luxury of time to meet with counterparts in California and other States with some of our young staff to snooker deals so that we can come up with a better Plan B other than just being hard-hitting quarantine guys that increase the cost of living in the State of Hawaii because they can ship to Boise, Idaho, and California.

So it is a comprehensive systems approach, big planning, but our program staff needs to have the luxury of time to actually do that and try and pull it off.

Senator AKAKA. Thank you, Dr. Wong.

That is my final question to the panel, our second panel. I want to thank you so much for your statements as well as your responses. It is going to be helpful. There are other questions that I have that we may send to you to write for us and answer them. But I want to thank you for your responses. Without question, it is going to be helpful. Thank you. Mahalo.

Mr. NISHIHARA. Thank you.

Mr. TSUJI. Thank you very much.

Mr. WONG. Thank you.

Senator AKAKA. I would ask our third panel to please come forward. I welcome our third panel of witnesses to the Subcommittee:

Mr. Bruce Murley, who is the Honolulu Area Port Director for Customs and Border Protection of the U.S. Department of Homeland Security;

Mr. Vernon Harrington, State Plant Health Director for the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture;

And Mr. George Phocas, Resident Agent-in-Charge for the Fish and Wildlife Service (FWS) of the U.S. Department of the Interior.

As you know, it is the custom of the Subcommittee to swear in our witnesses. Would you please stand and raise your right hands? Do you solemnly swear that your testimony will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. MURLEY. Yes, I do.

Mr. HARRINGTON. Yes, I do.

Mr. PHOCAS. Yes, I do.

Senator AKAKA. Thank you. Before we start, again, I want you to know that your full written statements will be included in the record, and I would like to remind you to please limit your oral remarks to 5 minutes.

Mr. Murley, will you please proceed?

**TESTIMONY OF BRUCE W. MURLEY,¹ AREA PORT DIRECTOR,
HONOLULU, OFFICE OF FIELD OPERATIONS, CUSTOMS AND
BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND
SECURITY**

Mr. MURLEY. Yes, thank you, Senator Akaka, and thank you for the opportunity to be up here today alongside my colleagues from Animal and Plant Health Inspection Service and the U.S. Fish and Wildlife Service to discuss our role in protecting the Nation's, and specifically Hawaii's, food supply and agricultural industry from foreign pests and diseases.

I would like to begin by expressing my thanks to the men and women of CBP who do an extraordinary job on the front lines every day protecting U.S. agriculture and natural resources from foreign-origin pests and disease at our Nation's border.

In particular, I would like to recognize Ms. Hilda Montoya. She is my Assistant Port Director for Trade Operations. Ms. Montoya brings a wealth of agricultural experience to Hawaii with over 30 years of experience, including previous positions such as USDA Port Director for Honolulu and USDA Officer in Charge in Guam. Ms. Montoya, along with Chief Jim Cossack and the rest of the experienced and dedicated agricultural staff here in Hawaii, ensures that CBP is protecting Hawaii's unique environment from foreign threats.

Since the transfer of agriculture inspection responsibilities from APHIS in 2003, CBP has taken great steps to strengthen the agricultural quarantine inspection program and integrate agriculture issues into CBP's passenger and cargo inspection programs. Over the years, we have implemented numerous successes in the agricultural arena. A couple of those would be:

We created the Agriculture Enforcement Alerts program, an information-sharing initiative for State and Federal agriculture officials to evaluate trends of interdiction of plant pests and foreign animal diseases and identify potential risks to U.S. agriculture.

CBP and APHIS established a formal assessment process and Quality Assurance Program to ensure that ports continue to carry out agricultural inspections in accordance with APHIS' regulations, policies, and procedures.

CBP's relationship with the State of Hawaii is strong. A few examples of our collaboration here in the islands would include: Our facilitation of the Hawaii Pest Risk Committee, where Federal and State government agencies discuss current and emerging issues, exchange information, analyze data, and discuss respective efforts in protecting the United States and the State of Hawaii from plant pests and foreign animal diseases.

We also participate in a learning community comprising the Hawaii Department of Agriculture, Fish and Wildlife, the Nature Conservancy (TNC), the U.S. Forest Service, and APHIS to provide outreach and education to South Pacific island teams on invasive species and plant/pest risk in the Pacific.

One of CBP's more important collaborative efforts is our participation in the Coordinating Group for Alien Pest Species (CGAPS). Through this group, TNC brings private, university, and govern-

¹ The prepared statement of Mr. Murley appears in the appendix on page 47.

mental interests together to discuss and coordinate efforts in protecting the State of Hawaii's wide range of agricultural and natural resources. CBP's active role as a steering committee member has ensured increased understanding of CBP's responsibilities in enforcing Federal laws and regulations.

As I am sure you are aware, Senator, CBP is and has been working hard to ensure the agriculture mission is well positioned throughout our agency. Our agricultural personnel are empowered at every level to ensure that the threat of introduction of plant, pest, and foreign animal diseases is given equal emphasis as other CBP mission responsibilities.

On a final note, CBP is creating a comprehensive agriculture specialist career track for entry-level specialists, and it has ensured specialists are provided the training, experience, and assignments necessary for career progression within CBP.

Further, we have developed plans to improve agriculture specialist recruitment and retention and have ensured specialists have the equipment and resources to fully and effectively carry out their mission. We are also working on establishing a formal interagency rotation program for APHIS training personnel to rotate to CBP ports of entry aimed at enhancing their knowledge of our operations and thereby ensuring a more effective instruction experience.

Senator Akaka, thank you again for this opportunity to outline CBP's role in protecting our Nation's agriculture industry and natural resources, and I look forward to answering any questions that you may have, sir.

Senator AKAKA. Thank you very much, Mr. Murley.

Mr. Harrington, will you please proceed with your statement?

TESTIMONY OF VERNON HARRINGTON,¹ STATE PLANT HEALTH DIRECTOR, PLANT PROTECTION AND QUARANTINE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. HARRINGTON. Sure. Aloha, Senator Akaka.

Senator AKAKA. Aloha.

Mr. HARRINGTON. For the last 10 years, I have served as the State Plant Health Director for USDA Animal and Plant Health Inspection Service. As the State Plant Health Director, I oversee APHIS' plant protection and quarantine programs within Hawaii.

I was born and raised in Hawaii, and I graduated from the University of Hawaii, and I understand how important the unique flora and fauna are to our beautiful State.

Helping to protect these resources is what my staff and I do every day, and it is at the core of APHIS' mission. We have all worked hard to develop a robust system to protect those critical resources.

The Agriculture Quarantine and Inspection (AQI) program is the backbone of our efforts. AQI has a comprehensive set of interlocking programs that work together to protect agriculture. Most people encounter AQI when they see our inspector colleagues from Customs and Border Protection at the airport, but there is a lot

¹ The prepared statement of Mr. Harrington appears in the appendix on page 53.

more than goes on than just inspections. It is about more than just inspections. APHIS' efforts start before products or people enter the country, and I would like to share some of those activities, some of the main points.

APHIS makes scientific, risk-based decisions about what commodities can enter the country and under what conditions.

APHIS negotiates protocols with trading partners to expand markets for U.S. goods and to allow the importation of pest-free products into the country.

The agency conducts smuggling, interdiction, and trade compliance activities to trace illegal imports that slip past our protection system.

And we train our CBP colleagues in how to enforce agricultural import regulations.

It is that last item that gets at one of the keys to our success. We have strong relationships with our State and Federal partners that help us carry out this critical mission. Here in Hawaii, that is especially true. Like my counterpart said, we have the Hawaii Risk Committee (HIRC). It is a partnership of the three agencies on this panel and the Hawaii Department of Agriculture.

We work together to identify and review the pathways by which foreign pests and diseases enter the country, as well as strategies to reduce and mitigate them.

Another example of how strong partnerships as far as here is working with the Coordinating Group on Alien Pest Species. The group involves organizations at the Federal, State, and county level as well as numerous private entities.

We have worked collaboratively to develop the Pacific Ant Plan, and we have conducted emergency incident training so we are all aware basically of what to do if a pest hits and how would we respond to eliminate that risk.

Those are just a few of the many ways that we work together in support of our critical mission, and I could assure you that we are going to continue to strengthen our relationships.

I really believe that we have laid an excellent foundation to support our partnerships. Everyone at this table is committed to working together to protect agriculture.

In a place as beautiful as Hawaii, which has so many diverse resources, APHIS' actions have an especially important role to play.

Thank you again for allowing me to testify, and I will be happy to answer any questions that I can.

Senator AKAKA. Thank you very much for your statement.

Mr. Phocas, will you please proceed with your statement?

TESTIMONY OF GEORGE PHOCAS,¹ RESIDENT AGENT-IN-CHARGE, OFFICE OF LAW ENFORCEMENT, FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. PHOCAS. Aloha, Chairman Akaka, thank you. And thank you for this opportunity to testify on the Service's efforts to protect the ecological and agricultural interests of Hawaii from the threat of non-native, invasive species. I am George Phocas, Resident Agent-in-Charge of the United States Fish and Wildlife Service's Office of Law Enforcement, and I oversee our operations in the Pacific region. My testimony will focus on the threats posed by invasive species to native species and native ecosystems in Hawaii in particular, and what we are doing to prevent new invasions.

Non-native and invasive wildlife species are a significant threat to ecosystems throughout the United States. Nearly half of the species impacted and protected by the Endangered Species Act are listed in part because of invasive species impacts.

The United States continues to receive imports of non-native species, and some of these have entered our lands and waters through various pathways and become established there. This trend is expected to continue, making invasive species among the most significant natural resource management challenges that we face, particularly in Hawaii.

Hawaii is particularly vulnerable. Of the 400 species that are federally listed as endangered primarily because of competition with or predation by invasive wildlife species, at least 374 are found in Hawaii. These imperiled native species include plants and animals, including bird species like the Oahu elepaio. And these invasive species are also known to alter the functioning of our island ecosystems. For example, the non-native strawberry guava has become widespread in native Hawaiian forests, forming impenetrable thickets that crowd out native plant species, fragmenting native habitats, and disrupting native ecosystem processes, including the supply of fresh water. The strawberry guava was first brought to Hawaii in 1825, this highly invasive plant is now established on all major Hawaiian Islands.

Non-native animals in the deer family have degraded ecosystems in Hawaii. This is the primary threat that led to the listing of the majority of threatened and endangered species in Hawaii. The axis deer was first introduced in 1868, and populations of this species are established on the islands of Maui, Molokai, and Lanai. It currently numbers in the thousands and is distributed across the entire island of Maui. It is a voracious grazer of forest understory plants, including seedlings of native trees that are critical to the survival of native Hawaiian birds. Axis deer are now confirmed in the Kau area of Hawaii Island, and they have been reported in other places as well.

The brown tree snake has had a significant impact on the biodiversity of the Pacific region. The brown tree snake arrived in Guam sometime during the 1940s and 1950s, likely as a stowaway. These snakes have since spread across the entire island and have caused or contributed to the extirpation of most of Guam's native terrestrial vertebrates, including fruit bats, lizards, and 9 of 13 na-

¹The prepared statement of Mr. Phocas appears in the appendix on page 56.

tive forest bird species. In addition to ecological impacts, brown tree snakes also cause millions of dollars in damage to infrastructure and the economy by entering and moving through electrical distribution equipment and causing frequent power outages.

Since 1981, eight brown tree snakes have been reported to have reached Hawaii through the movement of civilian and military equipment and cargo arriving from Guam. And since the establishment of the Brown Tree Snake Eradication program on Guam in 1994, the rate of snake captures associated with cargo shipped to Hawaii has declined dramatically.

Preventing new introductions of invasive species is the most effective approach to protecting native wildlife and their habitats, so we work with our partners to control these invasive species and minimize their impacts.

Our partners in these efforts in Hawaii include, of course, my partners at this table—Customs and Border Protection, the USDA Animal and Plant Health Inspection Service, and, of course, State agencies such as the Hawaii Department of Agriculture and the Hawaii Department of Land and Natural Resources.

The Service has developed and implemented a 5-year strategic plan that addresses invasive species in the State and the Pacific region.

Non-native species can harm economic, ecological, and human health interests. The Lacey Act of 1900—the country's first Federal wildlife protection law—was enacted in part to address this concern, and today its injurious wildlife provisions provide the Service's only regulatory tool to address invasive species at the Federal level. Under Title 18, the Secretary of the Interior is authorized to prohibit the importation and interstate transport of species "designated as injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States."

The Service is responsible for identifying and listing such species through the rulemaking process and we conduct our enforcement efforts through the Service's office of Law Enforcement. This includes the interdiction of species listed as injurious; investigations of illegal importation or the interstate transport of federally listed injurious wildlife; and assistance to the States in the interception of illegal importation and/or transport of invasive species banned under State law. And our wildlife inspection program is an important part of this effort. It is part of the Nation's front-line defense against injurious wildlife species. It operates in all 50 States and the territories and, again, works hand in hand with the good men and women of the U.S. Customs and Border Protection agency.

I see that I am out of time, Mr. Chairman. I do not wish to exceed, and I believe you have the rest of my written testimony.

Senator AKAKA. Thank you very much, Mr. Phocas.

My first question is to Mr. Murley. Mr. Murley, Federal agricultural inspections are a critical component of Homeland Security and are considered to be core airport functions. Dangerous pests or even agents of bioterrorism can come from domestic locations as well as from abroad. In light of the parallel missions of the Federal and State agricultural inspectors, would you agree that both State

and Federal agricultural inspections must be considered to be core airport functions?

Mr. MURLEY. Yes, sir, Senator, thank you. I do believe that they are core inspection functions and responsibilities. As you know, CBP's authority lies in our nexus to international arrivals and departures, and for that reason we are not involved, obviously, with the inspection of domestic shipments or passengers. We are strictly focused on the international arrivals and departures into the State of Hawaii. But it is and has been a very core part of our functions here in Hawaii for years, as it is in every other port of entry around the country.

Senator AKAKA. Thank you.

Mr. Harrington, in August 2006, APHIS promised to complete a comprehensive risk assessment specifically for Hawaii within 6 months. This analysis would evaluate the threats facing our State and identify what could be done to address risks unique to Hawaii. I understand that HDOA has reviewed the draft analysis and believes that, if implemented, it would dramatically enhance Hawaii's level of protection against invasive species.

When does USDA plan to release this ground-breaking pathway risk analysis?

Mr. HARRINGTON. Thank you, Senator. Like you say, the analysis was done, but basically what it was was a lot of information and data collecting, and what we did was working—and we have a great relationship with the Hawaii Department of Agriculture, so what we did was we basically went over that, utilized the pathway analysis, our years of inspection data, and our expertise, and then what we did is we utilized basically all that data and that information, looking at the risks, and to enhance and implement initiatives for Hawaii to protect Hawaii, through some of our programs. And what we have agreed to do is review what we do and look at the risk analysis, evaluate it yearly to see what we need to enhance or anywhere that we need to improve.

Some of the things that we did set up, again, is the Hawaii Risk Committee, developing a protocol with the Hawaii Department of Agriculture for suspect foreign pests intercepted in domestic cargo. That was one of the main concerns, that cargo is being cleared from, say, California or somewhere, and this cargo comes through Hawaii but still has Federal pests.

So we work alongside—there is a protocol now where we work alongside the Hawaii Department of agriculture so we can track that pest all the way back, and if we do find that it is from a port coming in of entry, then we can work with our CBP counterparts to address those issues, and things like our cooperative agriculture pest survey program, our pest detection, so we can find any problem pests as soon as possible, consolidate to the smallest area with the possibility of eradication. We have also expanded that program to Guam, the Marianas, and American Samoa so that we expand again our communication, our pathways, and we can try to mitigate pests before they come.

But these are some of the activities, and we have a fruit fly detection program, but basically with all the different activities and the funding that we are able to partner with the Hawaii Department of Agriculture, we utilize that data in the pathway analysis

to do that. So it is basically what we consider or what we are using it as is a working document to continue to evaluate and enhance our program. I hope that answers, but we——

Senator AKAKA. Yes, well——

Mr. HARRINGTON. That is how we use the document, anyway, Senator.

Senator AKAKA. Yes. We wanted to know when the plan would be released.

Mr. HARRINGTON. As far as we utilize the data in there, but any final plan I will work with my agency to get when they plan on doing that, releasing a final draft.

Senator AKAKA. OK.

Mr. Murley, if USDA finalizes this Hawaii comprehensive pathway risk analysis, how would the Honolulu Office of Field Operations adjust its operations to carry out the new enhanced mission?

Mr. MURLEY. Thank you, Senator. We are always looking at ways that we can enhance our enforcement posture in every area, including the agricultural enforcement area. With that data from APHIS, we would be able to tailor our inspection processes here in Honolulu to address any new identified risk, any new pathways that we could have influence on protecting. And as Mr. Harrington alluded to, our ability to reach out to other ports of entry around the country, leverages us to be able to better address those threats at other locations that may eventually find their way here to Hawaii in domestic cargo or passenger——

Senator AKAKA. Thank you.

Mr. Phocas, I agree with you that preventing new introductions of invasive species is the most effective approach to protecting native wildlife and their habitats from the impact of these harmful species. I want to commend the Service for making prevention a primary focus.

Would you please elaborate on why this is the most efficient and effective strategy?

