

AGENDA
BOARD OF AGRICULTURE MEETING

Date: November 24, 2015
Time: 9:00 a.m.
Location: Plant Quarantine Conference Room
1849 Auiki Street
Honolulu, Hawaii 96819

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES FROM 10/27/15 MEETING
- III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)
- IV. INTRODUCTION AND COMMENTS
- V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
 - A. AGRICULTURAL LOAN DIVISION
 1. Request for Approval of One (1) Farm Operating Loan to Big Island Produce, LLC and Big Island Produce Asset Holdings, LLC as co-borrowers.
 - B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
 1. Request for Authorization to Terminate General Lease No. S-1017, Issue Cancellation Document, and Dispose of Lot through Negotiation, Waianae Agricultural Park, Lot 17, Island of Oahu
 2. Request for Consent to Assignment of General Lease No. S-8500; Hawaii Livestock Cooperative; TMK: 1st Div/9-1-031:025; Honouliuli, District of Ewa, Island of Oahu, Hawaii
 - C. QUALITY ASSURANCE DIVISION
 1. Request for Approval for a Waiver Allowing Big Island Dairy to Sell Milk at Less Than the Minimum Price in the Honolulu Milk Shed, for the Period February 1, 2015 to August 31, 2015.
 - D. PLANT INDUSTRY DIVISION
 1. Request for: (1) Preliminary Approval of Proposed Amendments to Chapter 4-66, Hawaii Administrative Rules (HAR), entitled "Pesticides" and (2) Approval to Hold Public Hearing. (See attached summary)
 2. Request for: (1) Preliminary Approval of Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules (HAR), "Non-Domestic Animal Import Rules," Including Amendment Banning Import of Dangerous Wild Animals for Performance or Exhibition; and (2) Approval to Hold Public Hearing. (See attached summary)

VI. OLD BUSINESS

1. Plant Quarantine Branch Status Report on Ohia Rapid Death (aka Ohia Wilt) Caused by a Fungus, *Ceratocystis fimbriata*, found on the Island of Hawaii.

VII. NEW BUSINESS

VIII. ADJOURNMENT OF REGULAR MEETING

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*The Board may go into Executive Session pursuant to exceptions provided under Section 92-5, Hawaii Revised Statutes (HRS), including to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(4), HRS.*

*Those persons desiring to submit written testimony may do so via postal mail to the BOA Chairperson's Office at 1428 S. King Street, Honolulu, HI 96814-2512; via fax to the BOA Chairperson at (808) 973-9613 or via e-mail to [HDOA.BOARD.TESTIMONY@HAWAII.GOV](mailto:HDOA.BOARD.TESTIMONY@HAWAII.GOV). Please include the word "testimony" and the subject matter following the address line. Those persons desiring to present oral testimony at the BOA meeting are requested to register with staff prior to the convening of the meeting. If possible, submit 14 copies of the written testimony to staff prior to the meeting.*

**NOTE: MATERIALS FOR THIS AGENDA WILL BE AVAILABLE FOR REVIEW IN THE BOA CHAIRPERSON'S OFFICE, 1428 S. KING STREET, HONOLULU, HAWAII, ON THURSDAY, 11/19/15.**

Hawaii Department of Agriculture  
Pesticides Branch

Attachment to Hawaii Board of Agriculture  
November 24, 2015 Meeting Agenda, Item D.1

Summary of Proposed Amendments to  
Chapter 4-66, Hawaii Administrative Rules (HAR),  
Hawaii Pesticide Rules

**SUBSTANTIVE AMENDMENTS**

1. Proposed Amendment to section 4-66-32(b)(2)&(3), HAR:

Currently section 4-66-32(b)(2)&(3), HAR reads:

- (2) Pesticides or pesticide uses **which** are determined to be a health hazard for one or more reasons including but not limited to toxicity, body storage, oncogenicity, mutagenicity, and teratogenicity or other reproductive effects;
- (3) Pesticides or pesticide uses **which** can reasonably be anticipated to result in contamination of groundwater or significant reductions in **nontarget** organisms, or fatality to members of endangered species; and

