

From: [Hob Osterlund](#)
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] Oppose rule change
Date: Friday, July 21, 2023 11:55:29 AM
Attachments: [small - Kauai Albatross Network final logo with website TRANSPARENT copy.png](#)
[small - Kauai Wildlife Coalition Circle copy.png](#)

Aloha HDOA Board,

I stand in fierce opposition to the proposed rule change to allow cat hybrids to even step foot in Hawaii. The feral cat population is already totally out of control, and these cats are putting more and more pressure on our native birds. The one thing they don't need is bigger fiercer predators roaming around. The transition of our shelters to "no kill" has made the problem exponentially worse, since these shelters have washed their hands of the feral cat issue.

I beg you to deny this rule change.

Please don't be fooled by any excuse to bring hybrid cats here.

Mahalo.

[Senior Fellow, Safina Center](#)

[Founder and Bird Guide, Kaua'i Albatross Network](#)

[Author, Holy Mōi: Albatross and Other Ancestors \(multiple printings\)](#)

[Producer, Telly Award-winning "Kalama's Journey"](#)

[Photographer, Audubon Top 100, 2019](#)

[Recipient, Koa Conservation Leadership Award, Conservation Council for Hawai'i, 2022](#)



From: lindasherylmolino@gmail.com
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] TESTIMONY in favor of Banning The Importation of Exotic and All Animals
Date: Monday, July 24, 2023 3:46:21 AM

Dear Hawaii Board and To Whom This May Concern,

I hope this email finds you all in good health and spirits. I am writing on behalf of EK Fernandez Shows to never again use animals for their entertainment purposes and for the BANNING OF IMPORTATION OF EXOTIC AND ALL (WILD) ANIMALS .

For example, Tyke the elephant was used inhumanly and escaped the circus in your beautiful state of Hawaii and was shot 86 times before dying in the streets of Honolulu. Animals are often subjected to inhumane conditions and circumstances in various industries and one in particular is entertainment. They are treated as mere commodities and their well being is often compromised for the lining of the entertainers pockets for profit.

Please be willing to support this cause and stop this which is absolutely repulsive!!!!

With your help we can make a difference in the lives of animals in need. They deserve to just be, since all animals have souls, have feelings and to ensure they are treated with the respect and dignity they so deserve.

Thank you for your time and consideration and I look forward to your support.

Sincerely,

Mrs. Linda Molino
43 Concord St
Clifton, NJ 07013
Sent from my iPhone

From: [christina richman](#)
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] TESTIMONY In Favor Of Banning The Importation Of Exotic Animals!
Date: Monday, July 24, 2023 12:54:54 AM

Please stop this cruel and unnecessary practice.
Have a beautiful day!

Sent from my iPhone

From: [Dablu Kumat](#)
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] TESTIMONY in favor of Banning the importation of Exotic Animals!
Date: Monday, July 24, 2023 2:16:10 AM

I support a ban on the importation of exotic animals for exhibition in hawaii.

From: [Kayla Worden](#)
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] Testimony in Favor of Banning the Importation of Exotic Animals!
Date: Monday, July 24, 2023 7:54:46 AM

To Whom It May Concern,

As a homeowner in Hawaii, I am writing to you to urge you to please ban the importation and exhibition of exotic animals in Hawaii.

Allowing this importation and exhibition of exotic animals is extremely dangerous for all concerned, both human and non-human alike. And it is extremely cruel to these beautiful beings in question.

Please do the compassionate and sensible thing and BAN the importation and exhibition of these exotic animals in our beautiful state now.

Thank you.

Sincerely,

Kayla Worden

[Sent from Yahoo Mail for iPhone](#)

From: [Mele Ana Kastner](#)
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] Testimony in Opposition to cat hybrids
Date: Monday, July 24, 2023 7:03:44 AM

Aloha,

I am submitting this testimony in opposition to the introduction of cat hybrids in Hawaii. We have already seen the effects that feral cats have had on our native bird population. Should we see cats crossbred with servals introduced to the islands, these cats could breed with the current feral feline population and introduce traits that improve their size and hunting efficiency.

Please do not allow these felines onto our islands.

Mahalo,

Mele Ana Kastner



Bringing back the birds

July 24, 2023

The Honorable Sharon Hurd
Hawai'i Board of Agriculture
1428 S. King Street
Honolulu, HI 96814

RE: Petition to Allow Importation of Savannah Cats

Chairperson Hurd:

On behalf of American Bird Conservancy and our members throughout Hawai'i, I am writing to express our **opposition** to the petition by Ms. Tiffany Leilani Nerveza-Clark to remove the hybrid feline known as "savannah cats" from the List of Prohibited Animals.