Mr. PHOCAS. Prevention is, quite simply, very cost effective. It is very difficult after the fact, after something has been introduced, to try to remove it, to eradicate it, to stop it from spreading, or, for that matter, to repair the damage it may have already caused whether the damage is to a sensitive ecosystem or to a small business. We have learned this lesson through hard experience, watching our friends and colleagues in Guam deal with the brown tree snake invasion and through other examples throughout the Pacific and on the mainland.

So we know that prevention is the correct way to address this issue, and we work very hard, again, with our partners in science and enforcement, to develop risk analyses that use information from past experiences we know where best to channel our resources to both stop the entry of these species before they get here and to prevent these species from spreading once they have arrived.

Senator AKAKA. Thank you.

Mr. PHOCAS. Thank you.

Senator AKAKA. Mr. Harrington, USDA conducts preclearance inspections in Hawaii to protect the mainland from fruit flies. As was discussed during the second panel, currently USDA employees, over 400 individuals, conduct outbound inspections of cargo leaving

Hawaii for the mainland, yet only a small team of inspectors process domestic cargo coming into the State.

Why is that investment so uneven, and do you think the balance should be re-evaluated?

Mr. HARRINGTON. I am writing this down so I do not miss the question, Senator.

I have statewide approximately a little over—we had 450, but with the reduction we have a little over 400 employees. A large number, maybe half of that number, is part-time to help with inspection programs. I guess to best answer that, the majority of the work is preclearance because of the 318.13 quarantine that Hawaii—not only fruit flies but with other pests going to the mainland. And part of the balance is why we set a program like that up. To be able to have an export program out of Hawaii, you have to have a strong outbound program. Without a program quarantining and making sure we have that, not only passengers but cargo and cut flowers and the different commodities would not be able to move out of Hawaii. So we have inspectors doing those activities. We also have inspectors doing plant inspection station. But, again, the majority of the work and the funding of our program is for the quarantine of outgoing programs.

With additional funding, I think it would be great that, we could utilize that and we could support and work more with our counterparts, especially with the Hawaii Department of Agriculture. What we have done in lieu of not having the inspectors, we have increased our cooperative—like our pest detection or different programs. I believe when I came here a year ago—not a year ago, about 10 years ago, the program was just for the pest detection, early detection program. It was not even \$10,000. Now in Hawaii and the Pacific, it is closer to \$1.2 million, and we continue to try and increase that. But I believe, to answer your question, that we could benefit from more inspectors and with inbound in assisting the Hawaii Department of Agriculture.

Senator AKAKA. Thank you.

Here is a question for you, Mr. Harrington and Mr. Murley. The Animal Damage Control Act requires USDA to prevent the brown tree snake from entering Hawaii from Guam. However, I understand that APHIS does not classify BTS as a pest that DHS should prevent from entering the United States. In light of statutory requirements and brown tree snake's potential to cause extreme damage to Hawaii, how do you plan to work together to make sure BTS does not enter Hawaii?

Mr. MURLEY. I will go first, Senator. As you point out, it is not in CBP's purview to enforce the brown tree snake program. However, I really have to say that I have confidence in my officers and the agriculture specialists out there that are performing inspections in whatever environment, in whatever pathway, that if they come across a snake of any kind, an animal of any kind, that will get isolated and reported immediately. It is not something that falls into our prohibited area, obviously, but our officers know—and, I have many examples of inspections that occurred in which they encountered something that wasn't prohibited for CBP purposes, or USDA purposes for that matter, but it was reported to another entity to take action. And I have every confidence that my

officers would do the same if they encounter a snake in any environment.

Senator AKAKA. Mr. Harrington.

Mr. HARRINGTON. That program, again, with APHIS, but doesn't fall under plant protection and quarantine, but it does fall under wildlife services. I work closely with Mike Pitzler, and I know, in fact, they had to evaluate the program, work with the Department of Defense and the Interior to secure funding so that it could go on through this next fiscal year, and I know they continue to evaluate that.

We do assist—it is not very often. If we are asked to, if they are short, if there is some emergency or there is a suspect shipment, they would call us. We do have a couple—of officers in Guam to carry out plant protection and quarantine activities. But that is the extent of our involvement with the brown tree snake.

Senator AKAKA. Mr. Phocas, your testimony raised the issue of Hawaii being used as a clearinghouse for the distribution of illegal or harmful species of fish and reptiles traveling to and from the mainland and even foreign countries. Would you please describe how your office is coordinating with HDOA and Federal partners to combat this trend and pursue individuals who are running these illegal trafficking networks?

Mr. PHOCAS. Of course, Mr. Chairman. Thank you.

This takes two tracks. One is immediately investigating, interdicting, and identifying specific activities that fall under this description, essentially to find the people responsible and prepare cases and work with the U.S. Department of Justice or whatever facility is required to address that. But equally important are the lessons learned during our investigations. We now know techniques that perhaps we were not aware of before. We now know the ways importers hide certain species and we know more about the markets in which the species are sold or traded. It is incumbent upon my officers and I to share this with our Federal partners. This is something that we do on a regular basis, and I have to express that my partners here at this table are most receptive when we discuss our findings with them. These are regular meetings so that we can prevent the next attempt. And, again, that is a two-part way to address any specific incident.

Senator AKAKA. Mr. Murley, in recent years Customs and Border Protection has made significant progress in improving agricultural inspections. I would like to commend Kevin Harriger and Dianna Bowman for their strong leadership in guiding these efforts. Under their leadership I am confident that DHS will be able to establish an Office of Agricultural Inspection that can effectively coordinate with field operations while enhancing agricultural inspections.

Do you believe Customs and Border Protection has the leadership that is capable of effectively implementing S. 1673?

Mr. MURLEY. Thank you, Mr. Chairman, and I will pass those compliments on to Mr. Harriger, who is sitting behind me right now, and also to Ms. Bowman.

Obviously, I am an operational person. I am in the field here and I have confidence in the structure as it is. We are getting the information and support in terms of resources, staffing, whatever it is we need with the current structure. I feel that there have been a

number of improvements, as you allude to, in the last few years in terms of the structure within the Office of Federal Operations (OFO) and providing that focus on agriculture and improving that focus on the agriculture mission within CBP.

So, yes, I am confident that the leadership is focused. It is an issue that has received a lot of attention within the agency in the last few years and continues to be more and more an important part of our focus and our mission, the overall mission of CBP. So I am confident, yes, sir.

Senator AKAKA. Mr. Murley, the Homeland Security Act of 2002 merged front-line customs, immigration, and agriculture inspectors under DHS. However, several Federal inspection agencies were not included in the One Face at the Border Initiative. For example, the U.S. Fish and Wildlife Service, the Food and Drug Administration (FDA), the Centers for Disease Control (CDC), and even USDA retained responsibility for conducting certain front-line inspections.

Has Customs and Border Protection been able to effectively coordinate operations with these other front-line inspection agencies?

Mr. MURLEY. Yes, sir, Mr. Chairman. Obviously, before 2002 or 2003 and with the creation of CBP, we worked hand in hand with those same entities in the border protection areas. It was a very natural fit, for customs, immigration, and the Plant Protection and Quarantine (PPQ) or APHIS officers to come together because we were present in almost every port of entry around the country. Our other partners within the ports of entry, Fish and Wildlife and CDC, among others, are still an important part of what we do. We enforce the regulations for them, and we coordinate very closely with them on a day-to-day basis wherever needed, whether it is local, if they are present locally; if we are in a port of entry where they are not present, we know how to get in touch with those folks; to ensure that their laws and regulations are equally well enforced by our agency.

Senator AKAKA. Thank you.

Mr. Phocas, you noted in your testimony that the Office of Law Enforcement's Wildlife Inspection Program is an important part of the Nation's front-line defense against harmful wildlife species. With wildlife in Honolulu and at 37 other major U.S. airports, ocean ports, as well as border crossings, would you like to comment on the Service's coordination with Customs and Border Protection?

Mr. PHOCAS. I believe it has been very successful, Mr. Chairman. Our efforts have always been to work hand in hand with our partners in the Federal inspection services. We are, of course, a small agency, so we depend very greatly on working well with our Federal partners, and we find the most efficient ways of doing so. This is often through training, sharing of intelligence, working side by side. This extends to places where we have a presence that they may not. An example would be in Saipan or Guam in the U.S. Territories, outside the U.S. customs zone. But I feel that this has always worked well. We can always try harder, and we strive to identify ways to maximize and leverage our efforts to work even better with this Federal inspection team.

Senator AKAKA. Thank you.

Mr. Harrington, as you know, Hawaii was the last remaining place on Earth that supplied disease-free honey queen bees to the

rest of the world. State officials strongly opposed USDA's decision to allow diseased honeybees to travel from New Zealand through Hawaii on their way to the mainland. Despite the USDA's assurances that Hawaii would be protected, our State's bee colonies are now infested.

What analysis does the Department conduct to determine whether to heed concerns from a State that do not apply on the mainland, both generally and specifically in this particular case?

Mr. HARRINGTON. In the case of the honeybees.

Senator AKAKA. Of the bees.

Mr. HARRINGTON. I have not worked directly with—we have a bee specialist in the region and in headquarters, but I know in the case of the bees or other pests, a pest risk analysis would be done, an evaluation, what the threat is as far as how secure the inspection, if it is just transiting through Hawaii, and the protocols that would need to be followed to mitigate any pests.

If it is for bees or anything else, I know that is what is done for any pests coming into Hawaii, and I believe that was done with the honeybees, that they felt that doing the risk analysis and the methods of handling it and safeguarding it transiting through Hawaii, that it would not pose a risk, and that is why they allowed the movement of the bees through Hawaii.

Senator AKAKA. Well, I want to thank this panel for your testimony and your responses. It will be helpful for us as we consider the bill and also think of how we can improve the services out here that deal with invasive species. Somehow we need to let the rest of the country know how important it is to Hawaii that we do this.

I would like to thank all of our witnesses today for being here. This is critically important to the future of Hawaii, and I am so glad we are having this hearing, and I look forward to working with all of you to make sure our State is protected against invasive species.

I want you to know that the hearing record will remain open for 2 weeks for additional statements or questions other members may have for our witnesses.

Again, I want to thank you for this hearing today. I think it was long in coming, but I am glad that there is coordination, and this is something that in a sense we are blessed with in Hawaii. It seems as though our different levels—Federal, State, and local levels—do work together, and we need to stress this, that we need to continue to work on this, to pick up the phone and talk to each other rather than writing letters, which take time, and try to resolve some of these dire problems that we face.

Of course, what we are doing is to try to keep Hawaii as pristine as we can, because it is a beautiful place for the people who live here as well our visitors, and we all have a part in this. And let me point out, too, that another part of this that we really have not talked about is outreach to let the public know about this so they can help prevent invasive species from being brought in, and also taken out.

This has been an important hearing, and I thank all of our witnesses.

This hearing is adjourned.

[Whereupon, at 3:30 p.m., the Subcommittee was adjourned.]

A P P E N D I X

FOR IMMEDIATE RELEASE: October 27, 2011
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STATEMENT OF CHAIRMAN DANIEL K. AKAKA

Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species
Hearing
Subcommittee on Oversight of Government Management,
the Federal Workforce, and the District of Columbia
U.S. Senate Committee on Homeland Security and Governmental Affairs

I want to welcome our witnesses to today's hearing, *Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species*. Hawai'i has a history of being a leader in recognizing the grave threat that invasive species pose to our native agriculture, economies, and natural resources. Hawai'i's efforts to safeguard its ecosystem and agriculture date back to 1888, when King Kalākaua declared a quarantine on imported coffee to prevent the introduction of coffee rust, and other diseases. This was decades before the United States government enacted the landmark Plant Quarantine Act of 1912.

Hawai'i's efforts continue to this day, as harmful invasive species arrive daily at our State's ports of entry, often hidden in agricultural cargo or inside passenger bags. Failure to detect and intercept these harmful pests imposes serious economic and social burdens on all residents of Hawai'i. Invasive species already cost Hawai'i hundreds of millions of dollars annually in lost agricultural revenue, property damage, and eradication programs. In light of the severe economic damage that is inflicted on the people of Hawai'i, it is clear that focusing on prevention by improving agricultural inspections at our ports of entry is a very cost-effective strategy.

Of course, economic costs are just one aspect of the consequences that would result from allowing invasive species to enter our State. Invasive species threaten to permanently devastate our State's fragile island ecosystem, and in the process, destroy our State's economy and character. Nearly 60 years after its arrival in Guam, the Brown Tree Snake continues to inflict terrible, and irreversible, damage on that island's ecosystem and economy. Guam's painful experience should serve as a stark reminder of the urgent need to enhance our efforts to protect Hawai'i's majestic natural environment, which is home to more endangered species per square mile than any other area on the planet, and provides the foundation of our State's culture and heritage. It also attracts millions of tourists to the islands each year, making Hawai'i's tourism industry one of the strongest in the nation.

This hearing will examine how government agencies, stakeholders, and most importantly, the people of Hawai'i can work together to prevent invasive species from entering our State. I am particularly interested in exploring how Congress can best support Hawai'i in enhancing agricultural inspections, which are critical for detecting harmful pests and diseases at our State's ports of entry.

I would like to commend Hawai'i's efforts to safeguard the State against invasive species. Hawai'i has made significant progress in improving invasive species prevention and response, despite having limited resources. Many of the State's reforms have been successful in improving interagency coordination, and raising awareness of the important role each resident of Hawai'i must play in safeguarding our State.

I am pleased that our State, under the strong leadership of Governor Abercrombie, and Representative Tsuji and Senator Nishihara, the respective Chairs of the Hawai'i Legislature's House and Senate Agriculture Committees, has committed to building the necessary inspection facilities and restoring our State's agriculture inspector workforce, which was cut by 53 percent in 2009.

Following the attacks of September 11, 2001, Congress passed the Homeland Security Act of 2002, which unified Federal customs, immigration, and agriculture inspection officers under the new U.S. Department of Homeland Security (DHS). The decision to transfer frontline agricultural import and entry inspection functions from the Department of Agriculture's Animal and Plant Health Inspection Service, (APHIS), into the DHS Customs and Border Protection (CBP) was a controversial decision.

I have long been concerned that the transfer resulted in significant disruptions to the agriculture mission and undermined the effectiveness of agricultural inspections. Other Members of Congress have expressed similar concerns, and there have even been efforts to remove agricultural inspection responsibilities from the Department of Homeland Security and return them to the Department of Agriculture.

While I understand these sentiments, as Chairman of the Subcommittee on Oversight of Government Management, I understand that such drastic reorganizations are often costly and disruptive. In light of our Nation's fiscal challenges, I have concluded it is most efficient and effective to focus on strengthening the agricultural inspection mission within CBP, which in recent years, has made meaningful progress in stabilizing the agency's agricultural import and entry inspection operations.

I recently introduced the Safeguarding American Agriculture Act of 2011 (S. 1673), which seeks to build upon these gains and fully achieve an important measures of success identified in the June 2007 Report of the APHIS-CBP Joint Task Force on Improved Agriculture Inspection: "Success will be accomplished when the agriculture function within CBP is positioned prominently throughout the organization. The potential introduction of plant and animal pest and diseases will be regarded with the same fervor as all other mission areas within CBP."

The Act would enhance the priority of, and accountability for, the agriculture mission by establishing within CBP an Office of Agriculture Inspection led by an Assistant Commissioner responsible for improving agricultural inspections across the Nation. This provision would improve efficiency and coordination by unifying agriculture policy development with agriculture operations. An agricultural chain of command that extends from the Assistant Commissioner for Agriculture Inspection to frontline agriculture specialists at the ports would also effectively address a key issue the task force identified in its 2007 report: "Management and leadership infrastructure supporting the agriculture mission in CBP should be staffed and empowered at levels equivalent to other functional mission areas in CBP."

Under the present organizational structure, the Deputy Executive Director for CBP's office of Agriculture Operational Oversight within the office of Agriculture Programs and Trade Liaison, which falls under the Office of Field Operations, is responsible for improving oversight of the agricultural mission across all CBP field offices by ensuring a more consistent application of agriculture inspection policy. However, the Deputy Executive Director lacks operational authority over the agriculture mission. Moreover, the dissemination and implementation of agricultural policy at the ports is ultimately at the discretion of CBP Officers who typically do not have agriculture expertise and are primarily focused on the critical mission of preventing terrorists and terrorist weapons from entering the country.

To maintain a highly skilled and motivated agriculture specialist workforce, the Act would require CBP to create a comprehensive agriculture specialist career track that identifies appropriate career paths and ensures that agriculture specialists receive the training, experience, and assignments necessary for successful career. The bill also would require CBP to develop plans to improve agriculture specialist recruitment and retention and to make sure agriculture specialists have the necessary equipment and resources to effectively carry out their mission.

To strengthen critical working relationships and promote interagency experience, the Act would authorize the Secretary of Homeland Security and the Secretary of Agriculture to establish an interagency rotation program for CBP and APHIS personnel.

Taken together, the enhancements contained in the Safeguarding American Agriculture Act of 2011 would elevate the stature of the agriculture mission in CBP to match the magnitude of the challenge posed by invasive pests and disease. I look forward to hearing from our witnesses today on how we can implement these improvements across the nation and here in Hawai'i.

Additional information on this hearing, including witness statements:

http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_id=84d5449b-d770-4f15-93ce-3a963ce7188e

-END-



**TESTIMONY OF NEIL ABERCROMBIE
GOVERNOR OF THE STATE OF HAWAII**

**BEFORE THE SENATE SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL
WORKFORCE, AND THE DISTRICT OF COLUMBIA**

OCTOBER 27, 2011

2:00 P.M.

