

Minutes of the Advisory Committee on Plants and Animals
March 17, 2021 Meeting
Hawaii Department of Agriculture (HDOA)

I. CALL TO ORDER

The meeting of the Advisory Committee on Plants and Animals (Committee) was called to order by Advisory Committee Chairperson Mr. Darcy Oishi on Wednesday, March 17, 2021 at 1:36 p.m. via Zoom meeting.

Members Present:

Darcy Oishi, Committee Chairperson, Hawaii Department of Agriculture (HDOA)
Dr. Maria Haws, Professor of Aquaculture, Pacific Aquaculture & Coastal Research Center, University of Hawaii at Hilo
Dr. Keith Kawaoka, Acting Director, Office of Environmental Quality Control
Dr. Benton Pang, Invasive Species Team Manager, U.S. Fish and Wildlife Service
Myra Ching-Lee, Epidemiologist Specialist, Disease Outbreak Control Division, Department of Health, Ex Officio Member Designated Representative
Brian Neilson, Administrator, Division of Aquatic Resources, Department of Land & Natural Resources (DLNR), Ex Officio Member Designated Representative

Members Absent:

Kenneth Matsui, Petland - Pets Pacifica

Others Attending:

Jodi Yi, Deputy Attorney General
Jonathan Ho, Acting Manager, Plant Quarantine Branch (PQB), HDOA
Trenton Yasui, Invertebrate & Aquatic Biota Specialist, PQB, HDOA
Karen Hiroshige, Secretary, PQB, HDOA
Stephen Dalton, IT Specialist, HDOA
See Ba Thee, Alii Agriculture Farm
Frankie Chun, Chun's Meat Market (Applicant)

II. INTRODUCTION AND COMMENTS

Chairperson Darcy Oishi and the Advisory Committee members introduced themselves. Chair Oishi requested a copy of the designation letter be included into the minutes.

III. APPROVAL OF MINUTES FROM THE NOVEMBER 13, 2020 MEETING

Chairperson Darcy Oishi asked if the Committee had a chance to review the minutes for the November 13, 2020 meeting before entertaining a motion to approve them.

Dr. Haws stated on page 12, last paragraph, there's a misspelling of the word Zillow.

With no further questions or comments Committee Member Brian Neilson made a motion to approve the minutes with the correction. The motion was seconded by Committee Member Maria Haws.

Chairperson Oishi asked if there were any comments or discussion from the public. No response from the public. Motion was moved to a vote and passed unanimously.

Vote: APPROVED 6/0.

IV. COMMENTS FROM GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)

Written testimony was received and distributed to the committee members. Oral testimony will be heard after the requests have been presented.

Stephen Dalton noted that there was no comment from the public.

V. REQUESTS TO BE REVIEWED BY THE ADVISORY COMMITTEE

Request to: (1) Allow the Transfer of Grass Carp, *Ctenopharyngodon idella*, a Fish on the List of Restricted Animals (Part B), by Permit, for Retail Sale for Consumption, to Chun's Meat Market; and (2) Establish Permit Conditions for the Transfer of Grass Carp, *Ctenopharyngodon*

idella, a Fish on the List of Restricted Animals (Part B), by Permit, for Retail Sale for Consumption, to Chun's Meat Market.

This request was presented to the Committee at its meeting on March 17, 2021 via a Zoom meeting. PQB Aquatic & Invertebrate Biota Specialist Trenton Yasui provided a synopsis of the request. Mr. Yasui noted that the recommendations of the subcommittee can be found on pages 5 to 7 of the submittal. For Question No. 1, three subcommittee members recommended approval and one member did not respond. Subcommittee Member Dr. Lei Yamasaki did state that she's unfamiliar with the establishment; however, she recommended that no other live cyprinids be sold.

Mr. Yasui stated that he'll address that comment in the proposed conditions. For Question No. 2, three subcommittee members recommended approval and one member did not respond. Subcommittee Member Dr. Andrew Rossiter of the Waikiki Aquarium stated that he believes the proposed procedure by the applicant constituted unnecessary cruelty because the fish would essentially still be alive before being cut to pieces. His comments will also be addressed in the proposed conditions.

Mr. Yasui then stated the proposed conditions are listed on pages 7 to 11 of the submittal. Mr. Yasui had a discussion with Dr. Rossiter to address his concerns and draft Condition No. 2, which states: "Prior to sale, the restricted article(s) shall be euthanized via a blunt force applied to the cranium, immediately followed by the severance of the vertebral column immediately behind the head."

