

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

SHAN TSUTSUI
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL

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RESOLUTION 13-1

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

WHEREAS, the U.S. Plant Protection Act of 2000¹ provides for federal preemption of State regulation in foreign commerce any plant, plant pest, noxious weed, or plant product in order to prevent the introduction or dissemination of a plant pest or noxious weed; and

WHEREAS, the U.S. Plant Protection Act of 2000² provides exceptions for federal preemption only for interstate commerce when a State demonstrates a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment; and

WHEREAS, the Commerce Clause of the U.S. Constitution³ provides that the U.S. Congress shall have power to regulate commerce with foreign nations and between the States; and

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

WHEREAS, the environment of the State of Hawaii is distinct from other States or political subdivisions of the U.S. due to its unique ecology as an isolated volcanic island chain with high rates of endemism among its plant and animals species; and

WHEREAS, the State of Hawaii has unique biosecurity needs that are distinct from other States or political subdivisions of the U.S.; and

WHEREAS, the Hawaii Invasive Species Council shall coordinate and promote the State of Hawaii's position with respect to federal issues⁴; now, therefore

¹ 7 USC § 7756.

² 7 USC § 7756.

³ U.S. Const. art. I., § 8, cl. 3.

⁴ HRS 194-2 (a) (5)

BE IT RESOLVED that the Hawaii Invasive Species Council supports federal recognition of the State of Hawaii's unique biosecurity needs through measures including, but not limited to, expedited exemptions from federal preemption for State regulation in foreign or interstate commerce of high-risk pests that are not present in the State of Hawaii; and

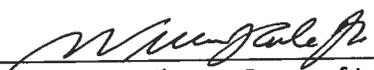
BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports the restriction of importation of all plants in the family Myrtaceae in order to prevent the introduction of new strains of ohia rust (*Puccinia psidii*) into the State of Hawaii; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports coordination and information sharing between federal and state inspection agencies, including but not limited to import manifests and interception data, for the purpose of identifying pests of both federal and state concern in all commerce; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports the development of joint federal and state inspection facilities for cargo entering Hawaii as the most practical and cost-effective option for federal and state biosecurity operations; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of Hawaii, delegates from Hawaii to the U.S. Congress, and the U.S. Secretary of Agriculture, and the chairperson of the Hawaii Board of Agriculture.

Adopted by the Hawaii Invasive Species Council on the following date: June 4, 2013



William J. Aila, Jr., Dept. of Land & Natural Resources



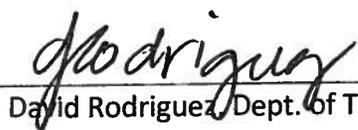
Gary Gill, Dept. of Health



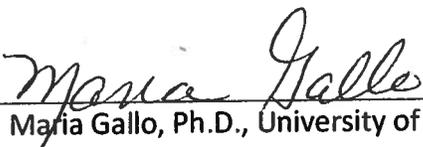
Jesse Souki, Office of Planning, Dept of Business, Economic Development, and Tourism



Russell Kokubun, Dept. of Agriculture



David Rodriguez, Dept. of Transportation



Maria Gallo, Ph.D., University of Hawaii