*The proposed amendment will add "surface water" to the list of contamination considerations when classifying a restricted use pesticide. For purposes of proper grammar, the word "which" will be replaced with "that" in paragraphs 2 and 3. For purposes of consistency throughout Chapter 4-66, HAR, a dash will be inserted between "non" and "target" in paragraph 2.*

Upon amendment section 4-66-32(b)(2) & (3), HAR will read:

- (2) Pesticides or pesticide uses **that** are determined to be a health hazard for one or more reasons including but not limited to toxicity, body storage, oncogenicity, mutagenicity, and teratogenicity or other reproductive effects;
- (3) Pesticides or pesticide uses **that** can reasonably be anticipated to result in contamination of **surface water**, groundwater, or significant reductions in **non-target** organisms, or fatality to members of endangered species; and

2. Proposed Amendment to section 4-66-32(e), HAR:

Currently section 4-66-32(e), HAR reads:

(e) The following pesticides, pesticide formulations, or pesticide products for reasons based on the criteria set forth in section 4-66-32(b) are classified as restricted use pesticides:

| <u>Restricted Use Pesticides</u>                                               | <u>Restricted Concentration</u> |
|--------------------------------------------------------------------------------|---------------------------------|
| Alachlor                                                                       | All                             |
| Atrazine                                                                       | All                             |
| Bromacil                                                                       | All                             |
| Chlorine gas (effective January 1, 2008)                                       | All                             |
| Chloropicrin                                                                   | All                             |
| Including its use as an irritant or warning agent when used with any pesticide |                                 |
| Cyanazine                                                                      | All                             |
| Hexazinone                                                                     | All                             |
| Metolachlor and its isomers                                                    | All                             |
| Paraquat                                                                       | All above 0.2%<br>cation        |
| Picloram                                                                       | All                             |
| Simazine                                                                       | All                             |

*The proposed amendment will add Amicarbazone, Chlorantraniliprole, and Fludioxonil to the list of restricted use pesticides available for licensing as restricted use pesticides in Hawaii.*

Upon amendment section 4-66-32(e), HAR will read:

(e) The following pesticides, pesticide formulations, or pesticide products for reasons based on the criteria set forth in section 4-66-32(b) are classified as restricted use pesticides:

| <u>Restricted Use Pesticides</u>                                               | <u>Restricted Concentration</u> |
|--------------------------------------------------------------------------------|---------------------------------|
| Alachlor                                                                       | All                             |
| <b>Amicarbazone</b>                                                            | <b>All</b>                      |
| Atrazine                                                                       | All                             |
| Bromacil                                                                       | All                             |
| <b>Chlorantraniliprole</b>                                                     | <b>All</b>                      |
| Chlorine gas (effective January 1, 2008)                                       | All                             |
| Chloropicrin                                                                   | All                             |
| Including its use as an irritant or warning agent when used with any pesticide |                                 |
| Cyanazine                                                                      | All                             |
| <b>Fludioxonil</b>                                                             | <b>All</b>                      |
| Hexazinone                                                                     | All                             |
| Metolachlor and its isomers                                                    | All                             |
| Paraquat                                                                       | All above 0.2%<br>cation        |
| Picloram                                                                       | All                             |
| Simazine                                                                       | All                             |

3. Proposed Amendment to section 4-66-33(b)(6), HAR:

Currently section 4-66-33(b)(6), HAR reads:

(b) No person may distribute in the State, any pesticide **which** is not licensed with the department, except for the following: \*\*\*

- (6) Pesticides distributed to research laboratories for the purpose of laboratory or greenhouse tests or limited replicated field trials of less than one-fourth acre to determine toxicity or other properties and from which the producer, researcher, or applicator or any other person conducting the **test** does not expect to receive any benefit in pest control from its use.