In reference to Dr. Yamasaki's comments and concerns, Condition No. 4 was inserted on page 8. Dr. Yamasaki also assisted in drafting Permit Condition No. 4, which states: "The restricted article(s) shall be isolated at all times from other organisms that belong to the family *Cyprinidae*, that are maintained, stored, and/or held in the permittee's approved site. All tanks and other containers used to maintain, store and/or hold the restricted organism(s), and/or all equipment, supplies and materials used in conjunction with the restricted article(s), shall not be used on, for, or with other organisms that belong to the family *Cyprinidae*." Mr. Yasui stated that this concludes his presentation of the submittal.

Chair Oishi then noted that there are two No. 2s in the list of conditions. Mr. Yasui said that it is a typo and it's noted.

Chair Oishi then asked Mr. Yasui what the importance is of the carp being triploid. Mr. Yasui responded by saying that the designation essentially means that the organism cannot reproduce. Chair Oishi asked Mr. Yasui if the carp

being triploid is per the permit conditions for shipment to Alii Farms. Mr. Yasui responded by saying that it is required for importation by Mr. See Ba Thee but is not in these proposed conditions for Mr. Chun.

Chair Oishi asked if this only pertains to transfers from Alii Farms to Chun's Meat Market. Mr. Yasui responded, "Not necessarily." It could be transferred from another company. Permit Condition No. 7, on page 8, requires disease testing for Alii Agriculture Farms. That condition was inserted to ensure Mr. Chun could only receive fish that were tested for diseases. Mr. Yasui suggested that an allowance of only triploid fish could be added to the conditions.

Committee Member Dr. Keith Kawaoka asked if any species brought in have to go through a permit process with the Board of Agriculture (Board) and this committee or is it because of the specific species. Mr. Yasui responded by saying that any species that are on our Department's list must initially be approved by the Board, and permit conditions need to be established. A particular species may be approved for a particular purpose. Our rules allow the chief (PQB Manager) to administratively approve permits for that species for the purpose. Member Kawaoka asked if the permit is issued to the distributor or retailer. Mr. Yasui said, "the importer or the transferee."

Committee Member Maria Haws asked where is Alii Farms getting the carp from, and how do they know they're triploid?

Mr. Jonathan Ho addressed Dr. Kawaoka's question and stated that conditions are set by the Board for a particular use. The conditions can restrict transfer after importation. In this particular instance, the original permit conditions required that if the permittee would like to transfer the fish to another person, that person would have to have a permit prior to the transfer occurring. We are currently trying to establish permit conditions to allow the transfer. It depends on the proposed use for the proposed species and what is approved by the Board. Dr. Kawaoka asked if there were other permits for this fish to other sellers or is this the first? Mr. Ho said that this is the first and that Alii Farms has the permit to import, and the fish are there at his farm. At this point, nobody has the ability to transfer them. Mr. Yasui said that if somebody were to apply for a permit, other than Chun's Meat Market, they would have to go through an internal application review process, site inspection to ensure compliance of permit conditions, and also that their request fits the same purpose as approved by the Board.

Mr. Yasui stated that the shipper for Alii Agriculture Farms is Keo Fish Farms in Arkansas. The farm was self-certifying that the fish were triploid. It was a concern that was brought to the Board's attention, but the Board decided to approve the request.

Committee Member Benton Pang states that he was at the Board meeting and recalls the discussion regarding costs and testing. He asked how many site inspections have been conducted by HDOA since issuing the permit to ensure they've been compliant with biosecurity measures. Mr. Yasui stated that Alii Agriculture Farms have been compliant throughout – good communication and cooperation. PQB did a site inspection in May 2019 before the request went before the Board. There were three subsequent permits issued to Alii Agriculture Farms. In July 2019, 3,000 carp were imported. In October of 2020, 2,000 carp were imported. In January 2021, an unknown number of fish were imported. Mr. See Ba Thee would be able to answer that. Post-entry site inspections were conducted for each of those shipments to ensure the fish were transported to the approved facility and everything was in compliance with the permit conditions. Dr. Pang then referred to No. 6 on page 5, and asked if that's a permit condition that will kick in if their permit is approved. Mr. Yasui said that statement is part of the applicant's submittal on what they're proposing to do to address biosecurity.

