

Nakamura, Gayle M

From: cathyg@animalrightshawaii.org
Sent: Thursday, October 6, 2022 12:44 PM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL] Comments on Agenda item B2

State of Hawaii, Department of Agriculture
Hale Waiolama Board Room
1428 South King Street
Honolulu, Hawaii 96814-2512

In re: Board of Agriculture Agenda item: B 2
Livestock Transport.

Madam Chair and Members of the Committee:

Animal Rights Hawai'i is pleased that the issue of ocean transport of animals is finally receiving the scrutiny it has needed for a very long time. We support the recommendations of the Animal Welfare Institute and although the proposed improvements do not mirror the federal regulations for export, we feel that the current plans are worthwhile.

However, the Young Bros. port mustering area on Oahu is not acceptable. There is no permanent structure for shelter from the elements. The day I visited, I saw no permanent signage nor fencing to designate a quarantine area and the condition of the homemade crates was unacceptable. Minimal shade consisted of one scrawny haole koa tree.

There was no security .

A man from Francis Goats drove a small truck with a trailer to pick up a ramshackle crate of goats. The crate was too large for the trailer and the goats were crowded to the lower side. The lady who gave me the tour (Arthurette) told me that she has frequently complained to her bosses about the lack of concern by staff for the well being of the animals. I am uncomfortable with the cavalier manner with which animal welfare is considered by the livestock industry as well as by the state veterinarians. Their only concerns are with human health. The secrecy about deaths and other problems must change. Therefore we strongly suggest that shipmaster's declarations be maintained and made available to the public for intra island shipments.

I am sending 3 photographs from my visit to Young Brothers Oahu earlier this year.by separate e-mail. I am available for questions.

Cathy Goeggel
President

Cathy Goeggel
President
Animal Rights Hawai'i
1511 Nu'uuanu Ave. Unit 173

*Honolulu, HI 96817
808.721.4211*

www.animalrightshawaii.org

Animal Rights Hawaii on FaceBook









Request for Approval to Adopt Proposed Amendments to Chapter 4-16

October 11, 2022, at 9:00 a.m.
Hale Waiolama Board Room, 1428 South King St.
And via Zoom

To the Hawaii Department of Agriculture,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

HCC supports the proposed amendments to Chapter 4-16. These changes are necessary to clarify and update the rules to today's needs. These changes will allow the state to better track livestock movement and control movement of disease, which will protect the livestock industry from unwanted disease outbreaks. Additionally, the following will help ensure the safety of livestock during transport:

- Updating the carrier responsibility to specify that animals should not be stowed in a manner that prevents natural ventilation.
- Addressing load densities using the Interisland Livestock Shipping Standards and stipulating that densities shall not deviate by more than 10%.
- Ensuring livestock transported over more than a 24 hour period have access to feed and water.

The Interisland Livestock Shipping Standards that the rules refer to were vetted and updated in 2020 by livestock shipping experts and veterinarians. Further, these standards have proven to be successful, as transporting livestock interisland has resulted in very few losses. The isolated incidents that have occurred will be addressed by proposed carrier responsibility amendments to ensure animals have natural ventilation throughout the duration of the trip.



Proposed Amendments to Administrative Rules for Animal Disease Control Program

October 11, 2022, 9:00am

Department of Agriculture, Hale Waiolama Board Room 1428 South King Street Honolulu, Hawaii 96814-2512

And via Zoom

To the Hawaii Department of Agriculture,

My name is Lisa Wood and I am a practicing veterinarian on the Big Island. I have worked with Hawai'i's cattle producers for over 30 years and currently serve as chair of the Animal Health and Well-being committee for Hawai'i Cattlemen's Council (HCC).

I strongly support the proposed amendments to Chapter 4-16 as presented.

The recent COVID 19 pandemic has placed a stark spotlight on the Hawaii's vulnerability to food insecurity. Our agricultural community must be able to sustain and expand their operations to ensure that Hawai'i moves towards more locally sourced food. Since cattle were first introduced to Hawai'i in 1793, the people of Hawai'i have always found innovative ways to get their goods to market. From preserving salted meat in barrels to shipping in modified livestock containers, our production methods have evolved over the last 200+ years to meet the current challenges of the everchanging agricultural landscape. Many of the proposed changes reflect the current practices of our Hawaii producers and we welcome the formal amendments.

Whether our animals are marketed locally or on the mainland, interisland shipment will always be a key factor in the success of our producers.

The proposed changes and suggested edits represent a statewide effort among livestock shippers to collaborate with each other and our transportation partners to ensure the humane treatment and well-being of not only cattle but other livestock species including goats, sheep and horses. In addition, industry has been in open dialogue with animal activists and while not all their recommendations can be practically implemented, we continue to work together to improve overall shipping standards.