American Bird Conservancy is sympathetic to the needs of Ms. Nerveza-Clark regarding her specific savannah cats and recognizes her assurances of safety for the cats and the community. However, a sweeping authorization enabling the importation and possession of savannah cats throughout Hawai'i is inappropriate and would constitute a grave threat to Hawai'i's native wildlife.

Savannah cats are a hybrid feline consisting of a cross between the domestic cat (*Felis catus*) and the African serval (*Leptailurus serval*, aka *Felis serval*). Servals are considerably larger than a domestic cat and skillful predators that can leap high into the air to catch birds. Should any savannah cats escape confinement, be purposely released, or begin to breed in Hawai'i, the consequences could be disastrous.

Hawai'i is already experiencing a domestic cat crisis. In short, there are too many domestic cats for the number of homes that want pet cats, and the impacts of these animals on the landscape are vast and include the unsustainable killing of Hawai'i's native birds, as well as parasite and disease transmission to people, domestic animals, and wildlife.

Domestic cats are among the world's most harmful invasive species and instinctive predators that have contributed to the extinction of two endemic Hawaiian species, the Lāna'i Hookbill and Moho (Hawaiian Rail), and the decline of countless others. Sadly, Hawai'i is already the bird extinction capital of the world. Introducing new, hybrid felines to the mix could transform the existing domestic cat population through interbreeding and escalate the level of devastation already imposed upon Hawai'i's at-risk, native birds.

Consequently, American Bird Conservancy stands in agreement with the Plant Quarantine Board and its recommendation to deny the request to initiate rulemaking.



Bringing back the birds

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Grant Sizemore".

Grant Sizemore, M.S., CWB®
Director of Invasive Species Programs



The Wildlife Society
Hawai'i Chapter

PO Box 22192
Honolulu, Hawai'i 96823-2192

To: Hawaii Board of Agriculture

From: The Wildlife Society, Hawaii Chapter

Re: Subject: (1) Request for Review of the Petition from Tiffany Leilani Nerveza-Clark to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to Change the List Placement of the hybrid Savannah cat, crosses of the Serval, *Felis (Leptailurus) serval* with the domestic cat, *Felis catus*, From the List of Prohibited Animals to enable individual possession.

The Wildlife Society (TWS), Hawai'i Chapter is strongly opposed to the above request to change the list placement of hybrid cats of any kind (including "Savanna cats"). Cats that are hybrids between domestic cats and other Felids including Servals (hybrids) are on the Prohibited Animals list for good reason and must remain prohibited.

TWS is composed of wildlife professionals within the State of Hawai'i and is dedicated to the conservation and preservation of flora and fauna endemic to the Hawaiian Islands.

It is well documented that Hawaii's native species are highly impacted by cats both directly through predation and through the diseases that cats carry. Hawaii's native species, including birds and marine mammals, evolved without cats in the environment and therefore do not have the behaviors, awareness, or immunity to the threats cats pose. Bringing additional cats of non-domestic hybrids in the mix would increase these cats' predatory abilities. This in turn would allow such cats to increase their impact into areas they are not currently. Some of these places which are the last refuges of these rare and endangered species.

Unfortunately, our current regulations, laws, and enforcement are not enough to protect much of our native species from the impacts of outdoor domestic cats. Should there be additional non-domestic Felids introduced, even as hybrids, more of our native birds and marine mammals will be pushed towards extinction.

TWS urges the Board of Agriculture to continue to protect Hawaii's wildlife by rejecting the petitioner's request and continuing to prohibit the importation of non-domestic cats including hybrids such as the "Savanna cat".

Mahalo for the opportunity to testify on this matter. Should you have any questions regarding our testimony, please contact our Conservation Affairs Chair, Patrick Chee, at twshicac@gmail.com .

Respectfully yours,

The Wildlife Society
Hawaii Chapter



Hawaiian Humane Society

People for animals. Animals for people.

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

Date: July 21, 2023

To: Chairperson Sharon Hurd
and Members Hawai'i State Board of Agriculture

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

RE: Testimony with comments on Request for Review of the Petition from Tiffany Leilani Nerveza-Clark to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to Change the List Placement of the hybrid Savannah cat, crosses of the Serval, Felis (Leptailurus) serval with the domestic cat, Felis catus, From the List of Prohibited Animals to enable individual possession.
Tuesday, July 25, 2023, 9 a.m., Plant Quarantine Conference Room,
1849 Auiki St., Honolulu, HI 96819

The Hawaiian Humane Society is dedicated to promoting the human-animal bond and we are sympathetic to the hardship Tiffany Leilani Nerveza-Clark has endured in being separated from her pets. Our concerns about this petition are not personal to her situation.