Dr. Pang asked if Mr. See Ba Thee can address the testing question, as it was addressed in 2019; how has that been going and have there been any issues?

(Mr. See Ba Thee introduced himself and affiliation to the committee.)

Dr. Pang stated that he recalls being present at the 2019 Advisory Committee meeting and the discussion regarding the certification of triploid fish. He asked if there has been any independent testing being done and how is Mr. See Ba Thee ensuring that these fish are triploid. Mr. See Ba Thee responded by saying that Keo Farms said, "Most of the fish are triploid because other states also require triploid. They don't guarantee it 100%; probably 98% or 97%. Some could be diploid." Mr. See Ba Thee explained that the shipper would need to spend more money to have the fish regionally tested, and he basically believes he's receiving all triploid. He doesn't recall seeing any pregnant or fat fish on his farm. Dr. Pang asked if there have been any security issues on Mr. See Ba Thee's property; any unauthorized people. Mr. See Ba Thee responded by saying that no one knows there's Grass Carp on his property; that this is "Top Secret" because he can't sell it to anyone anyways. He says that he has dogs on the property, and his house is 20 feet away from the pond.

Chair Oishi reminded Dr. Pang that the discussion is regarding an import for Chun's Meat Market and not compliance of the permit conditions of Mr. See Ba Thee's property. Dr. Pang replied, "yes, point noted."

Mr. Neilson asked Mr. See Ba Thee if what he heard him say earlier was that Mr. Ba Thee never noticed any mature females or gonads that look mature when harvesting. Mr. See Ba Thee replied, "Yes, nothing that seemed to be pregnant; nothing that seemed to be extraordinary. They all look the same." Mr. Neilson then asked Mr. Ba Thee that if he's not seeing any ripe or pregnant females, that would indicate that they're triploid and that's what he expected. Mr. See Ba Thee said, "yes."

There being no further questions or comments for Mr. See Ba Thee, Chair Oishi called upon Mr. Frankie Chun to come forward.

(Mr. Chun stated his name and affiliation with Chun's Meat Market, and stated that he has no questions for the committee members.)

Dr. Pang asked Mr. Chun how many live Grass Carp he is able to keep in the container he noted in his permit application. Mr. Chun said that the container is 47 x 47 inches, and he will start with 8 pieces assuming the carp is the market size of 1 ½ to 2 pounds. It will take him a day or two to sell all of them, then gauge his sales, and probably order more every other day or every 2 days from Alii Agriculture Farms. Dr. Pang asked Specialist Trenton Yasui if there's a limit to how many fish can be kept in one tank before requiring Mr. Chun to acquire a larger tank. What general procedures do you have in cases like this? Mr. Yasui said that this is something the committee can recommend to the Board be added to the conditions, nor is it typical to set a limit to that extent.

Dr. Haws stated that fish hatcheries producing the triploid should be implementing some type of internal quality control to ensure at least in the high 90 percentage of triploid. She doesn't believe it's unreasonable to request some type of documentation from this farm or any farm that's producing triploid eggs to Hawaii that they're actually following standard procedures to produce 90 to 98 percent triploid. She believes testing could also be done in this state, and documentation should be required to validate the fact that they're selling a high level of triploid eggs. Mr. Yasui said that is something that could be proposed to the Board in the conditions as a requirement. From his recollection, U.S. Fish & Wildlife has since shut down its previous program, and that he made a comment on Mr. See Ba Thee's behalf during the last Committee meeting. Mr. Yasui mentions that from a regulatory standpoint, he's unsure of how reliable that would be if there's no governmental body that intervenes; that the company can insert any information on a certification document. Essentially, if there's no federal agency to verify this, and by requiring it, Mr. See Ba Thee would not be able to import this fish, but a recommendation can be made. Dr. Haws again mentions that she believes it would be generally a good idea to have a procedure in place because if other farms on the mainland are also selling carp eggs, the other farmers could also benefit knowing that the fish are triploid and not diploid.

Mr. Neilson mentions Condition No. 13, on page 9, that requires the permittee to notify the Plant Quarantine Chief in writing if there's an escape, or theft, or if something happens. The Department of Land & Natural Resources would also like to be notified of an escape or release. Mr. Neilson asks if that needs to be a condition or can that be an understanding between departments.