The proposed amendment will require research laboratories to obtain written approval from the head of the division of plant industry, Hawaii Department of Agriculture, before testing any pesticide not licensed in Hawaii. The rule as it currently exists allows research laboratories to receive and test any unlicensed pesticide as long as it is applied to less than one-fourth acre. For clarity, the word "test" will be replaced with "laboratory or greenhouse tests or field trial". A comma will be added after the word "applicator," for proper punctuation.

Upon amendment section 4-66-33(b)(6), HAR will read:

(b) No person may distribute in the State, any pesticide **that** is not licensed with the department, except for the following: \*\*\*

(6) **Upon written approval by the head,** pesticides distributed to research laboratories for the purpose of laboratory or greenhouse tests or limited replicated field trials of less than one-fourth acre to determine toxicity or other properties and from which the producer, researcher, or applicator, or any other person conducting the **laboratory or greenhouse tests or field trial,** does not expect to receive any benefit in pest control from its use.

4. Proposed Amendment to section 4-66-54, HAR:

Currently there is no subsection "(d)". The proposed amendment will add a new subsection (d) to the "Storage, Display, and Sales of Pesticides" rule set forth in section 4-66-54, HAR. Subsection (d) will be added for purposes of complying with Act 174 (June 13, 2007), codified as HRS section 149A-15.5, which allows the Hawaii Department of Agriculture to promulgate rules relating to retail pesticide warning signage.

Upon amendment section 4-66-54(d), HAR will read:

(d) Every retailer that sells pesticides to the public shall prominently display at the pesticide product

display area, in a place conspicuous to the public, a warning sign that includes the following information: Information regarding the proper handling, storage, and disposal of all pesticides sold;

- (1) Information regarding the proper handling, storage, and disposal of all pesticides sold;
- (2) Emergency telephone numbers to call in case of poisoning from the pesticides; and
- (3) A statement that use of any pesticide product in a manner inconsistent with its label is prohibited by law.

The warning sign shall be no less than seventeen inches (17") by twenty-two inches (22") and contain lettering of sufficient size to enable the sign to be read from a distance of three feet (3') under all lighting conditions normally encountered during business hours.

[Eff. 7/13/81; am and comp DEC 16 2006;]  
(Auth: L 2007, c 174, § 1; HRS §§149A-15.5, 149A-31, 149A-33)

5. Proposed Amendment to section 4-66-66, HAR:

*Currently there is no subsection (10). The proposed amendment will add a new subsection (10) to the "Fees" rule set forth in section 4-66-66, HAR. Subsection (10) will be added to clarify that a fee of \$330 will be assessed for the evaluation associated with an application for approval of a non-chemical pest control device pursuant to section 4-66-34, as well as an application for licensing pesticides. The \$330 fee for licensing pesticides is addressed by section 4-66-66(a)(1).*

Upon amendment section 4-66-66(10), HAR will read:

- (10) A fee of \$330 shall be assessed for the evaluation of data specified under section 4-66-34 and submitted in support of each non-chemical pest control device. If approved, the approval will be valid only for the specific device, label, and labeling submitted for evaluation.

## NON-SUBSTANTIVE AMENDMENTS

The following proposed amendments are necessary to address editing errors that occurred during the October 24, 2006 amendment and compilation of Chapter 4-66, HAR.

6. Proposed Amendment to section 4-66-2, HAR:

Currently section 4-66-2, HAR reads:

"Act" means the Hawaii Pesticides Law,  
chapter 149A, Hawaii Revised Statutes[:]..

*The proposed amendment will remove the brackets, semi-colon and underlining of the period at the end of the sentence. Upon amendment the definition of "Act" will conform to the rest of the definitions, which utilize a period at the end of each definition instead of a semi-colon.*

Upon amendment section 4-66-2 will read:

"Act" means the Hawaii Pesticides Law,  
chapter 149A, Hawaii Revised Statutes.