Below are proposed changes that HCC's Animal Welfare committee strongly supports;

1. The need for mandatory reporting of losses that may occur enroute. This improved reporting allows for producers, veterinarians, and others to respond more quickly to adverse events and gather information in a more timely manner.
2. The essential need for adequate ventilation during transit - placement of shipping containers in areas that allow for natural airflow and prevent placement where ventilation is restricted.
3. As live cargo, transportation partners should be obligated to limit time livestock spend on board vessels by implementing "last-on, first-off" practices.
4. Loading densities based off the Interisland Livestock Shipping Standards that have been developed in cooperation with industry and University of Hawaii's Cooperative Extension Services. These standards shall be followed with no more than a 10% deviation and are modeled after those published by the American Association of Bovine Practitioners.
5. Access to food and water must be provided for livestock transported over 24 hours.

These amendments support our continued commitment to animal care and to thoughtful and responsible livestock management.

Thank you for the opportunity to testify in favor of these changes. We are grateful to the support and leadership HDOA has given to our industry over the many years.

Sincerely,

LB Wood, DVM

Veterinary Associates, Inc

Hawaii Cattlemen's Council, Animal Health and Well-being, Chair

LATE



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

October 7, 2022

Hawaii Board of Agriculture
Animal Industry Division
1428 S. King Street
Honolulu, HI 96814

Via email to HDOA.BOARD.TESTIMONY@HAWAII.GOV

Re: Hawaii Department of Agriculture Proposed Rule Amendments to Chapter 4-16 Regarding the Transport of Farm Animals by Sea

Dear Chairperson Phyllis Shimabukuro-Geiser and Board Members,

On behalf of the Animal Welfare Institute (AWI)¹ and the undersigned organizations, the following testimony is submitted in response to the Hawaii Department of Agriculture's (HDOA) proposed amendments to its regulations governing the transport of animals by sea vessels.

In its commitment to promulgate these proposed rules, the HDOA agreed to develop regulations consistent with 9 C.F.R. pt. 91 (federal live animal export regulations). Despite this agreement and understandings reached during conversations with HDOA and industry stakeholders that indicated it planned to honor that assurance, the HDOA's proposed rules again fail to fully meet its commitments.

Our organizations support many of the proposed amendments to Chapter 4-16, which are significant improvements on the draft rules published in April. We are glad to see the rules incorporate fitness for transport standards as well as a requirement that carriers provide water in staging areas. We also commend the department for acknowledging the importance of adequate ventilation and of loading procedures that minimize the risk of suffocation and heat stress.

We are disappointed, however, to find that key provisions we recommended were ignored, most notably the requirement that carriers provide shade for animals waiting in staging areas. Aspirational language and a vague loophole are included in the provision requiring last-on first-off loading, and loading density standards continue to deviate from space allowances recommended for sea-faring vessels and allow for an unacceptable 10% deviation. Finally, the proposed rules fail to specify that animals may not go without feed or water for longer than 24 hours *including time spent in holding, loading, transport, and unloading*.

Our organizations ask that HDOA meet its commitment by making small but important changes to the proposed rule. Suggested in-text revisions are included below.

¹ The Animal Welfare Institute, founded in 1951 and headquartered in Washington DC, is dedicated to reducing animal suffering and advancing the welfare of all animals, including those raised for food. As part of our mission, we work to improve conditions for farm animals, including during transport. AWI has over a decade of experience advocating on behalf of animals transported by sea vessel.

Excessive Heat Stress Aboard Shipping Vessels and Loading Density

As written, the HDOA's proposed rules fail to ensure that significant heat stress is prevented during transport. The rules should, at the least, be amended to remove the 10% loading density deviation allowance.

We wish to reiterate the following reasoning from our previous written testimony:

Farm animals being transported by sea in containers are particularly susceptible to heat stress, which has been identified in multiple studies as a major contributor to poor welfare during transport by ship.^{2,3} Excessive heat stress is a common cause of livestock mortality during transport by sea, especially in sheep.⁴ The American Veterinary Medical Association emphasizes the importance of protecting animals from environmental extremes during transport.⁵ The primary species of cattle raised in Hawaii is *Bos taurus*, which is more susceptible to heat stress than the *Bos indicus* species.^{6,7}

Because of the metabolic heat generated by animals in shipping containers, ensuring that loading density is appropriate is essential to preventing excessive heat stress. It also ensures animals have room to brace themselves and shift their footing to keep their balance in the face of continuous floor motion due to waves. High loading densities increase the risk that animals who lose their balance will be unable to stand back up and will be trampled, potentially creating a domino effect in which additional animals go down as they trip on the fallen animals underfoot.⁸

In our previous written testimony, we pointed out that the chart on cattle space requirements that is referenced by the rules failed to account for the actual internal dimensions of shipping containers used to transport animals. Rather than fixing this error, the new chart deviates from the original Interisland Transportation Space Requirements for cattle and the first proposed rule⁹ by decreasing the area each animal of a given weight class should be allotted. Space allowances are now on par with AAPB's recommendations for land transport of cattle.