**PLANT QUARANTINE CONFERENCE ROOM
1849 AUIKI STREET
HONOLULU, HAWAII**

**RELATING TO SAFEGUARDING HAWAII'S ECOSYSTEM AND
AGRICULTURE AGAINST INVASIVE SPECIES**

Chairman Akaka:

We welcome you back to our Islands to discuss safeguarding Hawaii's ecosystem and agriculture against invasive species. Every aspect of our lives is intertwined with the natural resources of our islands. Our environment is the lifeblood of our economy—the primary attraction for our visitor industry and a basic aspect of much of our business activity. Our land, water, oceans, and species form the foundation of our cultural diversity and are fundamental to the perpetuation of Native Hawaiian culture. Our environment is the basis for our quality of life—hunting, fishing, hiking, surfing, swimming, and so many other activities that make Hawaii the place we call home.

But being in our island state has unique problems. Our dependency on imported food is a problem we have ignored at our peril. Any disruption to food supply lines—international crises, natural disasters, or labor disputes—would leave us with a week of food. We must rebuild agriculture to not just be able to feed ourselves during times of emergencies, but to increase our economic base. Importing food costs the state about \$3 billion each year, money which leaves our economy. Producing just 10 percent of that amount locally would keep \$300 million circulating in Hawaii's economy. However, new invasive species have taken its toll on agriculture. The latest, the coffee berry borer discovered last year, has decimated fields in North and South Kona, and is threatening to spread across the islands. Our coffee regulation was the longest standing quarantine--

decreed by King Kalakaua in 1888. The coffee berry borer is not a mainland pest, as there is no commercial production of coffee in the continental U.S.

Protecting our agriculture and environment from invasive species and being good stewards of our natural resources is much easier said than done. In the past, it was too easy to leave our mess for someone else to deal with at some future time. Hawaii and the Nation cannot continue down this path.

The Abercrombie Administration looks at the environmental issues with future generations in mind, so that they do not suffer from poor decisions we make today. As such, we are here today to wholeheartedly support the improvement of prevention, management, and response systems for invasive species.

Prevention is the most economical, desirable, and effective management strategy for invasive species. Preventing the introduction of invasive species requires federal agencies to coordinate with each other and with the state. Towards that end, we have approved the hiring of state agricultural inspectors in our promise to protect our agriculture and environment. We also signed into law a bill that directs the Department of Transportation and Department of Agriculture to begin the design and construction of biosecurity inspection facilities at airports and harbors. These inspection facilities will allow the state and federal inspection authorities to perform their inspection tasks more efficiently.

Currently, the lack of an expansive and coordinated inspection process for our ports allows hundreds of invasive species to enter our islands' ecosystems each year. Our ecosystems have suffered as a result. Continuing to leave this threat open is unacceptable. The problems caused by invasive species not only impact our natural resources, but also affect our watersheds and water supply, plants and agriculture, shipping, commerce, business, and even people's ability to sleep. We urge you to increase the effectiveness of federal resources as we invest state resources into a better prevention system that will stop invasive species problems from arising in the first place and save money in the long run.

We have worked together on this issue in the past when I was a Member of the U.S. House of Representatives, we asked for a cooperative agreement with the U.S. Department of Agriculture and the Hawaii Department of Agriculture. We believed then that the best way to improve invasive species prevention efforts was to request a cooperative agreement which would offer a unique opportunity to design an overarching prevention strategy that will benefit the Nation and the State of Hawaii. By entering into a cooperative agreement to develop and implement an early plant pest detection and surveillance improvement program, we can set objectives and determine the best use of federal and state resources. A singular prevention method (singular inspection at the port) is no longer adequate. With an ever-expanding global market, multi-dimensional prevention systems that provide coordinated mitigation measures utilizing federal and state resources cohesively and comprehensively is a necessity. Such coordination

and collaboration offer the best chance of protecting agriculture on the U.S. mainland and Hawaii, as well as Hawaii's unique biodiversity.

This should be our commitment to our future generations—to rebuild and improve the way our government, federal and state, serves its people, especially our children.



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

TESTIMONY OF CLIFTON TSUJI
CHAIR, HOUSE COMMITTEE ON AGRICULTURE
HAWAII STATE LEGISLATURE

BEFORE THE SENATE SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE,
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RELATING TO SAFEGUARDING HAWAII'S ECOSYSTEM AND AGRICULTURE
AGAINST INVASIVE SPECIES

Senator Akaka:

I truly appreciate your efforts to bring this issue to the forefront and to allow Hawaii to have a voice in these proceedings. The time and effort that you and your subcommittee have put into this issue, indicates to us that you share our concerns to protect US agriculture, and the need to mitigate the impact of invasive species to our agriculture and environment.

The Hawaii legislature finds that the silent invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pest is arguably the greatest threat to Hawaii's economy and natural resources and to the health and lifestyle of Hawaii's people. Invasive species already cause millions of dollars of crop losses, the extinction of native species, the destruction of native forests, and the spread of disease. Every day the media reports another serious case of an invasive species attacking Hawaii, whether it is the coqui frog, salvinia molesta, miconia calvescens, or dengue fever. Yet there are many more harmful species that threaten to invade Hawaii and wreak further damage. Even one new pest, such as the brown tree snake, red imported fire ant, could forever change the character of the islands. Stopping the influx of new invasive species and containing their spread is essential to Hawaii's future well-being.

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In the past six years, my colleagues and I have worked to strengthen and fund Hawaii's inspection and quarantine laws by enacting a systems approach called the "Hawaii's Biosecurity Program." Over the past 6 years we have allotted over 15 million dollars on eradication and control programs, and millions of dollars a year for prevention and inspection programs. However, the largest gap in the introduction of invasive species is through foreign commerce into Hawaii, which is under the purview of U.S. Department of Agriculture, and the Department of Homeland Security. In addition, other Federal Agencies such as the Federal Aviation Administration are obstacles by not allowing the state to provide adequate facilities and mitigation at the airports to protect Hawaii from impacts caused by port development.

It is of major concern, that the USDA has provided over 450 staff to restrict the export and movement of Hawaii grown plants, fruits, and flowers to the mainland due to the potential impact of fruit flies to the continental U.S. It should be noted, due to the fruit fly pest quarantine, USDA has taken the approach that all plant or parts are restricted movement to the rest of the U.S., even though these plants or plant parts are not hosts to fruit fly. The impact of this archaic and over-bearing restrictions, are detrimental to Hawaii's agriculture and economy. This is in contrast to other foreign countries, which have unrestricted or less restrictive import conditions than those imposed on the State of Hawaii. This draconian federal quarantine is counter productive to the growth of Hawaii's economy and reduces our efforts to maintain a sustainable agriculture industry.

The movement of foreign commodities into Hawaii is a major pathway for the introduction of pests into the state; such as nettle caterpillar (Taiwan), coqui frog (Puerto Rico), and coffee berry borer (worldwide). Potentially damaging pests from foreign countries which pose a major problem to Hawaii, include but not limited to the Brown Tree Snake (Guam, Pacific Islands, Asia), Ohia rust (South America), and mosquitoes (worldwide). Many of these pests are not considered "actionable" pests by the federal border agencies and therefore, will allow these pests to enter Hawaii undetected or untreated. Due to federal preemption, the Hawaii State inspectors are not notified, and cannot inspect or treat these commodities. The Ohia rust is an airborne disease which has the potential of killing the ohia trees in the native forests of Hawaii within two years of introduction, similar to the disease that impacted the rose apple trees.

The federal agencies use "actionable" pest lists to define what is allowable or not allowable to enter into the United States. However, this list is not provided to the states, which makes coordinated federal-state prevention efforts difficult. In fact, initial estimates indicate that over 3,000 pests (insects and diseases) which are allowed into the United States by the federal border agencies, do not occur in Hawaii.

The invasive species problem and the inequities of the quarantine have been further exacerbated by the new free trade agreements and global economy. We appreciate the need for a global economy, and how Hawaii may benefit. However, the current USDA quarantine is a great barrier to Hawaii agriculture, tourism and trade. The quarantine was enacted prior to statehood and is not reasonable in today's global marketplace and

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needs to be modernized or eliminated. Especially, given the amount of similar commodities entering the U.S. from foreign countries with no or limited restriction.

Therefore, I would like to propose that the federal border agencies revamp their protocols, resources and staffing to a systems approach. Our proposal is to redirect federal resources to protect the border between Hawaii and the world rather than between Hawaii and the continental United States. This new systems approach would use the resources to protect the state, reduce pest pressure on Hawaii's agriculture, and provide USDA funding for treatment of exported Hawaii products similar to USDA's treatment of incoming foreign commodities. Our staff at the department of agriculture believes that such an approach will provide better protection of the continental U.S. and also provide a better agricultural environment for the State. This new approach must "integrate" the state and federal programs and use today's technological advancements to provide a better barrier for the state and the nation. A good start would be the finalization, implementation and funding of the July 2007, "Pathway Analysis of Invasive Species Introduction into the State of Hawaii," by USDA Center of Plant Health Science and Technology. In addition, I have attached recent laws relating to biosecurity and mitigation funding for your review.

The present problem is severe and impacts are dramatic and life-changing. The future, though, may be even more dire. Slow, piecemeal action will not be sufficient. Drastic improvements must be made now to stem the tide of invasive species. Therefore, we support your "Safeguarding American Agriculture Act of 2011," in that; it takes immediate action to improve the federal quarantine system and to protect the U.S. agriculture industry.

Attachments:

Pathway Analysis of Invasive Species Introduction into the State of Hawaii
 Hawaii Revised Statutes and invasive species funding summary
 Hawaii's Biosecurity System: Protecting Hawaii from Invasive Species



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

TESTIMONY OF CLARENCE K. NISHIHARA
CHAIR, SENATE COMMITTEE ON AGRICULTURE
HAWAII STATE LEGISLATURE

BEFORE THE SENATE SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL
WORKFORCE, AND THE DISTRICT OF COLUMBIA

THURSDAY, OCTOBER 27, 2011
2:00 P.M.

PLANT QUARANTINE CONFERENCE ROOM
1849 AUIKI STREET
HONOLULU, HAWAII

RELATING TO SAFEGUARDING HAWAII'S ECOSYSTEM AND
AGRICULTURE AGAINST INVASIVE SPECIES

Senator Akaka:

Thank you for allowing us to share our concerns regarding invasive species and their impact to our agriculture and environment. Whenever invasive species become established, there are profound impacts to the State.

We have heard today that seventy-five percent of the pests that have become problematic are of foreign origins. We have also heard about the importance of preventing invasive species from impacting the environment and natural resources. However, agriculture also suffers greatly from invasive species, not only through increased costs of production, but also from federal policies that prevent Hawaii growers from accessing domestic markets due to an archaic federal quarantine on Hawaii'i.

Currently, Hawaii'i is quarantined from the continental United States primarily due to a fruit fly infestation that was introduced to the islands long ago. Because of this federal quarantine, there are over 450 (>200 FTE) federal positions here to protect the mainland from Hawaii'i, with very little of this huge manpower resource protecting Hawaii'i from foreign countries and the mainland. Because of this attention towards protection of the mainland, there has been little improvement in prevention systems to mitigate the increasing threat from the Asia-Pacific pathway. As such, Hawaii'i is always susceptible to having additional quarantines on our agricultural commodities due to weakness in the federal quarantine system. And in

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addition, there is always pressure to implement other quarantines on Hawai'i to protect Pacific Island regions, countries, and territories by the U.S. Department of Interior.

We support your initiatives to improve the federal quarantine system. This is a vital step. We also encourage you to review and evaluate how federal resources are being utilized here. If existing resources are creatively used to also protect Hawai'i and the continental United States, all may benefit. Taking manpower away from the x-ray machines at the airports and incorporating them into systems approach pest management systems in Hawai'i's production areas may lessen pest incursions into the mainland and reduce impacts of invasive species to both this state and the Nation.

This is an appropriate time to review and modernize federal and state policies and systems. Doing the same thing because that is how it has always been done is not acceptable. It has never been more important for federal and state to move together in strong cohesive manner.

NEIL ABERCROMBIE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

TESTIMONY OF JAMES J. NAKATANI
DEPUTY TO THE CHAIRPERSON, BOARD OF AGRICULTURE
STATE OF HAWAII

BEFORE THE SENATE SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA

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RELATING TO SAFEGUARDING HAWAII'S ECOSYSTEM AND AGRICULTURE
AGAINST INVASIVE SPECIES

Senator Akaka:

Thank you for the opportunity to testify on safeguarding Hawaii's ecosystem and agriculture against invasive species. Preventing invasive species is critical to the economic, environmental, and social well being of this State. The Nation is suffering from the increasing amount of invasive species establishing in the country and the growing economic and environmental burden their introductions are causing. We strongly support your congressional legislation and other directives that will provide the ability for federal statutes, regulations and programs to keep pace with new and spreading invasive species.

Hawaii is unique in that the rate of invasion by invasive species in Hawaii is more than a two million times the natural colonization rate and 500 times the rate of continental U.S. We have been designated as the worst-case example of invasive species problem in the U.S. and probably the entire world. In 2002, we found that only 24% of the pests originate from North America and 76% originate from foreign areas.

Hawaii relies on the authority of the U.S. Departments of Agriculture, Homeland Security, and Interior to prevent entry of pests of foreign origin into the State. Though not unsympathetic to State concerns, in practical terms, federal authorities favor protection of large mainland agricultural needs over the unique needs of Hawaii. The



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U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has a large program based in Hawaii (over 450 employees), to perform airport departure inspections to protect agriculture on the U.S. mainland from Hawaii's pests. Ironically, most of these pests, like fruit flies, were introduced to the Islands. The ability to export Hawaii grown fresh agricultural commodities is important to the health and sustainability of agriculture in the state. Quarantine hurts Hawaii's agriculture industry, as the continental US market is the largest market for Hawaii products. The quarantines produce a discriminatory climate and also provide foreign agriculture further advantage over Hawaii products as a result of lower costs of production and market availability in competing producing areas. The USDA allows similar agricultural commodities to enter the US from foreign countries, in some cases with little or no restrictions or treatments as a result of differences in pest risks that allow for the easier move of product into the U.S. On the other hand, Hawaii products are under existing quarantine restrictions as in the case of fruit fly pest risk and are under threat of other quarantine restrictions as new pests become established in Hawaii from U.S. domestic as well as foreign origin. The majority of the new pest introductions into Hawaii are of foreign origin.

The border protection from foreign cargo and passenger baggage at the Port of Honolulu is essentially identical to that at all other international ports in the United States. Prevention actions by federal inspectors are taken based primarily on a short list of pest for which specific legal authority is deemed to exist, primarily for protection of U.S. mainland agriculture. In practice, this actionable list has little to do with organisms that would affect Hawaii's agriculture, native biota, or public health.

To compound the problem, under the federal Plant Protection Act, a state is expressly preempted from regulating in foreign commerce. Therefore, the State of Hawaii, Department of Agriculture, is prevented from taking any action (including inspection and quarantine) to control, eradicate, or prevent the introduction of plant pests and plant products into Hawaii in foreign commerce.

While there is a federal process in place to evaluate the risk of foreign importations, state comments are considered in the rule making process but more often then not fall short in having the impact or consequence that we consider so very important to minimize our risk to the proposed federal action. In the case of Taiwan phalaenopsis, a simple pesticide treatment would have addressed Hawaii's concerns on red imported fire ants, snails and slugs, and biting midges, any of which, if introduced, poses a serious threat to our native biota, agriculture, and economy. Similarly, the same disregard happened with the approval to allow the transshipment of honeybees from New Zealand. Hawaii was the last state in the Nation to be free of varroa mite and

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other bee pests and diseases, and as such, vigorously argued against allowing New Zealand bee shipments to land in Hawaii. Now, Hawaii is no longer a clean source of queen bees. Currently, we are fighting to protect our coconut and endemic palms which are not only culturally important, but also are federally protected species.

As there will always be a need for more manpower and resources to address invasive species, it is increasingly important for federal and state to work together cooperatively. The threat is constantly increasing due to the increase of goods arriving into our country from Asia, including China, Indonesia, Taiwan, and Korea. Therefore, we strongly urge that the federal resources be used in a systems approach that would be more effective in protecting Hawaii and reducing pest pressure on Hawaii's agricultural industry. This new strategy in management of limited federal and state resources would form a better system to protect Hawaii and the Nation from current and future pest threats. Addressing invasive species will need a stronger commitment from all parties to adequately protect the Nation.

The department is grateful for having this field hearing in our Plant Quarantine inspection office. It shows a commitment to learn about the State's role in addressing invasive species and allows us to share our thoughts on this very important issue.



U.S. Customs and Border Protection

STATEMENT

OF

**BRUCE W. MURLEY
AREA PORT DIRECTOR, HONOLULU**

**U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

REGARDING A HEARING ON

**“Safeguarding Hawaii’s Ecosystem and Agriculture
Against Invasive Species”**

BEFORE THE

**UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS**

**OVERSIGHT OF GOVERNMENT MANAGEMENT, THE
FEDERAL WORKFORCE, AND DISTRICT OF COLUMBIA
SUBCOMMITTEE**

**Thursday, October 27, 2011
Honolulu, Hawaii**

INTRODUCTION

Good afternoon Chairman Akaka, I am pleased to appear before you today alongside my colleagues from U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS) and the U.S. Fish and Wildlife Service (FWS), to discuss our role in helping protect the nation's food supply and agricultural industry from pests and diseases.