7. Proposed Amendment to section 4-66-22(b), HAR:

Currently section 4-66-22(b), HAR reads:

(b) Detailed directions for use may be omitted from the labeling of pesticides for which sale is limited to physicians, veterinarians, or **druggists**, provided that:

*The proposed amendment will change the word "druggist" to the word "pharmacist" to properly reflect the current designation of the individual to who detailed directions for pesticide use may be omitted from the pesticide label.*

Upon amendment section 4-66-22(b) will read:

(b) Detailed directions for use may be omitted from the labeling of pesticides for which sale is limited to physicians, veterinarians, or **pharmacists**, provided that:



8. Proposed Amendment to section 4-66-24, HAR:

Currently section 4-66-24, HAR reads:

Any pesticide product for which some uses are classified for [general] nonrestricted use and others for restricted use shall be separately labeled according to the labeling standards set forth in this section and shall be marketed as separate products with different registration numbers, one bearing directions only for nonrestricted use or uses and the other bearing directions for restricted use or uses, except that if a product has both restricted use or uses and nonrestricted use or uses, both of these uses may appear on a product labeled for restricted use.

The proposed amendment will remove the brackets and the word "[general]" to conform the rule to the rest of the HAR that utilizes the word "nonrestricted" instead of "general".

Upon amendment section 4-66-24 will read:

Any pesticide product for which some uses are classified for nonrestricted use and others for restricted use shall be separately labeled according to the labeling standards set forth in this section and shall be marketed as separate products with different registration numbers, one bearing directions only for nonrestricted use or uses and the other bearing directions for restricted use or uses, except that if a product has both restricted use or uses and nonrestricted use or uses, both of these uses may appear on a product labeled for restricted use.

9. Proposed Amendment to section 4-66-25, HAR:

Currently, section 4-66-25, HAR reads:

§4-66-25 REPEALED. [Eff. 7/13/81;  
R ]

The proposed amendment will add the date "DEC 16 2006" between the R and the bracket. The date was inadvertently omitted from the last revision and compilation.

Upon amendment section 4-66-25 HAR will read:

§4-66-25 REPEALED. [Eff. 7/13/81;  
R DEC 16 2006 ]

10. Proposed Amendment to section 4-66-32.1(b), HAR:

Currently, section 4-66-32.1(b), HAR reads:

(b) The head shall evaluate a licensed pesticide when unreasonable adverse effects to humans or the environment have been documented and associated with the use of that pesticide. Unreasonable adverse effects to humans or the environment shall include, but not be limited to the following circumstances:

- (1) Public or worker health hazard;
- (2) Pesticide residues in drinking water are present in levels which are equal to or exceed twenty (20) percent of the established Federal or state health standards or advisories;
- (3) Pesticide residues on food or feed are present in levels exceeding the established tolerances;  
**Fish** or wildlife hazard, including hazards to endangered species;
- (4) Toxicity to non-target organisms;
- (5) Hazardous packaging;
- (6) Misbranded as established in sections 4-66-4 to 4-66-30;
- (7) Other information suggesting unreasonable adverse effects on humans or the environment associated with the use of a specific pesticide; and
- (8) Discovery that data upon which a license was issued are false, misleading, or incomplete.

The proposed amendment will add the number (4) before the word "Fish", and renumber the following paragraphs accordingly. The number "(4)" was inadvertently omitted during the last revision

and compilation. In paragraph 2, for purposes of proper grammar, the word "which" will be replaced with "that". In paragraph 2, a space will be inserted between "per" and "cent" to conform with the Legislative Reference Bureau drafting manual and for consistency throughout Chapter 4-66, HAR.

Upon amendment section 4-66-32.1(b) will read:

(b) The head shall evaluate a licensed pesticide when unreasonable adverse effects to humans or the environment have been documented and associated with the use of that pesticide. Unreasonable adverse effects to humans or the environment shall include, but not be limited to the following circumstances:

- (1) Public or worker health hazard;
- (2) Pesticide residues in drinking water are present in levels **that** are equal to or exceed twenty (20) per cent of the established Federal or state health standards or advisories;
- (3) Pesticide residues on food or feed are present in levels exceeding the established tolerances;
- (4) Fish or wildlife hazard, including hazards to endangered species;
- (5) Toxicity to **non-target** organisms;
- (6) Hazardous packaging;
- (7) Misbranded as established in sections 4-66-4 to 4-66-30;
- (8) Other information suggesting unreasonable adverse effects on humans or the environment associated with the use of a specific pesticide; and
- (9) Discovery that data upon which a license was issued are false, misleading, or incomplete.