² Caulfield, M. P., Cambridge, H., Foster, S. F., & McGreevy, P. D. (2014). Heat stress: a major contributor to poor animal welfare associated with long-haul live export voyages. *Veterinary journal (London, England: 1997)*, 199(2), 223–228.

³ Phillips, C. J., & Santurtun, E. (2013). The welfare of livestock transported by ship. *Veterinary journal (London, England: 1997)*, 196(3), 309–314.

⁴ Collins, T., Hampton, J. O., & Barnes, A. L. (2018). A Systematic Review of Heat Load in Australian Livestock Transported by Sea. *Animals: an open access journal from MDPI*, 8(10), 164.

⁵ American Veterinary Medical Association. (n.d.). Transport, sale yard practices, and humane slaughter of hoofstock and poultry. *AVMA policies*. <https://tinyurl.com/mkkx2k>.

⁶ Fukumoto, G.K. & Kim, Y.S. (2007). Carcass Characteristics of Forage-Finished Cattle Produced in Hawai'i. Food Safety and Technology. <https://www.hicattle.org/Media/HICattle/Docs/fst-25.pdf>

⁷ Sullivan, K. F., & Mader, T. L. (2018). Managing Heat Stress Episodes in Confined Cattle. *The Veterinary clinics of North America. Food animal practice*, 34(2), 325–339. <https://doi.org/10.1016/j.cvfa.2018.05.001>

⁸ Schwartzkoft-Genswein, K. & Grandin, T. (2019) Cattle Transport in North America. In T. Grandin (Ed.), *Livestock Handling and Transport* (5th ed., pp. 153-183). CAB International.

⁹ Hawaii Cattlemen's Council, *Interisland Livestock Shipping Standards | Cattle* (n.d.)

<https://www.hicattle.org/Media/HICattle/Docs/interisland-shipping-standards-checklist-all-species.pdf>

In the submittal document, HDOA justifies the proposed space allowances by stating they are standards put forth by the American Association of Bovine Practitioners and Temple Grandin.¹⁰ However, the standards to which they refer were developed for land transportation of polled cattle. The AAPB Transportation and Fitness-to-Travel Recommendations for Cattle document contains a separate chart with recommended space allowances for animals being transported by sea in 40-foot “cowtainers,” and these recommend space requirements are significantly higher than both the previously and currently proposed space requirements:

Animal Weight (lbs)	AABP: Area per Animal Traveling by Ship (sq. ft.)	Area per Animal – Earlier Draft (sq. ft.)	Area per Animal - Proposed Changes 14-6 (sq. ft)
400	7.61	7	6.4
500	9.24	8	7.5
600	10.78	9	8.5

The submittal attempts to defend the adoption of space requirements developed for land transportation, rather than those developed for transportation by sea, by stating that “the duration of the Intrastate movement of livestock in Hawaii is most closely aligned with the interstate ground transportation of livestock by trucks and trailers on the Mainland US.”¹¹ However, as discussed in the scientific literature on this subject, the motion of ships is very different to that of road vehicles and there is no evidence that stocking density recommendations developed for land transport are adequate for sea transport, even when journey durations are the same.¹²

The submittal goes on to defend the decision to decrease the minimum space allowance and the inclusion of a 10% deviation allowance by pointing to “many decades of successful inter-island livestock shipments” and asserting that the proposed mandatory Shipmaster’s Declaration requirement will allow shipments to be monitored and evaluated. However, there are multiple problems with this rationale. First, the Shipmaster’s Declaration will only record mortality of transport by sea. While mortality may be considered the “ultimate measure” of animal welfare, it certainly should not be considered the only measure—it ignores the distress and negative welfare impacts experienced by animals subjected to non-lethal heat stress.^{13,14} In addition, climate change is projected to increase Hawaii’s air and surface water temperatures considerably in the coming decades. In the last 40 years, air temperature in Hawaii has been increasing by about over 0.3°F (0.17°C) per decade, with daily temperature ranges documented to

American Association of Bovine Practitioners, *Transportation and Fitness-to-Travel Recommendations for Cattle* (2019) https://www.aabp.org/Resources/AABP_Guidelines/transportationguidelines-2019.pdf ; Grandin, T., *Recommended Trucking Practices* (2013) <https://www.grandin.com/behaviour/rec.truck.htm>

¹¹ Hawaii Department of Agriculture, Animal Industry Division, Submittal for October 11, 2022.

¹² Phillips, C. J., & Santurtun, E. (2013). The welfare of livestock transported by ship. *Veterinary journal (London, England: 1997)*, 196(3), 309–314.

¹³ Caulfield, M. P., Cambridge, H., Foster, S. F., & McGreevy, P. D. (2014). Heat stress: a major contributor to poor animal welfare associated with long-haul live export voyages. *Veterinary journal (London, England: 1997)*, 199(2), 223–228.