My name is Bruce Murley, and I am Customs and Border Protection's Area Port Director for the Port of Honolulu. I began my career with the legacy United States Customs Service in 1987 as an inspector at the Eagle Pass, Texas port of entry. Since 2008, I have served in my current position as port director for the area port of Honolulu, with responsibility over all CBP operations in the Hawaiian Islands and Guam. Within the agriculture arena, my office is responsible for the inspection of agricultural products to protect the health of U.S. plant and animal resources and facilitate their movement in the global market place.

I would like to begin by expressing my thanks to the men and women of CBP who work on the frontlines every day, protecting this Nation. Since its creation in 2003, CBP has made significant progress in effectively securing our borders, facilitating trade and travel, and protecting our country against invasive plant pests and exotic foreign animal diseases.

My testimony will highlight our agriculture mission and our work with our state and local partners, specifically in Hawaii. I will outline CBP's advancements over the past eight years, and the challenges we face every day.

THE AGRICULTURE MISSION

The blending of the agricultural mission into the Department of Homeland Security (DHS) exponentially strengthened the safety of U.S. agricultural and natural resources, and has increasingly become a stronger component of the overall DHS mission. Since the transfer of agriculture inspection responsibilities from USDA APHIS to CBP in 2003, we have taken great steps to strengthen the agricultural quarantine inspection program and integrate agriculture issues into CBP's passenger and cargo inspection programs. In 2006, following the GAO report on this issue, *Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease* (GAO-06-644), CBP implemented the corrective measures identified. As a result of all this good work:

- CBP agriculture specialists now have access to CBP's classified data systems, which enables them to better target for inspection passengers and cargo posing the greatest risk of introducing invasive plant pests and foreign animal diseases into the United States. For example, agriculture specialists now use CBP's Automated Targeting System to identify high-risk shipments before they enter the United States. In addition, we ensure that urgent agriculture alerts and other information

essential to safeguarding U.S. agriculture are more effectively shared between CBP and the states.

- CBP, in collaboration with scientists from the USDA, developed an agricultural risk-based passenger flight targeting initiative to increase likelihood of interdiction of agriculture products. Local criteria were developed to select and process passengers on flights with a high probability of having prohibited agriculture items that pose a threat to America's agriculture.
- CBP created and implemented the Agriculture Enforcement Alerts program—an information sharing initiative for state and federal agriculture officials to evaluate trends of interdiction of plant pests and foreign animal diseases and identify potential risks to U.S. agriculture.
- CBP and APHIS established a formal assessment process and Quality Assurance Program to ensure that ports continue to carry out agricultural inspections in accordance with APHIS' regulations, policies, and procedures.

To help ensure that agriculture issues are sufficiently and consistently addressed, CBP Agriculture Programs and Trade Liaison (APTL) established agriculture liaisons in each of its field offices to provide input on operational decisions made by CBP field office directors and provide senior-level leadership for agriculture specialists. In addition, CBP spearheaded the three Agriculture Liaison positions in APTL: CBP Headquarters, California, and Florida. These positions serve as links between USDA/APHIS and CBP APTL Headquarters, field staff and State Departments of Agriculture enhancing communication and effectiveness of the interagency partnership. These positions also work to strengthen the cohesiveness between the different agencies.

CBP has also improved the effectiveness of our agriculture canine program by reviewing our training and staff policies and procedures, and we validated our agriculture canine training program by working to ensure compliance with national standards. Additionally, we are developing and implementing CBP supervisory overview training for the canine program.

CBP has also undertaken several instructional initiatives for CBP officers. Newly hired CBP officers are trained in agricultural issues by USDA personnel at the Federal Law Enforcement Training Center and by CBP agriculture specialists at their respective ports of entry. The training provides them with fundamental agricultural knowledge to help them determine when to refer passengers and cargo to CBP agriculture specialists for in-depth inspections.

CBP has partnered with APHIS to develop and implement several technology training models to strengthen CBP's ability to detect, intercept and prevent the introduction of the Asian gypsy moth, the Khapra beetle, and the Asian citrus psyllid. We look forward to continuing this partnership with APHIS to develop more models like these in the coming months.

In addition, we evaluated the agricultural management support structure and responsibilities within the field offices and ports of entry and are actively developing a resource allocation model.

JOINT PARTNERSHIPS

As you can see already, CBP enjoys strong working relationships with its federal partners. I'd like to highlight a couple more examples of our collaboration with federal partners and stakeholders, followed by Hawaii-specific activities.

Joint Agency Task Force

In April 2007, APHIS and CBP convened a Joint Task Force (JATF), which for the last three years has been overseen by the Agriculture Quarantine Partnership Council, to evaluate the effectiveness of our agriculture programs and develop recommendations for improvements in areas identified by stakeholders and government oversight agencies. The task force completed a thorough review of the agricultural safeguarding system to understand the barriers to achieving enhanced program performance. The JATF finalized its report and recommendations with a thirteen detailed implementation action plans to address each key issue, outlining steps necessary to implement corrective actions and/or improvements. The overarching themes of the JATF report focused on raising the priority of the agriculture mission within CBP; developing strategies to improve capability to prevent the introduction and establishments of plant pests and foreign animal diseases; and integrating agriculture into the primary CBP mission of preventing terrorists and terrorists' weapons from entering the United States. Throughout this process, the Joint Agency Task Force received guidance and oversight from the Agriculture Quarantine Inspection Partnership Council (AQIPC).

Agriculture Quarantine Inspection Partnership Council

The Agriculture Quarantine Inspection Partnership Council is a Federal-State Government council responsible for providing advice, recommending direction, and providing open communication to the APHIS/CBP JATF charged with improving the agriculture quarantine activities of both agencies. The Partnership Council supports the activities of the Task Force by monitoring the action plans generated by the Task Force and by providing advice and guidance that reflects the interests and concerns of the American agricultural and environmental communities and stakeholders. Since the inaugural meeting in 2008, there have been eleven meetings focusing on the progress of the coordination and cooperation between CBP's agriculture programs and APHIS—how it's working and how it can be improved. Initially, the discussion resulted in refocusing the efforts of the JATF's thirteen implementation plans that addressed leadership, outreach and communication, emergency response and performance measurements among other topics.

Agriculture Stakeholders' Conference

The Joint Agriculture Stakeholders' Conference in 2008 brought together CBP and USDA officials, industry stakeholders, state plant health officials and private industry to discuss the further strengthening coordination and cooperation between APHIS and CBP's agriculture programs. Participants were updated on the activities and progress of CBP and APHIS, the efforts of the Joint Agency Task Force, and the status of the newly established Federal-State Agricultural Quarantine Inspection Partnership Council. CBP plans to hold

another such conference in the near future, and we look forward to another productive meeting.

Commercial Operations Advisory Committee – Agriculture Subcommittee

The Commercial Operations Advisory Committee (COAC), Agriculture subcommittee was established in 2008 to advise the COAC of any recommendations pertaining to agriculture and agriculture-related issues and to develop recommendations pertaining to different agriculture and agriculture-related issues that might arise from examinations and border enforcement. The key initiative was to develop maritime industry outreach on the Asian gypsy moth, and together we successfully launched an outreach program targeting our stakeholders in the maritime community to let them know about this important issue. The Agriculture subcommittee is chaired by a trade representative, an APHIS representative, and an APTL representative.

National Pest Risk Committee Partnerships

In 2010, CBP and APHIS took an active role to strengthen and unify our joint pest risk committees. As a result of the feedback from the inaugural Agriculture Stakeholders' Conference in 2008, CBP and APHIS conducted a comprehensive review of the pest risk committees that subsequently led to several modifications. An addendum to the charter was created identifying objectives to assist the committees on refocusing their efforts. The pest risk committees, with a core membership from APHIS, CBP and representatives from the State Department of Agriculture, can now better review information associated with plant pests and foreign animal disease interceptions, as well as make recommendations to address any developing trends.

In addition to our federal partnerships, our relationship with the State of Hawaii is strong. The following are examples of our collaboration and outreach within Hawaii.

Hawaii Pest Risk Committee

CBP facilitates the Hawaii Pest Risk Committee where federal and state government agencies discuss current and emerging issues, exchange information, analyze data, and discuss respective efforts in protecting the United States and the State of Hawaii from plant pests and foreign animal diseases. This committee has helped CBP, our federal partners and stakeholders and our state partners and stakeholders come together to improve air, sea and mail communications across all our agencies. Last year alone, as a result of this committee, CBP referred over 20 pests or plant material thought to be of concern to the Hawaii Department of Agriculture (HDOA).

Pacific Invasives Learning Network

CBP participates in a learning community comprising the Hawaii Department of Agriculture, U.S. Fish and Wildlife Service, The Nature Conservancy (TNC), the U.S. Forest Service and APHIS to provide outreach and education to South Pacific island teams on invasive species and plant/pest risk in the Pacific. This information sharing assists other Pacific Island nations to improve their invasive species and regulatory programs.

Hawaii Ant Committee

As you may know, Hawaii has its own APHIS quarantine specific to ants. CBP participates on the Ant Committee ensuring information exchange and participation in prevention and planning activities to protect the Hawaiian islands from invasive ant species. An accomplishment of the committee is the finalizing of Red Imported Fire Ant Response Plan.

Coordinating Group for Alien Species

CBP participates in the Coordinating Group for Alien Species. Through this organization, TNC brings private, university, and governmental interests together to discuss and coordinate efforts in protecting the State of Hawaii's wide range of agricultural and natural resources. Invasive species committees from each of the Hawaiian Islands also participate in the group efforts. CBP's active role as a steering committee member has ensured increased understanding of CBP's responsibilities in enforcing federal laws and regulations. CBP contributed to the 2010-2013 Vision and Action Plan for protecting the State of Hawaii from invasive species.

THE PATH FORWARD

We are working hard to ensure the agriculture function within CBP is well-positioned throughout the agency, with the right mix of management and leadership supporting the agriculture mission, where staff is empowered at every level, and the introduction of plant pests and foreign animal diseases is treated with the same rigor as all other mission areas.

CBP is creating a comprehensive agriculture specialist career track for entry level CBP agriculture specialists and will ensure that CBP agriculture specialists are provided the training, experience, and assignments necessary for career progression within the agency and department.

We have developed plans to improve agriculture specialist recruitment and retention and have ensured agriculture specialists have the necessary equipment and resources to fully and effectively carry out their mission. Additionally, we are investigating formally establishing an existing interagency rotation program for APHIS training personnel to rotate to CBP ports of entry aimed at enhancing their agriculture operational experience, which will translate to a more interactive instruction experience.

CONCLUSION

Mr. Chairman, thank you again for the opportunity to testify today on CBP's role in protecting our nation's agriculture industry and natural resources; I am so proud of the good work of our CBP officers, agents and specialists, and I am looking forward to continuing my work with CBP to keep our country safe and secure. I will be happy to answer your questions.

**Testimony of Vernon Harrington
State Plant Health Director, Animal and Plant Health Inspection Service
U.S. Department of Agriculture
Before the Senate Homeland Security and Governmental Affairs Subcommittee
on Oversight of Government Management, the Federal Workforce, and the District
of Columbia
Honolulu, Hawaii
October 27, 2011**

I appreciate the opportunity to testify before you today on the U.S. Department of Agriculture Animal and Plant Health Inspection Service's (APHIS) efforts to protect Hawaii's agricultural and natural resources. My name is Vernon Harrington, and I am the State Plant Health Director for Hawaii.

Protecting American agriculture and resources is APHIS' mission and we are aware of how important that is. Our many unique flora and fauna in many ways define Hawaii. But that broad range of unique species creates a challenge; the state is under constant threat from invasive plants and animals. Together with our Federal and State partners, as well as with cooperation from organizations and industry we have a robust system in place to protect agriculture and natural resources.

The Agricultural Quarantine and Inspection (AQI) Program

The Agriculture Quarantine and Inspection (AQI) program is the backbone of our effort to protect agriculture and natural resources against invasive pests and diseases. AQI is a comprehensive set of interlocking programs that work together to protect agriculture. While most people encounter AQI when they see our inspector colleagues from the Department of Homeland Security's (DHS) Customs and Border Protection (CBP) in the airport, it's about more than just inspections. APHIS' role begins before products or people enter the country, and continues long after, all to prevent the introduction and spread of harmful plant pests and diseases.

We carry out a broad array of regulatory and operational measures. These activities include:

- Making scientific, risk-based determinations about what commodities can enter the United States and under what conditions;
- Analyzing pest and disease information gathered overseas to identify trends and help develop recommendations on mitigation strategies;
- Negotiating protocols with trading partners to expand markets for U.S. agricultural products, and to allow the importation of pest-free agricultural products into our country from abroad;
- Evaluating pest risk pathways for ports of entry and determining policies and procedures relating to inspection of cargo, passengers, and conveyances;
- Performing preclearance of certain goods destined for the United States from certain countries to ensure the risk from pests of concern has been mitigated;

- Supervising fumigation and other complex pest mitigation treatments when protocols so require;
- Performing pest identification of pest finds;
- Stationing veterinarians at ports of entry to provide guidance on inspecting animal products to allow for safe entry;
- Taking enforcement actions against violators of our import regulations;
- Conducting smuggling, interdiction, and trade compliance activities to trace illegal imports that slip past our protection system; and
- Training our CBP colleagues—including canine teams-- in how to enforce agricultural import regulations.

APHIS carries out these activities by drawing on our scientific, technical, and regulatory expertise. This complements the inspection and law enforcement expertise of our CBP colleagues and together we work to protect Hawaii and the rest of the country.

Of course no system can guarantee that no pests or diseases will enter Hawaii or the rest of the country. Should a pest or disease make it in, we begin emergency action to quickly control and hopefully eventually eradicate the problem.

APHIS' Efforts in Hawaii

APHIS' Plant Protection and Quarantine (PPQ) program is taking specific actions here to help safeguard Hawaii's natural resources.

APHIS, DHS, the Hawaii Department of Agriculture (HDOA), and the U.S. Fish and Wildlife Service (USFWS) have formed the Hawaii Risk Committee (HIRC). HIRAC identifies and reviews pathways in Hawaii by which foreign pests and diseases enter the United States, as well as assesses the relative risk of those threats. It tracks and audits shippers and industry along those pathways to ensure compliance with regulations, and produces recommendations on operational strategies that would maximize the effectiveness and efficiency of agriculture inspection and pest mitigation processes.

APHIS also provides leadership to the Coordinating Group on Alien Pest Species (CGAPS), a partnership of Federal, State, County, and private entities involved in invasive species work in Hawaii. APHIS regularly reports on Agency actions, and works closely with its partners on the development of and completion of CGAPS action-plan items. Of note, CGAPS and APHIS played a key role in the successful eradication of Chrysanthemum White Rust – along with our partners at HDOA, growers, University extensions, and the Big Island Invasive Species Committee. Quick and decisive action on the part of all involved in the partnership protected nurseries in the State from lengthy quarantines and other regulatory requirements, and ensured this quarantine pest did not spread further.

Other APHIS initiatives, all in conjunction with our partners, in Hawaii include:

- Created an APHIS Ant Policy through the Pacific Ant Plan, that made certain ants actionable pests at ports of entry in HI.

- Improved GIS abilities for more robust support of Hawaii invasive species mapping capability.
- Conducted emergency incident training, including a large-scale exercise around red imported fire ant.

APHIS partners with Hawaii by providing funding authorized by Section 10201 of the 2008 Farm Bill-- Plant Pest and Disease Management and Disaster Prevention. APHIS committed nearly \$800,000 in FY 2011 for seven projects in Hawaii. These projects focused on efforts to safeguard nursery systems, conduct inspection and surveillance, and improve pest identification and technology through partnerships with State governments and universities.

Overall, the 10201 program has been highly successful, expanding the reach and capabilities of APHIS, and creating meaningful partnerships that have carried out much important work throughout the country to address plant pests and diseases and the threats they pose.

APHIS is preparing to announce its call for projects to fund in FY 2012. We urge all our partners here in the State to continue thinking about what kinds of projects would benefit Hawaii's unique needs and ecosystem, and to submit those ideas for review once the suggestion period begins.

Improving the AQI Program

APHIS continually strives to improve the AQI program through our partnerships with DHS. In April 2007, USDA and DHS formed a joint task force to improve the AQI program and to further develop and strengthen partnerships. The joint task force developed ten comprehensive action plans that contain recommendations for both agencies that have strengthened the delivery of the agriculture mission. The joint task force and the overall commitment to partnering have improved the ability of the two Departments to communicate, and for information to be shared. The relationship between the two Departments and how we all work together to protect agriculture is very good today and I know that both are committed to making it even better.

We have laid an excellent foundation to support our partnership and commitment to the success of the AQI program.

An improved program benefits all U.S. agriculture, but it is especially beneficial in a place as beautiful as Hawaii, which contains so many diverse resources. APHIS' actions have an especially important role to play here, and we are committed to doing what we can to preserve those resources.

Thank you for the opportunity to testify today. I am happy to answer any questions that you may have.