11. Proposed Amendment to section 4-66-39(b), HAR:

Currently, section 4-66-39(b), HAR reads:

(b) All products registered by the head shall meet all appropriate federal packaging standards as well as all appropriate standards for coloration established and contained in section 4-66-42. Prior to issuing any

registration, the head shall determine that the product conforms to these requirements.

*The proposed amendment will correct the section number from section 4-66-42 to section 4-66-42.1. Section 4-66-42 does not currently exist.*

Upon amendment section 4-66-39(b) will read:

(b) All products registered by the head shall meet all appropriate federal packaging standards as well as all appropriate standards for coloration established and contained in section 4-66-42.1. Prior to issuing any registration, the head shall determine that the product conforms to these requirements.

12. Proposed Amendment to section 4-66-56(b)(9), HAR:

Currently, section 4-66-56(b)(9), HAR reads:

- (9) Category 9, regulatory pest control, for state, federal, or other government employees using or supervising the use of restricted use pesticides in the control of regulated pests prescribed under chapter 150A, Hawaii Revised Statutes, and the Federal Plant Pest Act;

*The proposed amendment will remove the underlining of the comma after the word "federal". The underlining of the comma was inadvertently included during the last revision and compilation.*

Upon amendment section 4-66-56(b)(9) will read:

- (9) Category 9, regulatory pest control, for state, federal, or other government employees using or supervising the use of restricted use pesticides in the control of regulated pests prescribed under chapter 150A, Hawaii Revised Statutes, and the Federal Plant Pest Act;

13. Proposed Amendment to section 4-66-58(a)(6), HAR:

Currently, section 4-66-58(a)(6), HAR reads:

- (6) Right-of-way pest control applicators shall demonstrate knowledge of a wide variety of environments because rights-of-way can traverse many different terrains, including waterways. Applicators in this category shall demonstrate knowledge of problems of runoff, drift, and excessive foliage destruction and shall be able to correctly identify target and non-target organisms. They shall also demonstrate knowledge of the nature of herbicides. Aerial applicators doing right-of-way work shall demonstrate knowledge of application equipment, containment of the pesticide within the right-of-way area, and [special] drift control methods and procedures;

*The proposed amendment will remove the brackets and word "[special]". The bracketing and word "[special]" were inadvertently included during the last revision and compilation. Use of the term "special" in conjunction with "drift control" is a misnomer.*

Upon amendment section 4-66-58(a)(6), HAR will read:

- (6) Right-of-way pest control applicators shall demonstrate knowledge of a wide variety of environments because rights-of-way can traverse many different terrains, including waterways. Applicators in this category shall demonstrate knowledge of problems of runoff, drift, and excessive foliage destruction and shall be able to correctly identify target and non-target organisms. They shall also demonstrate knowledge of the nature of herbicides. Aerial applicators doing right-of-way work shall demonstrate knowledge of application equipment,

containment of the pesticide within the right-of-way area, and drift control methods and procedures;

14. Proposed Amendment to section 4-66-60(a)(4), HAR:

Currently, section 4-66-60(a)(4), HAR reads:

- (4) For renewal of commercial applicator certificates, application for renewal may be made no sooner than ninety (90) days before and no later than thirty (30) days after expiration of certification. **To qualify for renewal prior to December 31, 2006, an applicant should contact the Department's pesticides program to determine the number of hours of training credit needed to qualify for recertification under policies valid through that date. Beginning January 1, 2007, an applicant for recertification must complete one of the following procedures:**

*The proposed amendment will remove any reference to dates that are no longer relevant.*