¹⁴ Gonzalez-Rivas, P. A., Chauhan, S. S., Ha, M., Fegan, N., Dunshea, F. R., & Warner, R. D. (2020). Effects of heat stress on animal physiology, metabolism, and meat quality: A review. *Meat science*, 162, 108025. <https://doi.org/10.1016/j.meatsci.2019.108025>

be increasing more rapidly on some Hawaiian islands than the global mean.¹⁵ Models predict that Hawaii's temperatures will increase by 4 to 5 degrees Fahrenheit (2.2-2.8 degrees Celsius) by 2085.¹⁶ HDOA must take these factors into consideration in adopting minimum space requirements that will adequately protect animals being transported from significant heat stress.

Even if the flawed minimum space requirements currently being advanced were to be accepted, the 10% deviation allowed in loading density that remains in proposed paragraph (e) will result in square footage per animal that is less than that advocated by AAPB and Grandin.

As we explained in our prior written testimony, the actual internal dimension of 20' and 40' containers are 143.2 sq. ft and 304.24 sq. ft. respectively.¹⁷⁻¹⁸ The following equations, in conjunction with the internal dimensions of the respective container, can be used to determine the actual space allowance provided to each animal if a 10% upward deviation is allowed:

$$\text{Area (sq. ft.)} = \text{Length (ft.)} \times \text{Width (ft.)}$$

$$\text{Max Number to Load} + 10\% \text{ Deviation} = \text{Actual Max Number to Load}$$

$$\text{Space Allowance (sq. ft./animal)} = \text{Area (sq. ft.)} \div \# \text{ of animals}$$

The following are two examples of how the space allowance is calculated with a 10% upward deviation:
For a 40 ft. Container:

$$\text{Container Area} = 39.46 \text{ ft.} \times 7.71 \text{ ft.} = 304.24 \text{ sq. ft.}$$

$$36 \text{ cattle max} + 3.6 = 39.6 = 39 \text{ cattle}$$

$$\text{Actual Space Allowance} = 304.24 \text{ sq. ft.} \div 39 \text{ cattle} = \mathbf{7.8 \text{ sq. ft. per 600-lb. cow}}$$

AAPB/Grandin Area Per Animal recommendation: **8.5 sq ft. per 600-lb. cow.**

For a 20 ft. Container:

$$\text{Container Area}^{19} = 18.67 \text{ ft.} \times 7.67 = 143.2 \text{ sq. ft.}$$

$$10 \text{ cattle} + 1 = 11 \text{ cattle}$$

$$\text{Actual Space Allowance} = 143.2 \text{ sq. ft.} \div 11 \text{ cattle} = \mathbf{13 \text{ sq. ft. per 1,200-lb. cow}}$$

AAPB/Grandin Area Per Animal: **15.3 sq ft. (with horns)/14.5 sq ft. (polled) per 1,200-lb. cow.**

¹⁵ Eversole, D. (2014). Climate change impacts in Hawai'i: a summary of climate change and its impacts to Hawaii's ecosystems and communities. University of Hawaii at Manoa. Sea Grant College Program; School of Ocean and Earth Science and Technology (SOEST). Available at: <https://repository.library.noaa.gov/view/noaa/39931>

¹⁶ Keener, V.W., K. Hamilton, S.K. Izuka, K.E. Kunkel, L.E. Stevens, and L. Sun. (2013). Regional Climate Trends and Scenarios for the U.S. National Climate Assessment. Part 8. Climate of the Pacific Islands, NOAA Technical Report NESDIS 142-8. Available at: https://nesdis-prod.s3.amazonaws.com/migrated/NOAA_NESDIS_Tech_Report_142-8-Climate_of_the_Pacific_Islands.pdf?_ga=2.207678866.1603814035.1665167455-1222588789.1665167455

¹⁷ K & K Global, *Container Dimension* <https://tinyurl.com/3avmkdek>; <https://tinyurl.com/2p8hah98>.

¹⁸ *What is the internal dimensions of a 40FT container?* Leonie Claire. (2020). <https://tinyurl.com/2p8fmnjv>.

¹⁹ Young Brothers. (n.d.) YB Equipment Available for Use: 20-Foot Dry Container – Internal Dimensions. <https://tinyurl.com/4wh5xfpv>

These calculations show that an upward deviation results in a smaller area per animal than industry standard:

Avg. Body Wt. (lbs.)	Area per Animal (proposed 14-6)	Area per Animal (AABP/Grandin)	20' container (max # to load)	40' container (max # to load)	20' container 10% deviation # to load/ resulting area per animal (ft ²)	40' container 10% deviation # to load/ resulting area per animal (ft ²)
400	6.4	6.4	23	46	25/5.7	50/ 6.08
500	7.5	n/a	20	40	22/6.5	44/6.9
600	8.5	8.5	18	36	20/7.16	39/7.8
800	10.4	10.9/10.4	15	29	16/8.95	32/9.5
1,000	13	12.8/12	11	23	12/11.9	25/12.2
1,200	14.7	15.3/14.5	10	21	11/13	23/13.2
1,500	18	19/18	8	17	9/15.9	19/16