**TESTIMONY OF GEORGE PHOCAS, RESIDENT AGENT-IN-CHARGE, OFFICE OF
LAW ENFORCEMENT,
U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR
BEFORE THE U.S. SENATE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE
FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA
FOR A FIELD HEARING ENTITLED: THE SAFEGUARDING OF HAWAII'S
ECOSYSTEM AND AGRICULTURE AGAINST INVASIVE SPECIES**

OCTOBER 27, 2011

Introduction

Chairman Akaka, Ranking Member Johnson, Members of the Subcommittee, thank you for this opportunity to testify on the Service's efforts to protect the ecological and agricultural interests of Hawai'i from the threat of non-native species. I am George Phocas, Resident Agent-in-Charge of the U.S. Fish and Wildlife Service (Service) in the Pacific Region.

There is no question that harmful impacts of invasive species have been significant in Hawai'i. This testimony will focus on the threats posed by non-native, invasive species on native species and ecosystems in Hawai'i and how the Service is working both to prevent new invasions and to address established populations and the impacts of such species.

Risks and Threats of Invasive Species

Non-native, invasive wildlife species are a significant threat to native species and ecosystems throughout the United States. Nearly half of imperiled species are threatened by invasive species impacts. With just a simple review of the history of species introductions in our country -- from the zebra mussel on the mainland to the brown tree snake here in the Pacific Islands -- one can appreciate the scope and gravity of the problem.

The United States continues to receive importation of non-native species, and some of these have entered our lands and waters through various pathways and become established there. With an increasingly global economy, this trend is expected to continue, making invasive species among the most significant natural resource management challenges we face throughout the nation.

Native species in Hawai'i are particularly vulnerable. There are more than 400 species that are federally listed as threatened or endangered due in part from competition with or predation by invasive wildlife species. At least 374 of those are found in Hawai'i's unique ecosystems. These imperiled native species in Hawai'i include plants such as the Hawaiian gardenia (*Gardenia*

brighamii), Hawaiian red-flowered geranium (*Geranium arboretum*), and Mann's bluegrass (*Poa mannii*), and animals such as Newcomb's snail (*Erinna newcombi*), Blackburn's sphinx moth (*Manduca blackburni*), and bird species, O'ahu Elepaio (*Chasiempis sandwichensis ibidis*).

Invasive species are also known to have changed ecosystem functions in the State of Hawai'i. For example, the strawberry guava (*Psidium cattleianum*) was first brought to Hawai'i in 1825 for its fruit and ornamental attributes. This highly invasive plant is now established on all major Hawaiian Islands from sea level to 4,000-foot elevation. It has become widespread in native forests, forming impenetrable thickets that crowd out native plant species, fragment native habitats, and disrupt native ecosystem processes, such as the supply of fresh water. The two invasive wildlife species described below, the axis deer (*Axis axis*) and the brown tree snake (*Boiga irregularis*) provide illustrations of further impacts to species and ecosystems native to Hawai'i.

Axis Deer

Non-native ungulates (animals in the deer family) have degraded ecosystems in Hawai'i, particularly in native forests. This is the primary threat that led to the listing of the majority of threatened and endangered species in Hawai'i. For example, the axis deer, native to India, was first introduced in 1868 as a gift to King Kamehameha V from the government of Hong Kong. Populations of this species became established on the islands of Maui, Moloka'i, and Lana'i. The Maui invasion reportedly started sometime in the late 1950's with a small population introduced for subsistence hunting. It currently numbers in the thousands and is distributed across the entire island. This deer species is a voracious grazer of forest understory plants, including seedlings of native trees that are critical to the survival of native Hawaiian forest birds.

Axis deer are now confirmed in the Ka'u area of Hawai'i Island, and they have been reported in other places on the island, as well. The confirmed presence of axis deer on the Island of Hawai'i indicates a possible lack of clear and appropriate state laws or regulations to prohibit or restrict their transport. The Service has loaned equipment and provided technical assistance to the Big Island Invasive Species Committee (a volunteer committee of stakeholders on the Island of Hawai'i) as it develops a plan to address the presence of deer on the island.

Brown Tree Snake:

The brown tree snake has had a significant impact on the biodiversity of the Pacific region. A native of Indonesia, New Guinea, the Solomon Islands, and Australia, the brown tree snake arrived in Guam sometime during the 1940's and 1950's, likely as a stowaway. These snakes have since spread across the entire island and have caused or contributed to the extirpation of most of Guam's native terrestrial vertebrates, including fruit bats, lizards, and nine of 13 native forest bird species. These now extirpated species consumed insects that damage fruit and vegetables. To control these insects, residents must now rely more on pesticides. In addition to ecological impacts, brown tree

snakes also cause millions of dollars in damage to Guam's infrastructure and economy by entering and moving through electrical distribution equipment and causing frequent power outages. Since 1981, eight brown tree snakes have been reported to have reached Hawai'i through the movement of civilian and military equipment and cargo from Guam. Since the establishment of the U.S. Department of Agriculture Wildlife Services' brown tree snake program on Guam in 1994, the rate of snake captures associated with cargo shipped to Hawai'i has declined dramatically. This program uses canine detection teams to screen cargo and equipment leaving Guam, trapping snakes around air and sea ports, fence-line spotlighting and capture of snakes, and deploying toxic baits to reduce free-roaming snakes in sensitive areas on Guam. The growth in United States military presence on Guam is causing increased air and sea traffic between Guam and other regions in the Pacific, including the continental United States. As a result, the Department of Defense's responsibility for brown tree snake control and interdiction at military and commercial facilities related to the military build-up on Guam was a component of a recently completed ESA Section 7 consultation with the Service.

Meeting the Challenge of Invasive Species

Preventing new introductions of invasive species is the most effective approach to protecting native wildlife and their habitats from the impact of these damaging species. Prevention is a primary focus of the Service, which also works to manage, control, and limit the impact of invasive species already established, particularly on National Wildlife Refuges. The Service works with partners to control invasive species and minimize their impacts on lands adjacent to Refuges and on other government and private lands that support important habitats for native fish and wildlife.

The Service's partners in these efforts in Hawai'i include other federal agencies such as the USDA - Animal and Plant Health Inspection Service (APHIS) and state agencies, such as the Hawai'i Department of Agriculture and the Hawai'i Department of Land and Natural Resources. The Service's Pacific Island Office has developed and implemented a strategic plan that addresses invasive species in Hawai'i and the Pacific region for the next five years.

Prevention

Non-native species, once introduced and established in the United States, can harm economic, ecological, and human health interests, and Congress has worked with federal agencies and partners over the past century to identify and prohibit the importation of species known to likely cause such harm. The Lacey Act of 1900 – the country's first federal wildlife protection law – was enacted in part to address this concern. In fact, the first federal wildlife law enforcement officers were six men hired as "Lacey Act inspectors" and stationed at the ports of Boston, New York, Philadelphia, Baltimore, New Orleans, and San Francisco to intercept injurious wildlife identified through the Lacey Act—specifically, mongoose, fruit bats, starlings and English sparrows.

Today, the injurious wildlife provisions of the Lacey Act (18 U.S.C. § 42(a)) provide the Service's only regulatory tool to address invasive species. Under Title 18 of the Lacey Act, the Secretary of the Interior is authorized to prohibit the importation and interstate transportation of species "designated as injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States."

The Service is responsible for identifying and listing such species through the rulemaking process. The Service's Office of Law Enforcement is responsible for enforcing the prohibitions on the importation and interstate transport of species that have been federally listed as injurious. The Service is also responsible for issuing permits through the Lacey Act, which would allow importation of injurious species for zoological, educational, medical, or scientific purposes.

Service enforcement efforts include: 1) interdiction of species listed as injurious under the Lacey Act (18 U.S.C. 42) at the time of import; 2) investigations of illegal importation and interstate transport of federally listed injurious wildlife (18 U.S.C. 42); and 3) assistance to states with intercepting illegal importation and/or interstate transport of invasive species banned under state law (16 U.S.C. 3372).

The Office of Law Enforcement's Wildlife inspection program is an important part of the nation's frontline defense against injurious wildlife species. Wildlife inspectors are stationed in Honolulu and at 37 other major U.S. airports, ocean ports, and border crossings, where they monitor imports and exports to ensure compliance with U.S. laws and regulations. Responsibilities of the Service's wildlife inspectors also include detecting and deterring illegal trade in species protected by several federal statutes and treaty obligations, including the Migratory Bird Treaty Act of 1918 and the Convention on the International Trade in Endangered Species.

The Service wildlife inspection program is funded primarily by user fees paid by commercial importers and exporters of wildlife and wildlife products, and it currently includes 142 inspectors. In FY 2011, these officers processed more than 170,000 declared shipments worth more than \$2.7 million, including species federally listed as injurious. They also proactively inspected numerous other imports in search of undeclared and smuggled wildlife.

In addition to the work of the Service's wildlife inspectors, the Service relies upon, and works to maintain, strong partnerships with other federal agencies involved in the processing and inspection of shipments into the United States, including U.S. Customs and Border Protection (CBP) and USDA. Cooperative efforts include port-by-port collaboration among staffs to provide wildlife import/export training to all new CBP and USDA inspectors during their basic training programs.

In Hawai'i, violators of the Lacey Act and other conservation statutes acquire, possess, propagate and distribute federal and state prohibited species, including snakes, turtles, tortoises, lizards, chameleons, and various species of fish. In fact, Hawai'i has been used as a clearing house, both as

a source and stopover for distribution of illegal or injurious species of fish and reptiles to and from the mainland United States and foreign countries.

The Service's enforcement staffing in Hawai'i consists of three special agents and four wildlife inspectors, who work closely with their federal and state counterparts to identify and stop these shipments.

Management

While preventing new introductions is a primary focus for the Service, the agency also works to manage and control non-native species that have already become established in our ecosystems and are damaging or threatening native species populations. The Service's Ecological Services program in Hawai'i works through its partnerships and through consultation under the Endangered Species Act to address the threat of established populations of invasive species to native wildlife – particularly to federally listed and Endangered Species Act candidate species.

Working together, these partnerships between state, county and federal agencies and private groups have achieved invasive species control and management successes in Hawai'i. These partnerships bring together not only the many agencies are responsible for the pathways that bring potentially invasive species into Hawai'i, regulate their movement, and control their spread, but also the landowners and businesses that are negatively affected by invasive species.

Partnerships in Hawai'i include: 1) the Hawai'i Invasive Species Council, composed of state agency heads provide policy level direction, coordination, and planning among state departments, federal agencies, and international and local initiatives for the control and eradication of harmful invasive species; 2) the Coordinating Group on Alien Pest Species, which has facilitated the development of integrated policies within state and federal agencies in the State of Hawai'i; and 3) Invasive Species Committees that carry out on-the-ground invasive species abatement actions.

Specifically to address aquatic invasive species, Hawai'i has developed a Hawaii Aquatic Invasive Species Management Plan under the auspices of the Aquatic Nuisance Species Task Force (ANSTF). The ANSTF was created and authorized by the Nonindigenous Nuisance Aquatic Prevention and Control Act of 1990, amended by the National Invasive Species Act of 1996 (NISA). It is the primary entity coordinating federal aquatic invasive species management activities, and it consists of ten federal agency representatives and 12 ex-officio members and is co-chaired by the Service and NOAA. Through this authority, states are provided guidance for developing state aquatic invasive species management plans, and may be provided with limited federal funding that is appropriated to assist states in implementing their plan, subject to ANSTF approval.

The Service, through the Fisheries Program's Branch of Aquatic Invasive Species is authorized by NISA and responsible for the prevention of the introduction and spread of aquatic invasive species. In Hawai'i, this Branch of the Service works with states and other partners to monitor aquatic invasive species distribution, respond to new invasions, and control established invaders. The Service provides technical assistance to partners to assist in reaching the goals set forth in the plan, funding for specific projects aimed at controlling priority aquatic invasive species, partial salary funding to support a State of Hawaii Aquatic Invasive Species Project Coordinator. This Branch also administers funding for and coordinates the Service's role in the brown tree snake control program, authorized by the Brown Tree Snake Control and Eradication Act of 2004 (P.L. 108-384).

Lacey Act Challenges

Although prevention of new introductions of invasive species to ecosystems in the United States is the most effective and efficient approach to protecting native species, ecosystems, agricultural, or human health interests, the Service has identified a number of challenges inherent in the process of listing species as "injurious".

For example, the listing evaluations we currently make under the injurious wildlife provisions of the Lacey Act require a significant amount of time and resources to process. The time period to complete an evaluation depends upon the availability of biological and economic data and the complexity of the analyses required under the Lacey Act, National Environmental Policy Act, Small Business Regulatory Enforcement Fairness Act, and other applicable requirements in the regulatory process. For many species evaluations, biological information must be gathered from overseas, and it is often necessary to translate it into English before an evaluation can be initiated.

The Service has not been able to make injurious wildlife listings under the Lacey Act into the nimble, timely, and proactive tool needed to address the current rate of importation and transport of potentially invasive, non-native species. The Service recognizes the potential value of a new approach for managing the risk of importing potentially invasive nonnative wildlife before they arrive in this country. Having the opportunity to evaluate nonnative species that are proposed for importation could be an invaluable tool to ensure that we are more proactive in preventing the introduction of harmful invasive species.

Conclusion

In conclusion, the Service appreciates the Subcommittee's interest in invasive species in Hawai'i, the threats they pose to native species and ecosystems, and the efforts of the Service to address those threats. Thank you again for the opportunity to testify before the subcommittee. The Service remains committed to addressing this significant threat to the natural resources of these islands.

**Post-Hearing Questions for the Record
Submitted to the Honorable Clifton K. Tsuji
From Senator Daniel K. Akaka**

***Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species*
October 27, 2011**

1. In your testimony, you referenced significant gaps in Federal prevention and inspection initiatives that increase the risk of invasive species entering Hawai'i. Please clarify what specific measures are needed to effectively safeguard Hawai'i against invasive species, and elaborate on the potential consequences of failing to implement these measures.

Invasive species are entering our State attacking our economy, lifestyle, and our whole environment. Most of them are coming from foreign origins. I believe that the problem lies primarily with the term "actionable". What is and what is not on the Federal government's "actionable list". Because of this, and with federal preemption and Hawaii inspectors not being notified, causes significant gaps in being able to effectively safeguard Hawaii against invasive species. Specifically, where is the list and why is it not shared with the states, including Hawaii? If we want to begin to understand the problem and resolve it, we need to know what pest the Federal inspectors intend to keep out and which ones the State must address. If not, Hawaii does, without a doubt, stand alone and we will destruct from the impacts of invasive species. Hawaii is already known as the extinction capitol of the world from the historic loss of endangered species. Hawaii is already the only state under a federal quarantine that prohibits all agricultural products from moving to another state unless specifically approved. Therefore and without compromise, the State must do better and the Federal government must do better than what is being done now. We must start with the "actionable" issue and work to resolve federal preemption and lack of notification.

2. The Hawai'i State Legislature passed House Bill 1568 to establish a foundation to foster effective coordination among all parties who must work together achieve the shared goal of safeguarding Hawai'i. This is critical, because preventing invasive species from entering Hawai'i requires resources, authorities, and actions that exceed the capabilities of any single program, or organization. How is your Office working with other key stakeholders to make sure Hawai'i's biosecurity program is effectively implemented?

My feeling is that it is very difficult to quantify the amount of investment that goes into invasive species from the Federal, State, County level, and even independent citizens. In the past six years, my colleagues and I have worked to strengthen and fund Hawaii's inspection and quarantine laws by enacting a systems approach called the "Hawaii's Biosecurity Program." Over the past 6 years we have allotted over 15 million dollars on eradication and control programs, and millions of dollars a year for prevention and inspection programs. However, the largest gap in the introduction of invasive species is through foreign commerce into Hawaii,

which is under the purview of U.S. Department of Agriculture, and the Department of Homeland Security. In addition, other Federal Agencies such as the Federal Aviation Administration are obstacles by not allowing the state to provide adequate facilities and mitigation at the airports to protect Hawaii from impacts caused by port development.

This past year, my colleagues in the Legislature funded 29 Plant Quarantine inspectors, electronic manifest systems, planning for biosecurity inspection facilities, control programs for various pests, and authorized origin inspection programs to allow Federal and State agencies to enter into compliance agreements for safe movement of agricultural commodities. Is this enough? No, much more is needed.

As I stated earlier, we have not been able to get the Airlines and FAA to work cooperatively with us. Air cargo remains the highest risk pathway for the State. Take as an example, State interceptions of insect pests. Roughly eighty percent (80%) of the insect interceptions are found on shipments moving through the airports. In addition, Public Health officials and researchers are studying new models of contagion patterns. The findings from their research are that airports in New York, Los Angeles, and Honolulu are judged likeliest to play a significant role in the growth of a pandemic. While Honolulu only gets 30% as much air traffic as New York's Kennedy International Airport, the model predicts that it is nearly as influential in terms of contagion, because of where it fits in the air transportation network. Honolulu International Airport's location in the Pacific Ocean and its many connections to distant, large and well-connected hubs gives it a ranking of third in the Nation in terms of contagion-spreading influence. Yet, the Airlines and FAA have consistently resisted necessary mitigations to lower the risks. The State, my colleagues included, and with your help, must get to them to understand the seriousness of invasive species.

3. Organizations ranging from the National Association of State Departments of Agriculture to the iconic baseball bat manufacturer, Louisville Slugger, have endorsed S. 1673, the Safeguarding American Agriculture Act. Do you believe there is a need for this legislation, and would there be economic benefits to enhancing Federal agricultural inspections across the Nation?