Hawaiian Humane is grateful for the rules the Hawai'i Department of Agriculture has in place to prohibit the importation of exotic animals to be kept as pets. Undomesticated birds, reptiles, hedgehogs, monkeys, exotic cats and other species, whether wild caught or captive bred, are not suitable as companion animals because it is not possible to address these animals' behavioral and psychological needs in captivity. Regardless of how far removed from the Serval cat an individual Savannah cat might be, it owes its existence to wild animals that are being kept in captivity to create this line of designer pets.

Savannah cats are a lucrative business, with individual animals selling for \$20,000-\$30,000. With its rabies-free status, Hawai'i would be an attractive location for anyone wanting to breed these animals for export. The fact that wild animals are kept in captivity in these operations and that the state does not regulate animal breeders would combine to create an animal welfare disaster.

Hawaiian Humane has also invested enormous resources in the humane management of our existing Free-Roaming cat population. We implore you not to further exacerbate this already complex issue.

We defer to the department as to whether it is possible to help the petitioner reunite with her pets without opening the door to these other harms. The cats already exist, they are unable to breed and she has made a commitment to keep them indoors. We would not oppose such a solution. We strenuously oppose any broader exemption to the existing rules.

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

From: [Joseph Ryan](#)
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] Testimony Re: Agenda Item D.1, July 25, 2023 meeting, Petition for Declaratory Ruling
Date: Monday, July 24, 2023 6:11:23 AM
Attachments: [DOH Inspection Report 8-03-2022.pdf](#)

Dear Chair and Members of the Board of Agriculture:

Thank you for hearing the Petition for a Declaratory Ruling.

I submit the following merely as clarification regarding my clients method of sale of fresh eggs from her "place of production."

The 1983 legislature did not provide a definition of "at the place of production" with the future development of the internet in mind.

The sale of eggs can be accomplished by way of a contract under the Uniform Commercial Code-Sales, HRS 490:2 et seq. A producer can make an offer from the producer's place of production/business over the internet. A buyer can accept the offer over the internet; The producer's entire communication of an offer to a buyer and acceptance by the buyer can and does occur at the seller's place of production.

A merchant seller and a buyer can form a contract of subscription and the buyer agree to receive multiple deliveries of eggs. A buyer can accept the offer by simply giving a delivery address and the contract is formed.

§490:2-206 Offer and acceptance in formation of contract. (1) Unless otherwise unambiguously indicated by the language or circumstances:

(a) An offer to make a contract shall be construed as inviting acceptance in any manner and by any medium reasonable in the circumstances.

The exchange of promises between the seller and the buyer of delivery for money is merely evidence of the existence of an enforceable contract.

The actual eggs are never displayed in direct competition with a retailer which was the intent of the 1983 amendment according to the report of the Standing Committee on Agriculture recorded in the Senate Journal of 1983 provided to you in the staff report. The eggs actually sold are never seen before delivery to the buyer and are never displayed in direct competition with eggs sold at retail.

The first step, after the contract is accepted by the buyer, is the eggs are transported to a Department of Health approved support kitchen, washed, and then delivered to the buyer.

I have attached for your perusal, a Department of Health, Inspection Report, dated 8-03-2022. The

report shows my client complies with DOH requirements.

Thank you

Joe Ryan

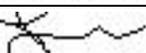
Establishment Name SUNNY SIDE UP			Date: 08/03/2022		
			Time In: 10:00 AM		
			Time Out: 10:30 AM		
Address 306 S KALAHEO AVE		City KAILUA	Zip Code 96734	Telephone (808) 384-4316	
Permit # 039453	Owner Name KELLY TOMIOKA	Purpose of Inspection Routine Follow-up		Est. Type 32. SUPPORT KITCHEN - 3	Risk Category 3