Again, we would like to reiterate that for most of the weight classes, the space requirement described in the chart falls significantly short of space allowances recommended in the available scientific literature and provide significantly less space than federal regulations regarding export of animals via ocean vessel.²⁰

Given that the space requirements under the Interisland Livestock Shipping Standards are already inadequate to ensure animal welfare and effective thermoregulation, it is unacceptable that HDOA will allow for these loading densities to be exceeded by up to 10%. This virtually guarantees that severe heat stress and associated animal welfare issues will develop. Instead, the provision should read:

(e) Ocean carriers for the intrastate movement of livestock cattle, bison, water buffalo, camelids, sheep, and goats shall ensure that the Interisland Livestock Shipping Standards by species, attached as Exhibit B are followed. ~~Load densities shall not deviate by greater than 10% of the maximum load densities listed in interisland space requirements by species listed.~~

Loading Practices and Placement of Animals Onboard

While we are pleased that the proposal includes a requirement for adequate ventilation, we are concerned that the language used to articulate the last-on/first-off loading requirement is aspirational and contains a vague loophole for “harbor logistical limitations.” This practice must be more than aspired to and the exception must only be for demonstrable circumstances beyond the carrier’s control. Thus, the provision should read:

(g) Ocean carriers, barring ~~circumstances beyond the carrier’s control harbor logistical limitations~~, shall implement loading practices that ~~strive to~~ ensure animals are the last on and first off a docked vessel.

²⁰ See Comments by Animal Welfare Institute on Hawaii Department of Agriculture Proposed Rule Amendments Regarding the Transport of Farm Animals by Sea (May 16, 2022) pp 4-5.

Prioritizing animals in this way will ensure that they are not exposed to the elements and stresses of transport for unnecessary durations, minimizing the potential for negative health and welfare outcomes.

Conditions in Loading and Staging Areas

Access to Food and Water

We note that the proposed rules include only a very minimal requirement regarding the provision of food and water to transported animals, requiring that they not be deprived of food or water for longer than 24 hours (§ 4-16-11(f)). For the reasons already articulated in our previous testimony, the standard should be revised to ensure animals are not allowed to go without food or water for more than 24 hours during transport, which includes staging, loading, and unloading times. As there are no interisland transports that exceed 12 hours, this provision would be meaningless unless clarified. It should read:

(f) It shall be the responsibility of the carrier, owner, and stock tender of livestock animals being transported interstate and intrastate to (1) provide provisions for the livestock during transport and not allow livestock animals to go without feed or water for a period exceeding a total of 24 hours at time **including time spent in holding, loading, transport, and unloading.**

We also suggest that an asterisk be added next to “trips” in the “Feed and Water” sections of Exhibit A and B charts, with corresponding language that the asterisk defines trips as including “staging, loading, transport, and unloading.”

At high temperatures, evaporative cooling is the primary way that cattle and many other species dissipate heat.²¹ Therefore, water requirements increase with increasing temperature, and water availability during time of heat stress risk is crucial.²² It is essential that the carrier ensure clean water at the port is accessible to animals. For clarity, we suggest the addition of the word “in” to the provision:

(g) ... Carriers shall restrict animals from being loaded into locations that produce excessive heat, have restricted ventilation and are placed in locations that may flood containers with ocean water. Carriers shall ensure that livestock **in** staging areas within harbors have access to clean water . . .

Access to Shade

Currently, a major challenge for preventing dangerous levels of heat stress among livestock on interisland journeys is the lack of shade in loading and staging areas. Shade can reduce the heat load from solar radiation by 30 to 45 percent or more.^{23, 24} Unsurprisingly, providing shade is considered the most effective method of reducing morbidity and mortality due to heat stress, reducing heat load by

²¹ Blackshaw, J.K., Blackshaw, A.W. (1994). Heat stress in cattle and the effect of shade on production and behaviour: a review. *Aust J Exp Agric*, 34, 285–295.

²² Sullivan, K. F., *supra* note 7.

²³ Blackshaw, J.K., *supra* note 21.

²⁴ Kamal, R., Dutt, T., Patel, M., Dey, A., Bharti, P. K., & Chandran, P. C. (2018). Heat stress and effect of shade materials on hormonal and behavior response of dairy cattle: a review. *Tropical animal health and production*, 50(4), 701–706. <https://doi.org/10.1007/s11250-018-1542-6>

1,400kJ/hour.²⁵ For these reasons, as well as those articulated in our prior testimony, animals waiting at port in loading or staging areas must be provided with shade. Paragraph (g) should read:

(g) . . . Carriers shall ensure that livestock in staging areas within harbors have access to clean water, sufficient **shade for all animals**, and adequate ventilation.

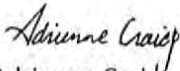
Conclusion

AWI and the undersigned organizations generally support the adoption of the proposed rule, but we strongly believe that the changes described above are necessary for ensuring that the circumstances that gave rise to the rule's promulgation are not codified. To prevent heat stress and poor welfare outcomes for animals during transport HDOA must revise its loading density requirement, improve the language governing loading practices, require that sufficient shade for all animals be provided in staging areas, and require food and water for animals when transport and holding exceed 24 hours. Thank you for the opportunity to comment on the proposed amendments and for your thoughtful consideration of our concerns.