This legislation is critical because the current Federal agricultural inspection is inadequate to effectively protect the Nation, including Hawaii. The Federal inspection system needs an improved infrastructure and cross-training to allow Federal inspectors to do a better job in safeguarding America. The cost of invasive species is enormous and very difficult to quantify, but easily in the range of billions of dollars even up to Federal estimates of \$120 billion a year in damages in the United States. Legislation that would improve a flawed system would likely reduce the enormous invasive species impact to the Nation.

4. Your statement highlighted an interesting proposal to review and evaluate how Federal resources are being used to safeguard Hawai'i with the goal of using funds more creatively to modernize how we fund inspection and quarantine operations in the State.

Please elaborate on this suggestion of adopting a new systems approach, specifically addressing what strategies Federal agencies should use to accomplish this goal.

I strongly believe that the Federal border agencies revamp their protocols, resources and staffing to a systems approach. Our proposal is to redirect Federal resources to protect the border between Hawaii and the world rather than between Hawaii and the continental United States. This new systems approach would redirect existing resources to protect the State, reduce pest pressure on Hawaii's agriculture, and provide USDA funding for treatment of exported Hawaii products similar to USDA's treatment of incoming foreign commodities. This new approach must "integrate" State and Federal programs and utilize today's technological advancements to provide a better barrier for the State and the Nation. I strongly urge the Federal government to utilize the July 2007, "Pathway Analysis of Invasive Species Introduction into the State of Hawaii," by USDA Center of Plant Health Science and Technology and begin implementation.

5. Hawaii is a leader in combating the threat of invasive species. Many initiatives, such as the Coordinating Group on Alien Pest Species (CGAPS), have served as models for the rest of the Nation. CGAPS provides a unique perspective, with its diverse membership of Federal, State, and stakeholder organizations. It strongly support allowing Federal agencies and the HDOA to cross-train inspectors for their respective pests of concern. Please describe how this training would benefit Hawaii's biosecurity system.

Training is critical in light of global trade. New pests are constantly moving from continent to continent. The only way prevention of invasive species can keep up with increasing global trade is to provide training for new pests of quarantine significance. Hawaii's Biosecurity system includes incorporating research and technology into detection, diagnostics, pest management, and quarantine treatments. It is my feeling that there should be integration of Federal and State efforts to improve Biosecurity.

6. HDOA has found that 76 percent of invasive species in Hawaii originate from foreign areas, and the rest come from other parts of the United States. Preventing the entry of foreign pests is the responsibility of the Federal Government. What are your top three recommendations for how the Federal Government can improve its agriculture quarantine and inspection operations to meet the unique needs of Hawaii?

My first recommendation is the finalization, implementation and funding of the July 2007, "Pathway Analysis of Invasive Species Introduction into the State of Hawaii," by USDA Center of Plant Health Science and Technology. My second recommendation would be to resolve the "actionable" issue and provide Federal inspectors the authority to notify State inspectors before infested shipments are released at the port-of-entry. My third recommendation is to assist Hawaii with establishing Biosecurity inspection facilities at all major ports-of-entry, including the major airports.

7. Preventing invasive species from entering Hawai'i is a critically important and urgent mission. However, there is less awareness of the benefits to the mainland that will result from successfully safeguarding Hawai'i's agriculture. How would enhancing Hawai'i's inspection and quarantine capacities benefit the Nation as a whole?

Hawaii is in the center of the Pacific Ocean. Similar to the contagion model, because of where our State fits in the air transportation network, and its many connections to distant, large and well-connected hubs, Hawaii plays a significant role in the spread of invasive species. USDA already recognizes this fact by designating Hawaii as high risk of spreading invasive species to the continental United States. Yet, USDA ignores the obvious. If the focus for global trade and the military build-up has changed to Asia and the Pacific, it behooves us to redirect Federal resources to protect the border between Hawaii and the world rather than between Hawaii and the continental United States. Beyond doubt, protecting Hawaii will benefit the Nation.

**Post-Hearing Questions for the Record
Submitted to the Honorable Clarence K. Nishihara
From Senator Daniel K. Akaka**

***Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species*
October 27, 2011**

1. The Hawai'i State Legislature passed House Bill 1568 to establish a foundation to foster effective coordination among all parties who must work together achieve the shared goal of safeguarding Hawai'i. This is critical, because preventing invasive species from entering Hawai'i requires resources, authorities, and actions that exceed the capabilities of any single program, or organization. How is your Office working with other key stakeholders to make sure Hawai'i's biosecurity program is effectively implemented?

This past year, the Legislature passed, with the Governor concurring, major budgetary funding for the Biosecurity Program. The Legislative budget provided funding for twenty-nine inspectors and for planning of Biosecurity inspection facilities at Honolulu International Airport, Honolulu Harbor, Kona International Airport, and Kawaihae Harbor.

2. Organizations ranging from the National Association of State Departments of Agriculture to the iconic baseball bat manufacturer, Louisville Slugger, have endorsed S. 1673, the Safeguarding American Agriculture Act. Do you believe there is a need for this legislation, and would there be economic benefits to enhancing Federal agricultural inspections across the Nation?

As a state, Hawaii is forced to absorb the devastating economic, agricultural, and environmental impacts that invasive species cause. Hawaii strongly feels that the Federal agricultural inspection system does not work towards protecting Hawaii from invasive species. I suspect that most states feel the same. This legislation would provide improvements to the Federal agricultural inspection system, and by doing so, prevent more invasive species from entering the Nation and reduce the crippling economic impact that they cause.

3. Your statement highlighted an interesting proposal to review and evaluate how Federal resources are being used to safeguard Hawai'i, with the goal of using funds more creatively to modernize how we fund inspection and quarantine operations in the State. Please elaborate on this suggestion of adopting a new systems approach, specifically addressing what strategies Federal agencies should use to accomplish this goal.

For the most part, USDA utilizes a single visual inspection at the point of departure to prevent pests from moving to the Continental United States. It is expensive and not reliable relative to the cost.

Prior to 2008, the Hawaii Department of Agriculture similarly placed most of their focus on visual inspection at points-of-entry. This method did not work, which resulted in more invasive species getting introduced, established, and impacting the State. In 2008, the Legislature passed the Biosecurity Act which changed the program from a one dimensional focus to four basic program segments: 1) Pre-entry measures to minimize pest risks prior to entry; 2) Port-of-entry inspections to detect pests upon arrival; 3) Post-entry measures to mitigate the establishment of invasive species; and 4) Growth of agriculture to reduce dependency of imports reducing the amount of hitchhiking pests. The Biosecurity program is strongly supported by the agricultural industries, the conservation groups, and the public.

But because of federal preemption, the State cannot do this alone. Hawaii needs the Federal support in preventing pests entering into Hawaii from foreign countries. Once these foreign pests get in, it should not be only a state problem. If the current Federal inspection system costs \$15 to \$20 million a year to operate in Hawaii, at least one-third should be utilized to implement a systems approach similar to what the Hawaii Department of Agriculture has already done through the Biosecurity Program. By doing so, less foreign pests will get into Hawaii, more pests will be controlled and managed in Hawaii, and fewer pests will get to the Continental United States. This change would be beneficial to both Hawaii and the Nation.

4. Hawai'i is a leader in combating the threat of invasive species. Many initiatives, such as the Coordinating Group on Alien Pest Species (CGAPS), have served as models for the rest of the Nation. CGAPS provides a unique perspective, with its diverse membership of Federal, State, and stakeholder organizations. It strongly support allowing Federal agencies and the HDOA to cross-train inspectors for their respective pests of concern. Please describe how this training would benefit Hawai'i's biosecurity system.

My understanding in speaking with CGAPS is that the group prioritizes invasive species issues and actions, and together, addresses them. This past year, a snake, mosquitoes, and a bat was intercepted at or near Honolulu International Airport. Although all incidents were managed, it was readily apparent that these invasive species were coming in and there needed to be more coordination between the Federal, State, and stakeholder organizations. As a result, CGAPS is working towards implementing improved communication and coordination and Hawaii Department of Agriculture will be hosting rapid response training for their inspectors and CGAPS members to better address these types of incidents.

5. HDOA has found that 76 percent of invasive species in Hawai'i originate from foreign areas, and the rest come from other parts of the United States. Preventing the entry of foreign pests is the responsibility of the Federal Government. What are your top three

recommendations for how the Federal Government can improve its agriculture quarantine and inspection operations to meet the unique needs of Hawai'i?

I would emphasize the first priority is to have one-third of the Federal resources spent in Hawaii utilized towards adopting a new systems approach. The second recommendation is to have Federal recognition that Hawaii is unique and that operations and procedures should reflect that uniqueness. For the most part Federal agriculture regulations only recognize plant pests that are detrimental to agriculture of National significance. This does nothing for Hawaii in terms of protecting Hawaii's agriculture, environment, and economy. Federal preemption and lack of notification need to be revisited in light of the Federal government's failure to protect Hawaii. The third recommendation is to encourage Federal and State to share more resources such as inspection facilities and training through a cooperative agreement. Currently, the State is allowing the Federal dog program to utilize the States detector dog training facility. Earlier, the Legislature provided \$5 million for a joint-use inspection facility at Honolulu International Airport. Although USDA agreed, the Federal agency did not provide funds to the project.

6. Preventing invasive species from entering Hawai'i is a critically important and urgent mission. However, there is less awareness of the benefits to the mainland that will result from successfully safeguarding Hawai'i's agriculture. How would enhancing Hawai'i's inspection and quarantine capacities benefit the Nation as a whole?

The current Federal inspection and quarantine system is archaic. Currently, Hawaii is quarantined from the continental United States primarily due to a fruit fly infestation that was introduced to the islands long ago. Because of this federal quarantine, there are over 450 (>200 FTE) federal positions here to protect the mainland from Hawaii, with very little of this huge manpower resource protecting Hawaii from foreign countries and the mainland. Because of this attention towards protection of the mainland, there has been little improvement in prevention systems to mitigate the increasing threat from the Asia-Pacific pathway. Taking manpower away from the x-ray machines at the airports and incorporating them into systems approach pest management systems in Hawaii's production areas may lessen pest incursions into the mainland and reduce impacts of invasive species to both this state and the Nation.

As an example, the State currently certifies plants to the mainland under a certified nursery program while the Federal government regulates plant products to mainland. Statistically, the State does a better job than the Federal government in preventing invasive species from getting to the mainland because the certification program starts in the production area.

I testified during the hearing that I thought this is an appropriate time to review and modernize federal and state policies and systems. Doing the same thing because that is how it has always been done is not acceptable. It has never been more important for federal and state to move together in strong cohesive manner.

**Post-Hearing Questions for the Record
Submitted to Dr. Lyle Wong
From Senator Daniel K. Akaka**

***Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species*
October 27, 2011**

1. At the hearing, Area Port Director Murley of U.S. Customs and Border Protection (CBP) agreed that both State and Federal agricultural inspections must be considered to be core airport functions. Mr. Murley noted the complimentary missions of State and Federal agriculture inspectors, with CBP responsible for inspecting international arrivals and departures, while the Hawai'i Department of Agriculture (HDOA) inspects domestic shipments and passengers.

Does the HDOA share CBP's view that both State and Federal agricultural inspections are complimentary, core airport inspection functions and responsibilities, and that HDOA agricultural inspection activities are not duplicative of Federal agricultural inspection activities?

HDOA strongly agrees with CBP's view that both State and Federal agricultural inspections are complimentary, core airport inspection functions and responsibilities, and that HDOA agricultural inspection activities are not duplicative of Federal agricultural inspection activities.

2. Representative Tsuji noted in his testimony that "initial estimates indicate that over 3,000 pests (insects and diseases) which are allowed into the United States by the Federal border agencies, do not occur in Hawai'i." This discrepancy must be estimated since the U.S. Department of Agriculture (USDA) does not share the Federal actionable pest list with HDOA, potentially inhibiting effective Federal and State coordination to prevent the entry of invasive species. Please describe whether HDOA supports the following, and if so, why:

- a. The development of a Hawai'i-specific Federal actionable pest list to meet the exceptional challenges posed by invasive species to Hawai'i;

HDOA supports. Prevention actions by Federal inspectors are taken based primarily on a short list of pests for which specific legal authority is deemed to exist, primarily for protection of U.S. mainland agriculture. In practice, this actionable list has little to do with organisms that would affect Hawaii's agriculture, native biota, or public health. By developing a Hawaii-specific Federal actionable pest list, Federal and State inspectors would be able to prevent invasive species that impact Federal and State listed endangered species, lessen the amount of Federal quarantine restrictions on Hawaii's agricultural products being exported to the mainland, and lessen the amount of invasive species spreading across the Nation by maintaining two lines of

defenses: the border between Hawaii and the world, and the border between Hawaii and the continental United States.

- b. Having access to the Federal actionable pest list to enhance Federal and State coordination in regard to pest-exclusion activities; and

HDOA supports. Knowing the pest status will allow the State and Federal to understand the gaps in the system and how to resolve them.

- c. In the absence of a Hawai'i-specific actionable pest list, USDA revising its policy to expand the scope of authority for its inspectors to inspect Hawai'i-bound cargo and creating a formal system for CBP and USDA to either reject or notify HDOA when any invasive species that are not known to occur in the State are intercepted.

HDOA supports. Currently, Federal inspectors lack the authority to notify the State, and/or hold, reject, or treat commodities infested with Federal non-actionable pests. Federal preemption language adopted in 2000 and transfer of inspection from USDA to DHS in 2003 have exacerbated the invasive species problem in Hawaii by allowing more invasive species to move beyond the ports-of-entry. Creating a formal system to allow Federal inspectors to take the necessary action would reduce invasive species introductions into the State.

3. At the hearing, Senator Nishihara noted the benefits of moving towards a systems approach to pest management in Hawai'i, to better protect the State and the continental United States from invasive species. Please explain whether HDOA supports adopting this type of a systems approach.

HDOA strongly supports adopting a systems approach. As Senator Nishihara stated in his testimony, Hawaii is quarantined from the continental United States primarily due to a fruit fly infestation that was introduced to the islands long ago. Because of this federal quarantine, there are over 450 (>200 FTE) federal positions here to protect the mainland from Hawaii, with very little of this huge manpower resource protecting Hawaii from foreign countries and the mainland. Because of this attention towards protection of the mainland, there has been little improvement in prevention systems to mitigate the increasing threat from the Asia-Pacific pathway. Taking manpower away from the x-ray machines at the airports and incorporating them into systems approach pest management systems in Hawaii's production areas may lessen pest incursions into the mainland and reduce impacts of invasive species to both this state and the Nation.

Federal and State agencies have the ability to adopt a systems approach in Hawaii. The State has started to adopt the systems approach by implementing HDOA's Biosecurity program. Federal government can also adopt a systems approach by fully utilizing the U.S. Pacific Basin Agricultural Research Center (PBARC). PBARC's research can be incorporated into integrated Federal-State invasive species prevention systems that address constraints to US and Pacific Basin agriculture and threats to the environment through crop protection and pest

prevention. PBARC is currently working on quarantine actions for fruit flies and other invasive insects. By increasing their capacity and funding Phase III of the Center, USDA-ARS could be tapped to research on the regulatory needs designed to prevent the geographic expansion of damaging invasive species, including diagnostics, quarantine treatments, joint-inspection facilities; pest management; and Asia-Pacific safeguarding systems.

4. The Hawai'i State Legislature passed House Bill 1568 to establish a foundation to foster effective coordination among all parties who must work together achieve the shared goal of safeguarding Hawai'i. This is critical, because preventing invasive species from entering Hawai'i requires resources, authorities, and actions that exceed the capabilities of any single program, or organization. How is your Office working with other key stakeholders to make sure Hawai'i's biosecurity program is effectively implemented?

HDOA works with the Legislature to obtain authority and funding to implement Hawaii's Biosecurity Program. HDOA also works with other Federal, State, County, and private stakeholders to improve prevention systems by coordinating efforts. HDOA has matched State funding with Federal funding to work on pest management, diagnostics, and risk assessments. HDOA and USDA are also working together on non-reportable pest species. However, a critical point is that Federal and State have yet to have coordinated inspections or establish joint-use inspection facilities.

5. Organizations ranging from the National Association of State Departments of Agriculture to the iconic baseball bat manufacturer, Louisville Slugger, have endorsed S. 1673, the Safeguarding American Agriculture Act. Do you believe there is a need for this legislation, and would there be economic benefits to enhancing Federal agricultural inspections across the Nation?

HDOA strongly supports S. 1673, the Safeguarding American Agricultural Act. HDOA participates in National Plant Board and National Association of State Departments of Agriculture. All states have felt the impacts caused by increased amounts of invasive species entering their state. Hawaii concurs with the rest of the Nation, in that improvements need to be made to the Federal agricultural inspection system. The economic burden caused by invasive species needs to be addressed by enacting this legislation.

6. Hawai'i is a leader in combating the threat of invasive species. Many initiatives, such as the Coordinating Group on Alien Pest Species (CGAPS), have served as models for the rest of the Nation. CGAPS provides a unique perspective, with its diverse membership of Federal, State, and stakeholder organizations. It strongly support allowing Federal agencies and the HDOA to cross-train inspectors for their respective pests of concern. Please describe how this training would benefit Hawai'i's biosecurity system.

CGAPS promotes dialogue and coordinated efforts between Federal, State, and stakeholder organizations. Because Hawaii is unique and geographically separated from the rest of the

Nation, National policies do not help to safeguard Hawaii. Cross-training of inspectors for their respective pests of concern would increase interagency coordination and collaboration. Coordinated prevention efforts would strongly benefit Hawaii's Biosecurity system by integrating available resources into a synergistic approach.

