

State of Hawaii  
Department of Agriculture  
Honolulu, Hawaii

**AGENDA**

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ADVISORY COMMITTEE ON PLANTS AND ANIMALS MEETING	Wednesday February 15, 2023 9:00 A.M.
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**Place:** In person access with an Audio-Visual connection- Department of Agriculture  
Plant Quarantine Branch Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819-3100  
**and**  
Virtual Videoconference Meeting – Zoom Webinar (use link below)  
<https://zoom.us/j/93972976941>

**One tap mobile:** US: +16694449171,,93972976941# or  
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**Phone Number:** Dial (for higher quality, dial a number based on your current  
location):  
US: +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or  
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1968 or +1 309 205 3325 Webinar ID: 939 7297 6941  
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*Members of the public may submit written testimony via e-mail to:  
[HDOA.PQ.TESTIMONY@HAWAII.GOV](mailto:HDOA.PQ.TESTIMONY@HAWAII.GOV), via postal mail to the Plant Quarantine Branch (PQB)  
Office at 1849 Auiki Street, Honolulu, HI 96819; or via fax to the PQB Manager at (808) 832-  
0584. Please include the word “testimony” and the subject matter following the address line. All  
written testimony should be received no later than 4:00 pm on Tuesday, February 14, 2023.*

*Copies of the Advisory Committee Packet will be available for on-line review at:  
<https://hdoa.hawaii.gov/blog/main/pqmtgs/>.*

*Note: Public testimony will be accepted on each agenda item.*

**INTERNET ACCESS:**

*To view the meeting and provide live oral testimony during the meeting, please use the above  
link. You will be asked to enter your name in order to access the meeting as an attendee. The  
Committee requests that you enter your full name, but you may use a pseudonym or other*

identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., \*\*\*\*\*@\*\*\*mail.com.

As an attendee, your microphone will be automatically muted during the meeting unless you are providing testimony. For each agenda item you wish to testify on, please click the Raise Hand button found on your Zoom screen. Committee staff will individually enable each testifier to unmute their microphone. When recognized by the Committee Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking in order to prevent audio feedback. When testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

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Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

When the Committee Chairperson asks for public testimony, you may indicate you want to testify by entering “#” and then “9” on your phone’s keypad. After entering “#” and then “9”, a voice prompt will let you know that the host of the meeting has been notified.

When recognized by the Committee Chairperson, you may unmute yourself by pressing “#” and then “6” on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter “#” and then “6” again to mute yourself. For internet, telephone, and in-person access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If internet and phone connection is lost, the meeting may reconvene when either audiovisual communication or audio-only communication is established within 30 minutes. The public may access the reconvened meeting by clicking the link again or calling one of the numbers provided above.

If it is not possible to reconvene the meeting within 30 minutes after an interruption, then check the agency’s website for information as to whether the meeting will be continued to an alternative date and time, or the meeting may be terminated.

- I. CALL TO ORDER
- II. INTRODUCTION
- III. REQUEST(S) TO BE REVIEWED BY COMMITTEE

*Note: Public testimony will be accepted on each agenda item.*

1. Request for Review and Recommendation of the Proposed Changes to Hawaii Administrative Rules, Chapter 4-71, to Place the Unlisted Northern Largemouth Bass, *Micropterus salmoides salmoides*, on the List of Restricted Animals (Part A) for ecosystem and fishery impact research for the Wahiawa Public Fishing Area by the Hawaii Department of Land and Natural Resources, Division of Aquatic Resources.
2. Request to: (1) Allow the Importation of Maize chlorotic mottle virus (MCMV), a virus on the List of Restricted Microorganisms Part A, by Permit, for Laboratory Work and Shade House Inoculations by Pioneer Hi-Bred International, Inc.; and (2) Establish Permit Conditions for the Importation of Maize chlorotic mottle virus (MCMV), a Virus on the List of Restricted Microorganisms Part A, for Laboratory Work and Shade House Inoculations by Pioneer Hi-Bred International, Inc.
3. Request for Review and Recommendation on the Proposed Changes to Hawaii Administrative Rules, Chapter 4-72, entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules" to among other things:
  - A. Implement Plant Quarantine Interim Rule 22-1, Regarding Quarantine Restrictions on the Coconut Rhinoceros Beetle (CRB) and CRB host materials;
  - B. Implement Fees for Inspections and the Processing and Issuance of Permits;
  - C. Establish Authority to Prohibit the Movement of Infested Materials Within the State;
  - D. Include Penalties for Non-Compliance; and
  - E. Make Other Changes for Clarity or Simplification and Other Non-substantive Changes Correcting Grammar, Punctuation, or Typeface.

(See attachment 1 for a summary of the specific proposed changes)

#### IV. ADJOURNMENT

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

*If you require special assistance or auxiliary aids or services to participate in the public hearing process, please contact staff at (808) 973-9550 at least 3 business days prior to the meeting so arrangements can be made.*

*The Hawai'i Department of Agriculture does not discriminate on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under applicable federal or state law, in administration of its programs, or activities, and the Department of Agriculture does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.*

*If you have any questions about this notice or any of the Department's non-discrimination programs, policies, or procedures, you may contact:*

*Morris Atta, Acting Non-Discrimination Coordinator  
Hawai'i Department of Agriculture, 1428 S. King Street, Honolulu, HI 96814,  
(808) 973-9553, [hdoa.titlevi@hawaii.gov](mailto:hdoa.titlevi@hawaii.gov)*

*If you believe that you have been discriminated against with respect to a Department of Agriculture program or activity, you may contact the Acting Non-Discrimination Coordinator identified above.*