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item: IN =in compliance OUT =not in compliance N/O =not observed N/A =not applicable				Mark "X" in appropriate box for: COS =corrected on-site during inspection and/or R =repeat violation									
Compliance Status			COS	R	Compliance Status			COS	R				
Supervision				Potentially Hazardous Food (TCS food)									
1	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Person in charge present, demonstrates knowledge, and performs duties			16	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	<input type="radio"/> N/O	Proper cooking time and temperatures		
Employee Health				17	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	<input type="radio"/> N/O	Proper reheating procedures for hot holding				
2	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Management awareness; policy present	18	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	<input checked="" type="radio"/> N/O	Proper cooling time and temperatures				
3	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Proper use of reporting, restriction & exclusion	19	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	<input type="radio"/> N/O	Proper hot holding temperatures				
Good Hygienic Practices				20	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	<input type="radio"/> N/O	Proper cold holding temperatures				
4	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/O	21	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	<input checked="" type="radio"/> N/O	Proper date marking and disposition				
5	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/O	22	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	<input type="radio"/> N/O	Time as a public health control: procedures & records				
Preventing Contamination by Hands				Consumer Advisory									
6	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/O	Hands clean and properly washed	23	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	Consumer advisory provided for raw or undercooked foods				
7	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/A	N/O	Highly Susceptible Populations								
8	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Adequate handwashing facilities supplied and accessible		24	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	Pasteurized foods used; prohibited foods not offered				
Approved Source				Chemical									
9	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Food obtained from approved source		25	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	Food additives: approved and properly used				
10	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/A	<input checked="" type="radio"/> N/O	26		<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Toxic substances properly identified, stored, and used				
11	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Food in good condition, safe, and unadulterated		Conformance with Approved Procedures								
12	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/A	N/O	27	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	<input checked="" type="radio"/> N/A	Compliance with variance, specialized process, and HACCP plan				
Protection from Contamination				<p>Risk factors are food preparation practices and employees behaviors most commonly reported to the Centers for Disease Control and Prevention as contributing factors in foodborne illness outbreaks.</p> <p>Public health interventions are control measures to prevent foodborne illness or injury.</p>									
13	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/A							Food separated and protected			
14	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	N/A							Food-contact surfaces: cleaned and sanitized			
15	<input checked="" type="radio"/> IN	<input type="radio"/> OUT	Proper disposition of returned, previously served, reconditioned, and unsafe food										

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark "X" in box if numbered item is **not** in compliance. Mark "X" in appropriate box for: **COS** = corrected on-site during inspection and/or **R** = repeat violation

Safe Food and Water			COS	R	Proper Use of Utensils			COS	R
28	<input type="checkbox"/>	Pasteurized eggs used where required			41	<input type="checkbox"/>	In-use utensils: properly stored		
29	<input type="checkbox"/>	Water and ice from approved source			42	<input type="checkbox"/>	Utensils, equipment and linens: properly stored, dried, handled		
30	<input type="checkbox"/>	Variance obtained for specialized processing methods			43	<input type="checkbox"/>	Single-use/single-service articles: properly stored, used		
Food Temperature Control					44	<input type="checkbox"/>	Gloves used properly		
31	<input type="checkbox"/>	Proper cooling methods used: adequate equipment for temperature control			Utensils, Equipment and Vending				
32	<input type="checkbox"/>	Plant food properly cooked for hot holding			45	<input type="checkbox"/>	Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used		
33	<input type="checkbox"/>	Approved thawing methods used			46	<input type="checkbox"/>	Warewashing facilities: installed, maintained, used; test strips		
34	<input type="checkbox"/>	Thermometers provided and accurate			47	<input type="checkbox"/>	Nonfood-contact surfaces clean		
Food Identification					Physical Facilities				
35	<input type="checkbox"/>	Food properly labeled; original container			48	<input type="checkbox"/>	Hot and cold water available; adequate pressure		
Prevention of Food Contamination					49	<input type="checkbox"/>	Plumbing installed; proper backflow devices		
36	<input type="checkbox"/>	Insects, rodents, and animals not present			50	<input type="checkbox"/>	Sewage and waste water properly disposed		
37	<input type="checkbox"/>	Contamination prevented during food preparation, storage, and display			51	<input type="checkbox"/>	Toilet facilities: properly constructed, supplied, clean		
38	<input type="checkbox"/>	Personal cleanliness			52	<input type="checkbox"/>	Garbage/refuse properly disposed; facilities maintained		
39	<input type="checkbox"/>	Wiping cloths: properly used and stored			53	<input type="checkbox"/>	Physical facilities installed, maintained, and clean		
40	<input type="checkbox"/>	Washing fruits and vegetables			54	<input type="checkbox"/>	Adequate ventilation and lighting; designated areas used		
Print and Signature of Person in Charge: KELLY TOMIOKA 					Date: 08/03/2022				
Signature of Agent/Dept. of Health: 					Follow-up: (Circle one) YES <input type="radio"/> NO <input checked="" type="radio"/> Follow-up Date:				

STATE OF HAWAII
DEPARTMENT OF HEALTH

FOOD ESTABLISHMENT INSPECTION REPORT - SUPPLEMENT

EST. NAME SUNNY SIDE UP PERMIT NO. 039453 DATE 08/03/2022

REMARKS

PRE-OPERATIONAL INSPECTION - GREEN PLACARD POSTED

APPROVED FOR OPERATION

- Hand sink stocked with soap and papertowels
- 3-comp sink with hot/cold water; QUAT sanitizer at 200 ppm
- Support kitchen Kalapawai Market being used to wash eggs. Eggs are washed in warm water then dried on papertowels and placed in new egg cartons


SIGNATURE OF PERSON IN CHARGE


SIGNATURE OF AGENT/DEPT. OF HEALTH