7. HDOA has found that 76 percent of invasive species in Hawai'i originate from foreign areas, and the rest come from other parts of the United States. Preventing the entry of foreign pests is the responsibility of the Federal Government. What are your top three recommendations for how the Federal Government can improve its agriculture quarantine and inspection operations to meet the unique needs of Hawai'i?

HDOA's first recommendation is to finalize, implement, and fund the "Pathway Analysis of Invasive Species Introduction into the State of Hawaii," drafted by the USDA Center of Plant Health Science and Technology in 2007. In earlier drafts, there were proposed recommendations which were left out in subsequent drafts. Historically, USDA has ignored Hawaii's precarious position in regards to invasive species. Finalizing and formally recognizing this document would be instrumental in addressing the invasive species problems in Hawaii.

HDOA's second recommendation is to address the "actionable" issue as addressed in Question #2. All methods are supported, but to allow non-actionable pests to be not federally preempted is preferred. This would allow Hawaii the ability to inspect and take action on any non-actionable pests of significance to Hawaii, such as snakes, spiders, mosquitoes, and other non-plant pests.

HDOA's third recommendation is to have the Federal government adopt the systems approach as stated in our answer to Question #3 that would fully fund the U.S. Pacific Basin Agricultural Research Center (PBARC). Hawaii would serve as a global model that incorporates research and technology into integrated Federal-State invasive species prevention systems that address constraints to US and Pacific Basin agriculture and threats to the environment through crop protection and pest prevention.

8. Preventing invasive species from entering Hawai'i is a critically important and urgent mission. However, there is less awareness of the benefits to the mainland that will result from successfully safeguarding Hawai'i's agriculture. How would enhancing Hawai'i's inspection and quarantine capacities benefit the Nation as a whole?

HDOA is increasingly asked to participate in discussions or to jointly work on quarantine activities in the Asia-Pacific pathway. These efforts have been deemed critical as global trade and military build-up are now focused in this part of the world. Increasing inspection and quarantine capacity in Hawaii assures that less invasive species that move as a result of global trade and/or military movements will result in less invasive species introductions reaching the continental United States. Implementing strategic prevention systems will benefit Hawaii and the Nation as a whole.

**Post-Hearing Questions for the Record
Submitted to Mr. Vernon Harrington
From Senator Daniel K. Akaka**

***Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species*
October 27, 2011**

1. In 1999, the U.S. Department of Agriculture (USDA), Agricultural Research Service (ARS) initiated the Hawai'i Fruit Fly Area Wide Pest Management program to suppress fruit flies below economic thresholds while reducing the use of organophosphate insecticides. This innovative fruit fly suppression pilot program received national and international praise. Scientists found the program to be more effective than the current approach that mainly relies on visual inspection at ports of entry. This suppression program only costs about \$2 million dollars yearly, much less than the cost of pre-clearance activities at the ports. As the U.S. works to protect American agriculture, while addressing our deficit and debt, does USDA have plans to expand these types of suppression programs in Hawai'i and across the Nation?

The Area-Wide Pest Management Project on Fruit Flies in Hawai'i was one of the most important and successful Area-Wide Pest Management Programs conducted by ARS. The project promoted inter-institutional cooperation (ARS, University of Hawai'i, and Hawai'i Department of Agriculture) to help solve one of the most important agricultural problems in Hawai'i for local farmers with a combination of sanitation, reduced risk insecticides, and biological control. Over a period of nine years (2000-2008), the project received approximately \$15 million and employed 30 scientists and technicians, and has been the recipient of seven major integrated pest management awards for excellence. While no longer funded, many of the strategies developed under the Area-Wide Pest Management Project on Fruit Flies in Hawai'i continue to be advanced and carried on to protect the Hawaiian Islands from invasions by agricultural pests under a new research project initiated in FY 2011 on the Biology, Control, and Area-Wide Management of Fruit Flies and Other Quarantine Pests. Funding for this project was \$3.3 million and \$4.3 million in FY 2011 and FY 2012, respectively.

2. Hawai'i imports a significant amount of foreign agricultural commodities, which are often cleared at ports of entry located in the mainland, prior to proceeding to Hawai'i. These commodities often are repackaged and combined with domestic cargo, making it difficult to determine their true origin. According to USDA, such practices allow trade to bypass the risk assessment process, which is intended to identify and mitigate pest risk associated with foreign imports. What steps is USDA taking to close this loophole that could endanger Hawai'i's agricultural security?

USDA does not believe there is a significant agricultural security loophole concerning goods to Hawai'i, due to the multiple layers of safeguarding provided by APHIS' Agricultural Quarantine Inspection (AQI) system. APHIS' import regulations for foreign commodities are enforced at all ports of entry in the United States. In some cases, foreign countries only request permission to export a commodity to the continental United States. In those cases, the approval and resulting final rule allowing the commodity to be imported would exclude the product from entering

Hawai'i. Shipments of such product arriving at a U.S. port of entry that indicate a Hawai'i destination but which are eligible only for entry into the continental United States are not permitted to proceed to Hawai'i.

APHIS' Smuggling Interdiction and Trade Compliance (SITC) program works to detect and prevent the introduction of prohibited and non-compliant products, including prohibited products that may be intermixed with domestic cargo bound for Hawai'i. SITC plays a major role in interdicting smuggled or unintentionally misdirected prohibited agricultural products before and after they reach U.S. markets on the mainland as well as in Hawai'i. SITC's work is accomplished through market surveys, analysis of trends, and the use of intelligence tools and data systems. SITC officers and analysts are experts in developing commercial targeting information, examining trends in international trade, and identifying contraband in commerce and at the consumer level.

In the marketplace, SITC Officers conduct inspection surveys and trade compliance activities; looking to uncover prohibited or restricted agricultural items. This work may lead to trace backs to the port of entry in order to identify the distributor or importer. Once a smuggling pathway is identified, it is shut down. This may also result in civil or criminal prosecution or product recalls.

Beyond those efforts, APHIS remains committed to providing strong support to our State cooperators should they find domestic shipments suspected to contain foreign commodities which are not approved for distribution in Hawai'i.

3. Area Port Director Murley of U.S. Customs and Border Protection (CBP) agreed at the hearing that both State and Federal agricultural inspections must be considered to be core airport functions. Mr. Murley noted the complementary missions of State and Federal agriculture inspectors, with CBP responsible for inspecting international arrivals and departures, while the Hawai'i Department of Agriculture (HDOA) inspects domestic shipments and passengers.

Does USDA share CBP's view that both State and Federal agricultural inspections are complimentary, core airport inspection functions and responsibilities, and that HDOA agricultural inspection activities are not duplicative of Federal agricultural inspection activities?

USDA does believe that State and Federal agricultural inspections are complimentary, not duplicative, activities. As you know, CBP inspects international arrivals and departures, and USDA inspects passengers, mail, and cargo leaving Hawai'i that are destined for the continental United States. USDA's Plant Inspection Stations provide inspection of foreign plants for planting to protect the United States from quarantine pests. Hawai'i officials inspect incoming domestic passengers and cargo, enforcing State regulations that pertain to the interstate movement of products. Together, they provide broad protections consistent with the framework of the AQI program.

4. At the hearing, you pledged to determine when, or if, the Department will release a final draft of the July 2007, "Pathway Analysis of Invasive Species Introduction into the State

of Hawai'i," produced by the USDA Center for Plant Health Science and Technology (CPHST). As you know, HDOA has reviewed this draft analysis and believes that it would dramatically enhance Hawai'i's level of protection against invasive species if finalized and implemented.

Please describe USDA's plans, including specific dates, for finalizing, implementing, and funding this 2007 CPHST comprehensive pathway analysis for Hawai'i. If USDA has decided not to finalize the 2007 working document, please include a detailed justification explaining the Department's decision.

In addition, if the Department has decided to use an alternative pathway risk analysis, please provide an in-depth explanation why the alternative analysis is superior to the July 2007 draft with regard to safeguarding Hawai'i against invasive species.

The referenced document simply provides an overview of major pathways, potential threats, and what current sanitary and phytosanitary procedures are currently enforced in Hawai'i. As the document did not contain proposals, there is nothing in it to implement. However, USDA and its Federal and State partners use information from the document, along with new data, to inform agricultural safeguarding decisions and policies to protect Hawai'i's agriculture and natural resources.

5. As you noted during the hearing, a protocol now exists where USDA works alongside HDOA to address a significant concern for Hawai'i, the presence of suspect foreign pests in domestic cargo entering the State. Please elaborate on this initiative, providing greater detail on:

- a. How this protocol works in practice, including whether HDOA can initiate the collaborative pest tracking activities;

HDOA has the option of initiating the protocol if they choose. To date, they have not. Under the protocol, which was developed in conjunction with HDOA and the APHIS State Plant Health Director's office, HDOA can initiate the protocol by asking for confirmation of pests that are suspected to be of foreign origin. At that point, APHIS determines whether or not the pest is Federally actionable, performs a pest identification, and verifies the origin of the pest. If it is a Federally actionable pest, the Agency takes appropriate mitigating actions, which include sending information and data to CBP and APHIS' SITC program for targeted enforcement and investigation to prevent further introductions or importations of the pest.

- b. Specific actions USDA has taken in conjunction with CBP to address issues that have arisen from the pest tracking required by the protocol; and

As HDOA has not yet initiated the protocol, no issues have arisen.

- c. How USDA measures the effectiveness of this protocol through performance management tools such as strategic plans, goals, measures, and outcomes.

As HDOA has not yet initiated the protocol, we have not had the opportunity to measure performance.

6. Representative Tsuji noted in his written testimony that "...initial estimates indicate that over 3,000 pests (insects and diseases) which are allowed into the United States by the Federal border agencies, do not occur in Hawai'i." As you know, the discrepancy must be estimated since USDA does not share the contents of the Federal actionable pest list with HDOA. Please describe the steps USDA is taking to address this significant inspection gap, including any efforts the Department has initiated to:
 - a. Develop a Hawai'i-specific Federal actionable pest list to meet the exceptional challenges posed by invasive species to Hawai'i;

USDA has taken several steps toward meeting these challenges. USDA's National Identification Services already recognizes plant pests that are not known to occur or that are of limited distribution to Hawai'i. Those pests are actionable at ports of entry for shipments destined to Hawai'i even though those same pests are not actionable when destined to the continental United States. Additionally, USDA recently initiated the Federally Recognized State Managed Phytosanitary (FRSMP) Program. Under the FRSMP program, States can apply for Federal recognition of their State-level import requirements, which would give USDA and CBP the authority to apply those at U.S. ports of entry. USDA has also worked closely with HDOA to begin pest harmonization, particularly with ants. Under the ant policy developed through our partnership, APHIS recognizes ants that are not known to occur in Hawai'i as a Federal quarantine pest.

- b. Provide access to the Federal actionable pest list to enhance Federal and State coordination in regard to pest-exclusion activities; and

As mentioned above, APHIS has worked to develop the FRSMP program, which the Agency believes will greatly enhance coordination on pest-exclusion activities. As part of that effort, APHIS provided HDOA with a list of organisms that it would not find to be actionable. HDOA may in turn petition a change for organisms to be actionable under the FRSMP program. USDA has agreed to further evaluate the FRSMP list and provide additional information to HDOA that will better allow them to target potential pests.

As we continue to work with our partners in Hawai'i on the FRSMP program, we also note that we cannot change our inspection procedures. The authority granted to the Secretary of Agriculture under the Plant Protection Act allows USDA to restrict or prohibit the movement in interstate commerce of a plant, plant product, or organism that we consider to be a plant pest or noxious weed. However, outside the FSRMP program, that authority does not extend to excluding plants or organisms that are not considered to be Federal plant pests or noxious weeds but which may be nonnative to a particular State. HDOA acts within its authority to perform inspections of domestic inbound cargo, just as other States perform agricultural inspections for products entering their States from other States.

7. I was pleased that USDA and the Department of Defense were able to identify funding for the brown tree snake (BTS) control program on Guam for fiscal year 2012. However,

I am concerned that a permanent solution has not been reached to make sure that the BTS interdiction and management activities on Guam continue beyond fiscal year 2012. Working with the Departments of Defense and Interior, how will USDA make sure this vital program remains in place, and receives adequate funding, until the BTS threat is eliminated?

The FY 2011 Full-Year Continuing Appropriations Act eliminated all APHIS earmarks, including \$940,000 in funding for the BTS program. We understand and share your concern about the devastating impact this invasive species could have on Hawai'i's environment, which is why we worked closely with our Federal and State partners to find ways to continue to fund the program. The Department of Defense and the Department of the Interior agreed to provide funding to replace a portion of that lost earmark. In addition, the FY 2013 Budget for APHIS includes \$750,000 for this program.

8. With respect to USDA's decision to allow diseased honeybees to travel from New Zealand through Hawai'i on their way to the mainland, over the strong objections of State officials, you noted during the hearing that USDA "felt that doing the risk analysis and the methods of handling it and safeguarding it transiting through Hawai'i, that it would not pose a risk, and that is why they allowed the movement of the bees through Hawai'i."

However, despite USDA assurances, Hawai'i's bee colonies, the last remaining colonies on earth that housed disease-free honey queen bees, are now infested with varroa mite. Given the grave consequences that resulted from USDA's decision, has USDA conducted an after-action analysis to determine why the Department's risk analysis failed in this case and why the State's concerns were not heeded. Additionally, what steps will the Department take to mitigate the harm caused, for example quarantining and eradicating the varroa mite?

USDA does not believe that these shipments of honeybees were responsible for the introduction of varroa mite into Hawai'i. While USDA did allow shipments of honeybee packages and queens to transit Hawai'i on their way to Canada, the pallets were wrapped in mesh that did not allow for the escape of honeybees from their packages. Additionally, the pallets of bees were not allowed to change planes, and these planes could only transit Honolulu. Due to the strong safeguarding protocols in place, USDA believes that the introduction of the varroa mite is the result of smuggling, either from the U.S. mainland or abroad. With respect to efforts toward mitigation, HDOA came to the conclusion that the infestation is too widespread to mitigate, owing to the biology of the mite, the lack of a cold period in Hawai'i when bees are inactive, and the intra-island movement of the bees. USDA agrees with HDOA's assessment.

9. USDA invests significant resources in employing hundreds of personnel to conduct outbound, pre-clearance inspections in Hawai'i to protect the mainland, while devoting substantially less resources to staffing the Honolulu Plant Inspection Station and safeguarding Hawai'i. When asked about this allocation of resources at the hearing, you noted that USDA could benefit from additional inspectors focused on safeguarding Hawai'i and assisting HDOA with inbound inspections. Please describe what steps

USDA is taking, or planning on taking, to bring more balance to its investments in invasive species initiatives.

Due to competing budgetary priorities, and declining resources for APHIS, we are unable to augment APHIS staffing levels in Hawai'i. We are committed, however, to continuing to enhance our collaborative efforts with both CBP and HDOA to ensure that Hawai'i and the continental United States are properly safeguarded. At the time of this writing, in support of this goal, the USDA Honolulu Plant Inspection Station is fully staffed and capable of meeting its safeguarding mission at current levels of commerce. In addition, CBP personnel maintain a significant inspection presence in Hawai'i.

10. At the hearing, there was a discussion of the use of a comprehensive systems approach to better protect Hawai'i and our Nation against invasive species, in contrast to the current method that is primarily focused on frontline, outbound inspections. Has USDA considered adopting a systems approach to Federal agricultural quarantine and inspection activities? If yes, please provide the research and analysis that was conducted.

USDA has a long-standing, successful AQI program, built upon a systems approach that is continually refined by experience and by research conducted by our Center for Plant Health, Science and Technology. The AQI program is the backbone of our effort to protect agriculture and natural resources against invasive pests and diseases. It is composed of a comprehensive set of interlocking programs that work together to protect agriculture. Most people only encounter the inspection processes performed by CBP employees, but USDA performs a whole range of activities, from the risk assessment and regulatory process to the fumigation of goods, as well as the investigation and enforcement actions we take against those who willfully violate the regulations. The components of the AQI system work well together, protecting American agriculture and natural resources.

11. At the hearing, Members of the Hawai'i State Legislature described the current quarantine of Hawai'i from the mainland as antiquated. In your view, how should USDA efforts to protect the mainland from fruit flies and to meet Hawai'i's agricultural needs be modernized or improved? Please describe steps USDA is taking, or plans to take, to improve the quarantine and to address the issues raised by the State.

While we are always looking at ways to improve the system, USDA believes that the current agricultural quarantine system has proven to be very beneficial in preventing the spread of pests and disease, as well as ensuring that markets for Hawaiian commodities remain open. USDA remains committed to working with its Federal and State partners to adapt its policies and procedures to the best available data and information. As one example, the Department has worked closely with CBP, the Transportation Security Administration, the Department of Transportation, and private airlines on efforts to modernize and improve the inspection process to better expedite passengers, prevent delays, and maintain flight schedules. USDA also has worked with its partners to improve the layout of the inspection areas to be more useful and passenger friendly, and we are currently engaged in a 3-year process to replace x-ray machines to further improve the efficiency of the inspection process.

**Post-Hearing Questions for the Record
Submitted to Mr. George Phocas
From Senator Daniel K. Akaka**

***Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species*
October 27, 2011**

1. In your testimony, you noted that the current process the U.S. Fish and Wildlife Service uses to ban the import of species under the Lacey Act is not nearly efficient enough to meet the daunting challenge posed by harmful invasive species. What specific reforms would you recommend to enable the Service to be more proactive?