Upon amendment, section 4-66-60(a)(4), HAR will read:

- (4) For renewal of commercial applicator certificates, application for renewal may be made no sooner than ninety (90) days before and no later than thirty (30) days after expiration of certification. An applicant for recertification must complete one of the following procedures:

15. Proposed Amendment to section 4-66-60(b)(1), HAR:

Currently, section 4-66-60(b)(1), HAR reads:

- (1) For initial certification of private applicators and renewal of private applicator certificates, application shall be on forms provided by the head. To qualify, the applicant shall pass a written examination with a score of

seventy per cent or better, at a time and place designated by the head. The examination shall cover the standards specified in sections 4-66-57(c) and 4-66-57(d) and the applicable standards in section 4-66-58(b). If the applicant fails to pass the examination, that applicant is eligible to be re-examined no sooner than fourteen (14) calendar days after the date of the failed examination. If the applicant passes the examination and meets all of the other requirements for certification, a certificate may be issued.

*The proposed amendment will remove any reference to section 4-66-57(d). Section 4-66-57(d) does not exist.*

Upon amendment, section 4-66-60(b)(1), HAR will read:

- (1) For initial certification of private applicators and renewal of private applicator certificates, application shall be on forms provided by the head. To qualify, the applicant shall pass a written examination with a score of seventy per cent or better, at a time and place designated by the head. The examination shall cover the standards specified in section 4-66-57(c) and the applicable standards in section 4-66-58(b). If the applicant fails to pass the examination, that applicant is eligible to be re-examined no sooner than fourteen (14) calendar days after the date of the failed examination. If the applicant passes the examination and meets all of the other requirements for certification, a certificate may be issued.

16. Proposed Amendment to section 4-66-60(b)(3), HAR:

Currently, section 4-66-60(b)(3), HAR reads:

- (3) Procedure for certification of

non-English proficient private applicators. Non-English proficient private applicators may be certified to use a specific product by passing an oral examination in English administered by the head or any person approved by the head, with a score of seventy **percent** or better at a time and place designated by the head. A translator may be present at the applicant's option and expense. Instruction and examination shall cover the standards specified in sections 4-66-57(c) **and 4-66-57(d)** and the **appropriate** standards in section 4-66-58(b). If the applicant fails to pass the examination, that applicant is eligible to be re-examined no sooner than fourteen (14) calendar days after the date of the failed examination. The applicant shall also demonstrate, through an actual pesticide application, the ability to apply pesticides according to label directions and understand sources of advice and guidance necessary for safe and proper application of pesticides covered. If the applicant passes the examination and the demonstration, a certificate shall be issued. Any certificate issued pursuant to this paragraph shall be limited to five (5) restricted use products chosen by the applicant. Renewal of certificates issued under this section can be granted only through the procedures described in this paragraph.

The proposed amendment will insert a space between "per" and "cent" to conform with the Legislative Reference Bureau drafting manual and for consistency throughout Chapter 4-66, HAR, and remove any reference to section 4-66-57(d). Section 4-66-57(d) does not exist. The word "appropriate" will be replaced with the word "applicable" for purposes of clarity.

Upon amendment, section 4-66-60(b)(3), HAR will read:



(3) Procedure for certification of non-English proficient private applicators. Non-English proficient private applicators may be certified to use a specific product by passing an oral examination in English administered by the head or any person approved by the head, with a score of seventy **per cent** or better at a time and place designated by the head. A translator may be present at the applicant's option and expense. Instruction and examination shall cover the standards specified in section 4-66-57(c) and the **applicable** standards in section 4-66-58(b). If the applicant fails to pass the examination, that applicant is eligible to be re-examined no sooner than fourteen (14) calendar days after the date of the failed examination. The applicant shall also demonstrate, through an actual pesticide application, the ability to apply pesticides according to label directions and understand sources of advice and guidance necessary for safe and proper application of pesticides covered. If the applicant passes the examination and the demonstration, a certificate shall be issued. Any certificate issued pursuant to this paragraph shall be limited to five (5) restricted use products chosen by the applicant. Renewal of certificates issued under this section can be granted only through the procedures described in this paragraph.