Respectfully Submitted,



Gwendy Reyes-Illg, DVM, MA
Veterinary Advisor
Animal Welfare Institute



Adrienne Craig
Staff Attorney, Farm Animal Program
Animal Welfare Institute

Aloha Animal Advocates
Aloha Lokahi Association
Animal Rights Hawai'i
Kauai Humane Society
Maui Humane Society

²⁵ Blackshaw, J.K., *supra* note 21.

LATE

October 10, 2022

To: State of Hawai'i Board of Agriculture
VIA EMAIL: hdoa.board.testimony@hawaii.gov

From: Kauai Organic Agroecosystems (Donald Heacock)
Penn Law Center (David Penn)

Subject: Public Testimony for Agenda Item IV.B.2., October 11, 2022
Request for Approval to Adopt Proposed Amendments to Chapter 4-16,
Hawaii Administrative Rules, entitled "Cattle, Sheep and Goats"

We strongly support Board of Agriculture approval to adopt proposed amendments to Chapter 4-16, Hawai'i Administrative Rules, entitled "Cattle, Sheep and Goats." However, we suggest and request that the Board first consider a few changes to the proposal presented by the Animal Industry Division:

1. Section 4-16-10(a), Ports of entry, second sentence:

Changing this provision to include airports would provide greater flexibility, with reduced costs, for future animal imports. Although air cargo carriers flying to Hawai'i from other jurisdictions may not currently provide services for shipping large animals to Kauai, Molokai, Lanai, and Ni'ihau, accommodating the possibility of future changes to air cargo operations by establishing that "Cattle, bison, and water buffalo may also enter through other ports and airports in the State if adequate temporary quarantine facilities are made available by the importer and approved in writing by the division" seems prudent, sensible, and harmless.

2. Section 4-16-16(a), Post-shipment entry requirements:

Changing this provision to specify the target pest(s) and intended purpose associated with "an EPA approved pesticide" with which a quarantined animal must be treated would clarify product choices for both animal importers and the state veterinarian. Noting that Section 4-16-15(b)(7), Pre-shipment entry requirements, specifies "to kill ticks on cattle," perhaps the intent of Section 4-16-16(a) is to establish that a quarantined animal must be "sprayed or dipped with an EPA approved pesticide to kill ticks on cattle, approved by the state veterinarian"?

3. Section 4-16-16(a), Post-shipment entry requirements:

As a recent importer of water buffalo to an organic farm, we observe that water buffalo wallowing behaviors result in a thick coating of mud over the animal that serves as an effective deterrent and protective shield against tick infestation. Although we have not completed our research about the relative safety of various ectopesticides that are approved by the United States Environmental Protection Agency for killing ticks on cattle, we urge that the state veterinarian, in implementing this section, assist with identifying and approving the use of EPA-approved pesticides that present the least significant health risks to the quarantined animal, pesticide

applicators, other handlers of the animal, and surrounding environments, while favoring biopesticides derived from natural materials.

4. Housekeeping (acronyms, throughout):

Best practice for rulemaking suggests including the full name of an entity that is identified by acronym only, either in the Definitions section of the proposed rule or within the text where an acronym appears. For example, insert "United States Environmental Protection Agency" to define "EPA" and "United States Department of Agriculture" to define "USDA. "

Respectfully submitted,

/s/

David Penn, Attorney of Record for Donald Heacock

Penn Law Center
Post Office Box 62072
Honolulu, Hawai'i 96839

LATE

Supplemental Veterinary Testimony on Changes to Chapter 4-16

by Gwendolen Reyes-Illg, DVM, MA

I am a practicing veterinarian and the veterinary advisor for the farm animal program at the Animal Welfare Institute, or AWI. For over 70 years, AWI has worked to reduce animal suffering and advance the welfare of all animals, including those raised for food.

We are very pleased that the Hawaii Department of Agriculture has strengthened some requirements for the interisland transport of farm animals by ship. We support the incorporation of fitness for transport standards, and the requirement that water be required in staging areas. We also support changes that strengthen requirements for loading and ventilation. Thank you for taking the time to develop rules that will better protect the welfare of animals during interisland transport.

During the comment period, AWI raised concerns about the chart now identified as Exhibit A. We observed that its calculations were not based on the internal dimensions of animal shipping containers, but rather their external dimension, which can be quite different. The original “max number to load” figures were too high, because the calculations were based on the external dimensions of the shipping containers. We also noted that, even when we corrected the “max number to load” figures to account for the actual internal area that the animals could use, the space each animal was provided was still lower than what is recommended in the scientific literature on ocean transport of livestock and in the United States federal Live Animal Export Codes.