Dr. Pang stated that if Mr. See Ba Thee's permit is going to be amended, can this language also be inserted into his permit as well – notifying DLNR and that his place is near a body of water – just as it would be just as important in Mr. Chun's permit.

(Chair Oishi excused Mr. Chun from the meeting and called for a motion of approval.)

Mr. Neilson asked Chair Oishi if there were any additional conditions to add based on the discussions. Chair Oishi said that permit conditions can be modified in a motion.

(Discussion was held regarding permit conditions.)

Chair Oishi asked the committee if they would like to see a modification on the language regarding triploidy. Dr. Pang replied, "Not for the permit we're discussing now." Dr. Haws replied that it might be generally good practice for future egg importation, and to educate ourselves on what other states are requiring. Also, if certification or testing costs are not outrageously expensive, that might be a good requirement in the future.

Chair Oishi suggested to make it a point to the Board that we have concerns ensuring triploidy at the point of importation versus transfer. Dr. Pang and Mr. Yasui agreed.

(Further discussion held regarding permit conditions.)

Mr. Ho states that from a regulatory standpoint, our authority is possession, importation, preventing the entry, spread, and release of invasive pests. PQB generally doesn't create conditions set for welfare of animals. Mr. Ho isn't sure if the Board has authority either. PQB is inquiring as to how many fish are acceptable at the premise or is there a specific number that Mr. Chun can have to prevent the animals from escaping, or having disease outbreaks, or being stolen. What is the committee's intent? Is it to limit their likelihood of theft or escape? Obviously, less fish is going to be better. As far as the size of the container, per se, as long as it's not super cruel, that might be okay. PQB doesn't have any expertise regarding that standpoint. That could be a concern.

Mr. Yasui stated to the Committee members that the process dictated by our rules to establish or amend permit conditions must be approved by the Board. If conditions are made very restrictive and amendments are warranted, the Department would have expended many more hours going back to the Board to have these amended conditions approved. This is the reason for allowing businesses some wiggle room regarding their conditions.

Dr. Pang mentions that he was looking at welfare, but if it's not HDOA's purview, then he'll consider dropping the numbers for size. He feels that biosecurity is very important, and as long as the lids are locked after hours, then perhaps dealing with the size and numbers can be disregarded. The issue is making sure the fish are secure in the tanks.

Mr. Neilson asked if Dr. Pang is okay with not including tank size or limiting fish numbers. Dr. Pang answered, "yes."

Mr. Neilson moved to approve conditions to correct the condition numbering, and also to add to Condition No. 13 that DLNR will be notified in the event of escape or release. Dr. Haws seconded the motion.

Chair Oishi asked if there were any further comments. Dr. Pang noted that he will be voting against approving the permit, as the triploidy question is still outstanding. DLNR is willing to work with U.S. Fish and Wildlife regarding testing and certification. As there were no other comments or questions, Chair Oishi put the motion to vote.

Vote: APPROVED 5/1

Motion passes.

VI. ADJOURNMENT

Having no further business, Committee Chair Darcy Oishi called for a motion to adjourn the meeting. Committee member Benton Pang made a motion to adjourn the meeting.

(Jonathan Ho clarified that the proposed conditions are to include DLNR into Condition No. 13.)

The motion to adjourn was seconded by Committee member Maria Haws and was unanimously approved.

HDOA Advisory Committee Minutes
March 17, 2021

Vote: APPROVED 6/0

The meeting was adjourned at 2:42 P.M.

Respectfully Submitted,

Karen Hiroshige
Advisory Committee Secretary

Attachment

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

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March 5, 2021

TO: Darcy E. Oishi, Acting Manager
Plant Pest Control Branch – Plant Industry Division

FROM: Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

Phyllis Shimabukuro-Geiser

SUBJECT: Designation as my representative to the Advisory
Committee on Plants and Animals

Pursuant to Section 150A-10, Hawaii Revised Statutes, I designate you to be my representative to the Advisory Committee on Plants and Animals and to serve as Chairperson of that Committee.

Mr. Jonathan Ho, Acting Plant Quarantine Branch Manager, can be contacted regarding scheduling Advisory Committee meetings and for other related matters.

Thank you for your assistance.

c: Jonathan Ho, Acting Plant Quarantine Branch Manager
Morris M. Atta, Deputy to the Chairperson
Becky Azama, Acting Administrator – Plant Industry Division