17. Proposed Amendment to section 4-66-66(a)(1), HAR:

Currently, section 4-66-66(a)(1), HAR reads:

(a) The head shall set forth and collect fees for licensing of dealers, licensing of pesticides and certification of applicators as follows:

- (1) A fee of \$270 shall be assessed for each product licensed in State for the three-year licensing periods beginning on January 1, 2007 and January 1, 2008. A fee of \$330 shall be assessed for each product licensed in the State for the three-year licensing period beginning January 1, 2009 and each three-year licensing period thereafter. A licensee who desires to continue to have the license in effect shall submit an application for renewal and \$330 for each pesticide product license to be renewed;

*The proposed amendment will remove any reference to dates that are no longer relevant. Reference to approval of non-chemical pest control devices will be inserted to clarify non-chemical pest control devices are not licensed, but approved.*

Upon amendment, section 4-66-66(a)(1), HAR will read:

(a) The head shall set forth and collect fees for licensing of dealers, licensing of pesticides, **approval of non-chemical pest control devices**, and certification of applicators as follows:

- (1) A fee of \$330 shall be assessed for each product licensed in the State for each three-year licensing period. A licensee who desires to continue to have the license in effect shall submit an application for renewal and \$330 for each pesticide product license to be renewed;

THIS IS THE END OF THE PROPOSED AMENDMENTS TO CHAPTER 4-66,  
HAR.

Attachment to Board of Agriculture Meeting Agenda 11/24/15, Item D.2

Summary of Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules,  
Entitled, "Non-Domestic Animal Import Rules," Relating to Import Requirements  
For Non-Domestic Animals.

The proposed amendments to chapter 4-71, Hawaii Administrative Rule are summarized below:

1. Section 4-71-1, Objectives: includes animal and public health and safety among the objectives of the rule chapter.
2. Section 4-71-2, Definitions: establishes a definition for "dangerous wild animals" and lists specific species identified as "dangerous wild animals."
3. Section 4-71-3, Permits:
  - a. Deletes "dangerous wild animals" from the animals allowed for import under short-term permit for performance or exhibition, except that dangerous wild animals may be imported for commercial filming for television or movies, subject to permit conditions adequate to address any associated risks.
  - b. Clarifies that violation of permit conditions may result in citation or in cancellation of permit, or both.
4. Section 4-71-4.1, Maximum time period for permit approvals: clarifies that short-term special permits, as well as short-term permits for certain animals, not just performing animals, must be processed within 120 days.
5. Section 4-71-6.5 Permitted introductions:
  - a. Allows government agencies to import animals on the List of Conditionally Approved Animals.
  - b. Clarifies that in addition to universities and government agencies, other institutions may import restricted list animals for research, medical and scientific purposes.
  - c. Clarifies that permits may be approved by the chairperson, as well as by the chief or Board of Agriculture, as specified by rules.
  - d. Clarifies that animals on the List of Restricted Animals (Part B) may be imported for use by government agencies, as well as for currently allowed

purposes (i.e., private and commercial use, including zoological parks, or aquaculture production.)

- e. Requires site approval prior to the issuance of any permit issued for import of animals on the restricted lists and unlisted animals.
  - f. Clarifies that the transfer or sale of unlisted animals under permit is allowed provided the proposed transferee can satisfy conditions for transfer and obtains a permit for possession.
  - g. Deletes Nile tilapia, *Oreochromis niloticus*, from the List of Restricted Animals (Part A) and adds this fish to the List of Restricted Animals (Part B).
  - h. Deletes house crickets, *Acheta domesticus*, from the List of Restricted Animals (Part A) and adds this insect to the List of Restricted Animals (Part B).
6. Section 4-71-7, Bond for certain animals: deletes the word, “performing,” to expand the bond requirement to any animal used in a circus, carnival, or commercial filming, as appropriate.