We recommended that the chart be corrected by decreasing the Max Number to Load to ensure that each animal be provided with the stated “area per animal.” We are therefore very disappointed that the currently proposed rules did the opposite – they keep the Max Number to Load the same, and instead decrease the space allowance for each animal. We are even more concerned that, in addition to DECREASING the space allowance, the new proposal allows the maximum number of animals to load to be INCREASED by 10%.

The Submittals document justifies these decisions by referring to the [Guidelines on Transportation of Cattle](#) put forth by the American Association of Bovine Practitioners, or AABP. However, I implore HDOA to read this document more carefully. It includes a section with recommendations for transporting animals by land and it has a separate section with recommendations for “cattle destined for air and ocean transportation.”

The new proposed space requirements are taken from the recommendations this document, and another [document by Temple Grandin](#), make for land transport. AABP’s section on Ocean transport makes very different recommendations for space allowance. This is probably because the motion of ships is very different from the motion of trucks on a highway. Animals need enough space to brace themselves and shift their footing to keep their balance. In addition, ships typically move more slowly than trucks, so heat stress is often worse – and this problem of heat stress will only be worsening in the coming decades because of climate change.

When it comes to ocean transport, the AABP document has a chart with space requirements for calves being shipped in Cowtainers. This is the relevant chart to use for developing space requirements for

interisland shipping. This chart recommends space requirements that are higher than both the previous space requirement in the chart and the new, decreased space requirement that HDOA is currently proposing.

With regard to ocean transport, the AABP document specifically refers to the World Organization for Animal Health's chapter in the Terrestrial Code, called [Transport of Animals By Sea](#), which states: "Calculations for the space allowance for each animal should be carried out in reference to a relevant national or international document." This is what AWI has been requesting all along – that the HDOA adopt the space requirements of the U.S. Federal Live Animal Export Codes.

If HDOA truly wants the changes to Chapter 4-16 to guarantee adequate animal welfare during Interisland Shipping, it should revise the chart in Exhibit A to be congruent with standards for transporting animals by sea. It is also absolutely crucial that the allowance of a 10% deviation be deleted from the final version of the rules.

Thank you for this opportunity to submit comments on this important issue.

LATE



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: Oct. 10, 2022

To: Chairman Phyllis Shimabukuro-Geiser
and Members Hawaii State Board of Agriculture

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of proposed amendments to HAR Chapter 4-16:
“Cattle, Sheep, and Goats,” with additional amendments
Tuesday, Oct. 11, 2022, 9 a.m., Department of Agriculture, Hale
Waiolama Board Room, 1428 South King Street, Honolulu, Hawaii 96814

The Hawaiian Humane Society supports the proposed changes to Department of Agriculture rules governing the transport of animals by sea vessels with some important additional protections.

Hawaiian Humane advocates for the enforcement and strengthening of current laws and the implementation of humane standards for animals in every phase of animal-based food production. All long-distance transportation of animals should include adequate opportunity for rest, adequate food and water, space, temperature control and clean shipping conditions. All efforts should be made to minimize stress, transport time and time awaiting shipment.

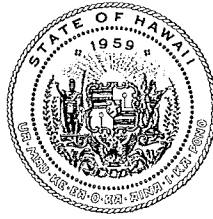
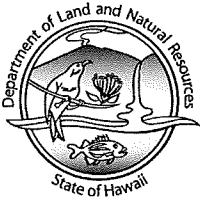
While the changes proposed represent progress in the treatment of livestock shipped between our islands and incorporated some of the amendments requested by Hawaiian Humane and others in May, additional provisions are needed to protect animals from suffering.

We support the amendments to the proposed rules suggested by the Animal Welfare Institute including those regarding loading density; requiring sufficient shade for all animals in staging areas; and requiring food and water for animals when **combined** holding, loading, transport and unloading exceeds 24 hours.

We urge the board to incorporate AWI’s suggestions and amend HAR Chapter 4-16 to prevent animal suffering and risks to human health.

Mahalo for your consideration and please let me know if I can be of assistance.

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TESTIMONY OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES

ON THE REQUESTS TO THE DEPARTMENT OF AGRICULTURE
TO ALLOW THE IMPORTATION AND RELEASE OF *SYPHRAEA UBERABENSIS* AS A
BIOCONTROL AGENT OF *TIBOUCHINA HERBACEA*, AN INVASIVE PLANT THAT
THREATENS HAWAII'S FORESTS

October 11, 2022

The State of Hawai'i Department of Land and Natural Resources (DLNR) is in support of adding *Syphraea uberabensis*, a proposed biocontrol for Cane Tibouchina (*Tibouchina herbacea*) and other related melastome plant species, to the restricted plants list (part A) and permitting this to be imported into the state for release. This proposed biocontrol represents years of careful research and planning that can lead to safe, long-term, cost-effective control of an aggressive invasive weed in Hawai'i.