A. The U.S. Fish and Wildlife Service (Service) is currently developing recommendations to improve the effectiveness of provisions in Title 18 (injurious wildlife provisions) of the Lacey Act to prevent the introduction and establishment of invasive species in the U.S. These recommendations are being developed by experts from the Department of the Interior and the Service. The recommendations include ways to improve public outreach, voluntary efforts, State enforcement, and ways to ensure that the latest scientific methods are transparently incorporated into evaluation and screening processes used to determine which species are allowed into the U.S. We look forward to working with Congress and interested stakeholders, constituents, and partners as this effort moves forward.

2. At the hearing, Area Port Director Murley of U.S. Customs and Border Protection (CBP) agreed that both State and Federal agricultural inspections must be considered to be core airport functions. Mr. Murley noted the complimentary missions of State and Federal agriculture inspectors, with CBP responsible for inspecting international arrivals and departures, while the Hawai'i Department of Agriculture (HDOA) inspects domestic shipments and passengers.

Does U.S. Fish and Wildlife Service share CBP's view that both State and Federal agricultural inspections are complimentary, core airport inspection functions and responsibilities, and that HDOA agricultural inspection activities are not duplicative of Federal agricultural inspection activities?

A. Yes, the Service agrees that both State and Federal agricultural inspections are core airport inspection functions and responsibilities. They are based on different authorities, jurisdictions, and priorities (Federal and State), they have different resources and capacities, and they can be complementary. Having both kinds of agricultural inspections helps to achieve the interdiction of shipments that violate Federal and State law, and while they may cover similar issues, they are not duplicative.

Hawai'i is a Pacific hub of commerce between Asia and the continental United States, and it experiences a large volume of imports and exports, many of which are accompanied by complex paperwork and histories. The Service has frequently

conducted interceptions and investigations which were aided by either or both agencies. The USDA has assisted most often in the interception phases, in the protection of Hawai'i from: 1) imported pests associated with international plant shipments; 2) the administration of CITES regulations with respect to plants, both import and export; and 3) outbound threats from the transport or export of protected and regulated native species. The HDOA makes interceptions of State-identified invasive species in interstate commerce and aids in subsequent investigations. HDOA also assists the Service in both the interceptions and investigations of in-bound protected wildlife and plants that were illegally acquired and trafficked from the U.S. or overseas.

In all cases, the illegal shipments intercepted often arrive with questionable or fraudulent documentation. Illegal shipments require time and resources to research the species, risks, sources, and other related information. HDOA's inspection facilities, as well as their off-site quarantine station and underlying authorities, are important aids in securing the space, expertise, and time to make the proper inquiries to conduct our mission effectively.

**TESTIMONY OF THE HONORABLE MADELEINE Z. BORDALLO,
U.S. HOUSE OF REPRESENTATIVES, GUAM**

**Before the
Subcommittee on Oversight of Government Management,
the Federal Workforce, and the District of Columbia
The U.S. Senate on
*"Safeguarding Hawai'i's Ecosystem and Agriculture Against Invasive Species"***

October 27, 2011

Thank you for the opportunity to provide testimony on the significant threat posed by invasive species on Guam's ecosystems, particularly regarding the damage caused by the Brown Tree Snake (BTS). Following its accidental introduction to Guam following World War II, the BTS has caused irreparable damage to Guam's environment, and wildlife. It has threatened public safety, and proved to be a detriment to our island's economy. Further, the BTS has posed a continuous and significant threat to Hawaii, the Northern Marianas Islands, and our other neighboring islands in the Pacific region that do not have this invasive species. It is critical that Federal, State, and local governments continue to work together on initiatives to mitigate the BTS problem on Guam by rejuvenating endangered species, and to prevent its spread to other jurisdictions.

Roughly 50 years ago, an aggressive invasive species was introduced to Guam and created significant and long-lasting damage to the island's ecosystem. BTS was believed to have arrived on Guam as a passive stowaway in a military cargo ship. As such, the BTS became the single greatest threat to our island's native wildlife and natural environment. When I first came to the island, our native birds were plentiful and children would play in their yards, chasing after the Ko'kos, Guam's Territorial Bird. Today, the Ko'ko and most of our native birds are extinct in the wild and now only a limited number survive in captivity. You can no longer hear bird calls from the jungle canopy. On Guam alone, the BTS is responsible for the extirpation of 10 of 13 native birds, and continues to have an adverse impact on agriculture and tourism. Further, the snakes have caused more than 1600 power outages on Guam. Each outage results in lost productivity on island and poses a threat to public safety.

As the effects of the BTS have become more apparent and significant, the Federal Government, with significant engagement from Capitol Hill including the Chairman, has gradually increased efforts to reduce the population of the BTS in targeted areas on island and to prevent the brown tree snake from departing Guam, the impacts of which would be significant to Hawaii and other neighboring communities. According to the Animal and Plant Health Inspection Service (APHIS), if the BTS were to spread and establish a "home" on Hawaii, it would cost the state an estimated \$593 million to \$2.14 billion annually in medical incidents, power outages, and lost tourism. The snake would also pose a significant threat to endangered bird species found only in Hawaii, as it has on Guam. Despite these potentially disastrous impacts, I would contend that government assistance in this area has been administered through indirect and inconsistent means.

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Indeed, through various Congressional actions, the BTS control program has become an authorized program under several federal departments. For example, the U.S. Department of Defense, under Sikes Act authorization, has a program for BTS control and eradication at military installations on Guam and Hawaii. This program is a part of each base's Integrated Natural Resource Management Plan (INRMP). APHIS Wildlife Services provides supporting personnel and has led the effort to coordinate these operations between the agencies. Yet, despite the authorization for these programmatic efforts, agencies have resisted budgeting for these programs in their annual submissions to Congress. Funds have been provided, to varying extents, through the Department of Defense (DoD), the Department of Interior's Office of Insular Affairs (DOI), and through APHIS within the Department of Agriculture (USDA); these funds often require Congressional directed spending. These efforts by Congress have been misinterpreted by interest groups opposed to such appropriations and have at times been incorrectly characterized as "pork" spending, or a misuse of federal funds.

To make matters worse, the moratorium on earmarks in the 112th Congress has restricted Congress's ability to direct funding for the APHIS BTS program. This led to time-consuming interagency negotiations and significant doubt over the program's future. If the federal government does not find a long term solution, and adequately address these funding shortfalls, BTS containment efforts may fail, resulting in the spread of a very aggressive invasive species to other areas of the Pacific region and the United States. The BTS has caused severe environmental and economic damage on Guam, and our experience has been that, once introduced elsewhere, this species would be extremely difficult to eradicate. The cost to protecting other species in other areas that may become endangered by this alien predator is enormous—making the prevention of the spread of the brown tree snake not only the best available solution but an economic and fiscal responsibility issue as well.

Since taking office in 2003, I have worked with my colleagues in Congress, and both the Bush and Obama Administrations, to combat the BTS. Together we have worked to increase authorized funding levels for research, control, and containment of this species, with the ultimate goal of eradication on Guam. I have worked to improve the coordination among Federal agencies and other institutions in dealing with the problems brought about by the brown tree snake. I have also worked to secure funding for an invasive species control fence so that some of Guam's native species can begin to be reintroduced to the island and establish breeding populations.

Given the damage the BTS had done on Guam, I will continue to fully support Federal, State, and local initiatives to mitigate the problem on Guam, and to prevent the BTS from spreading to other islands in the Pacific region. It is important to note, however, that while state and local entities can be valuable partners in BTS control, particularly with education and public outreach, this problem is best addressed by the federal government who has the resources and coordination capability to make this program successful.

Specifically, it is critically important that Congress and the Administration maintain funding for the interagency BTS Control Program. Comprehensive pre-departure inspection services, which includes passengers, baggage, cargo, and other articles shipped from Guam, is vital. Further, rapid response teams with the adequate training and resources to search, detect,

and handle snake sightings on unaffected jurisdictions are essential to preventing the snake's establishment on other islands.

While the DoD and DOI have maintained funding for BTS control activities in recent years, the USDA cut all funding for the program for Fiscal Year 2012. I find this decision extremely troubling and ill-advised. The APHIS BTS inspection and control personnel are essential to the entire interagency program. They serve as the first and primary line of defense in preventing the spread of this invasive species to other areas, and without their "boots on the ground," control activities could not be carried out. Although, ultimately, an interagency agreement was reached to provide APHIS with DoD and DOI funds and continue the program into FY12, a long-term solution is needed. Without continuous and adequate funding, the program cannot effectively control the spread of BTS and the impacts associated with the snakes would increase dramatically into new jurisdictions.

Once again, thank you for the opportunity to provide testimony on this issue.



COORDINATING GROUP ON
ALIEN PEST SPECIES

STATEMENT BY

**CHRISTY MARTIN, MPA
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HAWAI'I COORDINATING GROUP ON ALIEN PEST SPECIES**

**BEFORE THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE
FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA**

UNITED STATES SENATE

OCTOBER 27, 2011

Aloha Chairman Akaka and Members of the Committee,

My name is Christy Martin and I am the spokesperson for the Coordinating Group on Alien Pest Species (CGAPS), a voluntary public-private partnership formed in 1995 to protect Hawai'i from invasive species. On behalf of CGAPS, thank you for your support and recognition of the importance of protecting Hawai'i and the continental United States from the onslaught of invasive species.

As both a state comprised of isolated islands and a major gateway between Asia and the continental US, Hawai'i has some unique challenges and valuable opportunities in preventing the movement of invasive species. Many of these challenges and opportunities are summarized in the collaboratively-produced 2009 CGAPS 10-Point Vision and Action Plan (www.cgaps.org). Although CGAPS has accomplished a number of tasks set forth in the original Action Plan, there is still a lot of work to do, some of which will require sustained political support. The CGAPS Steering Committee offers the following points for consideration by the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia:

1. Provide clear direction to the US Department of Transportation and the Federal Aviation Administration by making statutory changes clarifying that state and federal biosecurity and quarantine programs at US airports are core airport functions.
 - Specifically, clarify or establish policy that provides provisions for airports to use revenue to support such functions to ensure the safe and effective movement of passengers and cargo throughout this country.
 - To further facilitate cooperation, communication, and the effective inspection and movement of cargo at US air and sea ports. CGAPS recommends the Subcommittee issue a directive establishing a preference for joint federal-state inspection facilities at ports of entry.

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2. Authorize and provide an avenue for information sharing among agencies to facilitate and streamline DHS-CBP and USDA-APHIS notification of state inspection agencies when pests of state concern are intercepted or suspected.
3. CGAPS is supportive of Senator Akaka's proposed amendment to S. 1546, the Homeland Security Act of 2002, and two additional supplements are recommended:
 - Restore Sect. 421a. Office of Agriculture Inspection, which establishes an Assistant Commissioner for Agriculture position within DHS-CBP.
 - Allow federal and state inspection agencies to enter into memoranda of agreement to facilitate cross training of inspectors on their respective pests of concern, allow for collaboration at the highest staff levels, and, identify through task orders, specific agreements to protect the State of Hawai'i and the United States from invasive species.
4. Provide assistance and support for the reauthorization of the Brown Treesnake Control and Eradication Act of 2004 (P.L. 108-384, 7 USC §§8501-8507) to require dedicated appropriations and inspection and quarantine capabilities, as necessary, for all cargo and conveyances leaving Guam to prevent the further spread of the brown treesnake in the Pacific eco-region.
5. Support the timely revision of the Lacey Act, Injurious Wildlife section (Code of Federal Regulations, title 50, part 16), to effectively prevent invasive vertebrate introductions into the United States.
6. Review and support regional multi-agency biosecurity planning efforts for Pacific islands, including Hawai'i. As the gateway between Asia and the continental US, Hawai'i must be provided special consideration.
 - The Micronesian Biosecurity Plan and the Pacific Safeguarding Initiative are two of the efforts that have the potential to have a positive impact. Recognize and encourage the development of regional biosecurity efforts and support integrated planning and implementation that incorporate the social, economic, environmental, and human health concerns for the entire Pacific region, not exclusive of Hawai'i.
7. Elevate as a priority the inspection and quarantine actions on animals and commodities that are vectors of non-domestic animal diseases and human health pests. Evaluate the various authorities and abilities to inspect and take quarantine action on vectors of human diseases and non-domestic animal diseases.
8. As the Subcommittee moves forward in the discussions of agency coordination on invasive species, CGAPS requests that consideration also be given to aquatic invasive species prevention issues, marine and freshwater.

Finally, I would like to provide two illustrations of successful models that could be expanded. First, in December of 2009, furloughs and Reduction-In-Force layoffs resulted in the loss of state agriculture inspectors. O'ahu went from 58 inspectors to 35, and staffing focused

around Honolulu International Airport, which receives more than 90% of air cargo, the primary source of new invasive pests. Kahului Airport on Maui has federally-funded inspectors as a result of the settlement of the Kahului runway expansion lawsuit. Therefore, Maui went from 17 inspectors to 14, all stationed at the new ASAP federal-state inspection facility at Kahului Airport. Between July 1 and December 31, 2010, **Kahului inspectors made 639 pest interceptions in air cargo**, while there were **87 pest interceptions at Honolulu International Airport**. Clearly, adequate staffing and inspection facilities are necessary.

Second, USDA APHIS Wildlife Services uses traps, night fenceline searches, and detector dogs to keep brown treesnakes (BTS) out of cargo and conveyances leaving Guam, and to exclude them from the island's electrical power stations. It is not mandatory for cargo and conveyances to be inspected for BTS prior to leaving Guam. Therefore, this program has largely relied on Wildlife Services staff to reach out to the many freight consolidators, shippers, and the military to form cooperative relationships and work with them to conduct inspections in a timely and manner. Through these efforts, **an average of 10,000 brown treesnakes are removed each year**, thereby protecting the economy and environment of receiving islands, states, and nations. The cost to Hawai'i's economy if BTS were to become established is estimated at \$2.14 billion per year.

Federal agency collaboration is clearly important for protecting Hawai'i from invasive species, and we hope that these successes can serve as models for the rest of the nation.

On behalf of CGAPS, I appreciate the desire of the Subcommittee members to improve the prevention and abatement of the threats of invasive species to the United States and for the opportunity to provide these points for your consideration. Mahalo nui loa.

Disclaimer: The CGAPS Steering Committee and members participate in CGAPS inasmuch as the actions and views presented are allowable and do not include prohibited practices for government employees or the appearance of such practices.

**Statement for the Record - Congresswoman Colleen Hanabusa
Committee on Homeland Security and Governmental Affairs
United States Senate Subcommittee on Oversight of Government Management,
the Federal Workforce, and the District of Columbia
October 27, 2011**

Aloha, my name is Congresswoman Colleen Hanabusa and I represent the first district of Hawaii which includes most of urban Honolulu. I first want to thank the Chairman and my friend Senator Akaka and Ranking Member Johnson for holding this important hearing here at the Hawaii Department of Agriculture Plant Quarantine Office. From lion fish in the Southeast to fountain grass in the Hawaiian Islands, invasive species are wreaking havoc across our nation. According to the USDA, foreign pests and diseases already cost the American economy tens of billions of dollars annually.

However given the fragile nature of Hawaii's ecosystem and our remote location in the middle of the Pacific, perhaps no state more than ours is at a bigger threat from invasive species. For example, the USDA estimates that if the Brown Tree Snake were to become invasive in Hawaii, it could cost the state up to \$2.14 billion annually in medical incidents, power outages, and lost tourism.

I applaud the ongoing coordination between the federal government, state agencies like the Hawaii Department of Agriculture and private organizations, but despite their worthy efforts invasive species continue to pour into our state at an alarming pace. It is estimated that these pests are entering our state two million times more rapidly than the natural rate.

While some states are able to concentrate their efforts on a few invasive species, the diversity of flora and fauna that are threatening Hawaii is a massive undertaking. Miconia for example is a large tree that can grow up to 50 feet tall and inhabits Oahu, Maui, Kauai and the Big Island. Originally brought to Hawaii for ornamental purposes, the tree's shallow root system leaves the surrounding areas at a higher risk of erosion. This tree has caused so many issues for the state, that the Hawaii Department of Land and Natural Resources has designated this species as one of Hawaii's Most Invasive Horticultural Plants.

Another high profile invasive species is the Coqui frog. This small nocturnal amphibian has become infamous in the state for the male's mating call, a two-note, high-pitched "co-qui," hence its name. The frog has no natural predators and is known to eat large quantities of pollinating insects, which threatens the natural life cycle of ecosystems. This invasive species has reached 55,000 frogs per hectare in some Hawaii populations.

Ultimately, I believe any successful initiative to get a handle on invasive species no matter the state, but especially in Hawaii, must focus on the ports of entry and specifically agricultural cargo.

That is why I support Chairman Akaka's *Safeguarding American Agriculture Act*. The establishment of an Office of Agriculture Inspection within the Department of Homeland Security would allow U.S. Customs and Border Protection to train and recruit border protection agriculture specialists whose main focus would be to identify and stop invasive species introduction.

Ultimately, not only Hawaii but any state that is struggling with invasive species will benefit from this legislation. Stopping the introduction of foreign pests is a critical step to ending the devastation invasive species are causing across our nation. Again I appreciate the Subcommittee taking the time to hold a hearing in my district on such an important issue and mahalo for the opportunity to share my views.