- Cane tibouchina (*Tibouchina herbacea*) and other related species (*T. longifolia*, *Pterolepis glomerata*, *Melastoma septemnerium*, & *M. sanguineum*) are all state-listed noxious weeds that threaten both forested areas, watersheds, and agricultural lands, and reduce habitat for many threatened and endangered species. These plants are in a group of weeds known as melastomes, all of which are non-native to Hawai'i and many of which cause severe damage.
- Cane tibouchina is considered so widespread in Hawai'i that other forms of control, such as chemical or manual control are not feasible at a landscape level. Biocontrol will provide long-term, sustainable control greatly decrease its impacts across the state.

If biological controls are carefully studied to show that they pose no threat to the environment or other non-target species, they are an invaluable tool in managing and mitigating the impacts of invasive species. This project has provided a careful, well-researched environmental assessment (EA) that demonstrates the proposed insect species will not cause non-target damage and is safe for release in Hawai'i. For the last 50 years no biocontrol released in Hawai'i has caused non-target damages, due to the heightened regulations and testing instituted in the 1970's and 1980's. Many of these biological controls, such as those that control whiteflies and the Erythrina gall wasp,

have been major success stories. We believe this project will follow this precedent and continue the track record of safe, effective biocontrol releases in the state of Hawai'i.

Providing long-term control of widespread invasive species is one of the key goals laid out in our State Forest Action Plan, and these projects help further that goal. Further, control of invasive species will help secure our watersheds and water resources, mitigate the impacts of climate change, and protect threatened forest ecosystems and the endangered plants animals within them. For all of the above-stated reasons, DLNR supports the Department of Agriculture's approval of these projects.

Nakamura, Gayle M

From: Albert Gomes <alenboygomes@yahoo.com>
Sent: Thursday, October 6, 2022 10:11 AM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL] Large mouth bass testimony

Sending in my testimony in favor of importing large mouth bass to our lake for sport fishing. Nothing but positive things will happen with the importations of more and different strains of large mouth bass. It's well known that more fish means more people will come to fish, including tourists and military personnel who comes from places with great bass fisheries. More people means more money coming into the surrounding communities and into the state. It's a win win for everyone. Really a no brainer if you really take everything into consideration.

Sent from my iPhone

LATE

Nakamura, Gayle M

From: Chad Sweitzer <chadeveretteverett6@gmail.com>
Sent: Friday, October 7, 2022 8:02 PM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL]

Sorry,

I sent the below email without referencing the meeting or section I was responding to! I am providing written testimony for the October 11, 2022 Board of Agriculture in support of Section C, #1, regarding Northern Largemouth Bass.

Hi,

In the past 8 months I have spent approximately 35 full days fishing Lake Wilson. I have caught hundreds of Peacock Bass (Tucanare) from 1-7lbs, and only 3 tiny largemouth bass. In order to establish a largemouth Bass population in Lake Wilson, further research needs to be done. The current limited population of largemouth bass in the lake are underfed, small, and being outcompeted by the more aggressive Peacock Bass.

Currently, the catch and release only requirements on peacock bass goes directly against current aquatic biologists' opinions on proper lake management. If lake management goals are healthy Peacock and Largemouth Bass, a strict catch and release on largemouth and a slot limit on Peacocks should be implemented, keeping peacock bass under 15" should be required (there are millions of them currently outcompeting all other fish for food in the lake).

I am happy to offer my time or anything else I can to help make Lake Wilson a better lake for fisherman. It's our only option here so I am very committed to bettering this fishery!

Thank you for your time,
Chad Sweitzer
Phone #209-737-3805

LATE

Nakamura, Gayle M

From: Kev Hiro <01khiro@gmail.com>
Sent: Monday, October 10, 2022 9:14 AM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL] In support of placing Northern Largemouth Bass on list of restricted animals

I supposed action item C-1 to place northern strain largemouth bass on the list of restricted animals for Wahiawa public fishing area. This will help bring new genetics back in lake Wilson to help revitalize largemouth bass populations and the sport of bass fishing, which has been going on here in the Wahiawa public fishing area for many generations. Bass fishing is a great pass time for all ages, young and old, all can enjoy this great activity of largemouth bass fishing. I humbly ask for your consideration.

Thank you and Aloha,
Kevin Hirokane
Hawaii Freshwater Fishing Association (HFFA) member Sent from my iPhone

LATE

Nakamura, Gayle M

From: STEVEN SMITHE <hawtrac@aol.com>
Sent: Monday, October 10, 2022 2:45 PM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL] Wahiawa Freshwater Fishing Park

To all board members,

I support the restocking of the northern largemouth bass at the Wahiawa Freshwater Fishing Park. This will improve the fishing at the park so our kids and grandkids will have the same experience we had when we were kids growing up in Wahiawa.

Will also give the people of the state the opportunity to return to the park for the outdoor experience of the great freshwater fishing the park had before. This is a great area of people to get the outdoor fun with the family.

I know the people have been working hard to improve the fishing at the park and this is one of the main steps to improve the fishing at the park.

Thank You for your time and your help with the greatest freshwater park in the state of Hawaii!
Steven Smithe

Sent from my iPhone