*To request language or accessibility for HDOA programs or public meetings, please contact the Office of the Chairperson, at (808) 973-9560 or email: [hdoa.info@hawaii.gov](mailto:hdoa.info@hawaii.gov). Please allow sufficient time for HDOA to meet accommodation requests.*

*To request language interpretation for this document, please contact: Language Access Coordinator located at 1428 South King Street, Honolulu, HI 96813 (Phone: 808-973-9496 or Email: [hdoa.hr@hawaii.gov](mailto:hdoa.hr@hawaii.gov)). Individuals may request oral interpretation services in order to request a written translation of this document.*

*If you need an auxiliary aid/service or other accommodation due to a disability, contact Morris Atta at (808) 973-9553 or [hdoa.titlevi@hawaii.gov](mailto:hdoa.titlevi@hawaii.gov) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request, but we cannot guarantee that the request will be fulfilled.*

Listed below is a summary of the specific proposed changes to Chapter 4-72, Hawaii Administrative Rules.

1. Chapter 4-72 title is amended by adding "and Pest Host Material". Chapter 4-72 is amended by adding headings for "Subchapter 1 General Provisions" and "Subchapter 2 Intrastate Restrictions".
2. Amending Section 4-72-1, Objective by clarifying that Chapter 4-72 is implementing Chapter 141, Hawaii Revised Statutes (HRS) and by deleting "their plant or commodity hosts" and adding "infested or infected pest host material".
3. Amending Section 4-72-2 Definitions as follows:
  - a. The definition "Board" is corrected.
  - b. The definition "Department" is moved to appear in alphabetical order.
  - c. The definition "Chief" is deleted.
  - d. The definition "Compliance agreement" is added.
  - e. The definition "Infested" is added.
  - f. The definition "Person" is added.
  - g. The definition "Pest" is added.
  - h. The definition "Pest host material" is added.
  - o. The definition "Restricted area" is corrected.
  - j. The definition "Soil" is added.
  - k. The definition "SPRO" is added.
  - l. The definition "State " is added.
4. Amending Section 4-72-3 Inspectional requirements. Adds "soil" to items required to be inspected by HDOA prior to being transported between the islands of the State, unless authorized by section 4-72-4(c). Clarifies that non-propagative plant parts may be inspected, at HDOA's discretion, when being transported between the islands of the State.
5. Amending Section 4-72-4 Prohibited transportations to:
  - a. Clarify that plants, propagative plant parts, and soil not inspected as required by section 4-72-3 may not be transported between islands of the State.
  - b. Add that pest host material that is infested or infected with a pest or that is itself a pest may not be transported between or within islands of the State unless it has been treated as approved by the SPRO or the transportation is authorized by the SPRO.
  - c. Add subsection (c) that the inspectional requirements and prohibitions on transportation do not apply to HDOA moving items for research, testing, or educational purposes or to items moved pursuant to a permit approved by the SPRO and issued to an institution approved by the Board, a government agency, or a university for research, testing, or educational purposes.
6. Amending and renumbering Section 4-72-4.5 Designation of infested areas; expansion as section 4-72-10 (see below for proposed changes).
7. Adds new Section 4-72-5, Prohibition on movement of infested material to authorize the SPRO to:

- a. Prohibit the movement of items that are for sale or otherwise available to the public that are infested or infected with a pest.
  - b. Require treatment of an area where the infested or infected items are stored.
  - c. Determine the disposition of the infested or infected items.
8. Amending and renumbering Section 4-72-8 Restrictions on transport, harboring, rearing, or breeding of pests as Section 4-72-6. Amendments allow the harboring, rearing, or breeding of a pest in the following instances:
  - a. For research, testing, or educational purposes by HDOA, or for a government agency, or a university at sites approved by the SPRO.
  - b. By an institution approved by the Board, pursuant to a permit approved by the SPRO.
9. Adds new Section 4-72-7, Permit and inspection fees to establish fees as follows:
  - a. The fee for a permit under chapter 4-72 is \$20 per permit for a single shipment within one year and \$100 per permit for unlimited shipments within one year.
  - b. The fee for a site inspection is \$25 per site inspected, plus mileage reimbursement.
10. Adds new Section 4-72-8, Inspection fees to set fees plus mileage reimbursement pursuant to Act 173, SLH 2010 for:
  - a. Inspections and other actions by HDOA carried out beyond regular work hours at \$50.00 per inspection, including applicable charges for overtime, fixed charges, and meals, as appropriate.
  - b. Inspections conducted away from a port or HDOA office at \$50.00 per hour.
11. Adds new Section 4-72-9, Economic loss or damage to clarify that the State is not responsible for economic loss or damages related to actions by HDOA in carrying out Chapter 4-72.
12. Amending and renumbering Section 4-72-4.5 Designation of infested areas; expansion as section 4-72-10 to:
  - a. Make technical amendments regarding press releases and written notices.
  - b. Delete "its plant or commodity hosts" and add "its pest host material".
  - c. Remove the requirement that the Board's action to expand an infested area occur on the island where a new infestation has occurred, following written notice to industry groups likely to be affected.
13. Adds new Section 4-72-11, Penalties to clarify that violations of Chapter 4-72 are subject to penalties pursuant to Chapters 150A-14 and 141-7, HRS.
14. Adds new Section 4-72-12, Scientific and common names to clarify that if a scientific or common name set out in Chapter 4-72 is changed to a new scientific or common name the reference in the chapter shall be construed to refer to the new name.
15. Adds new Section 4-72-13, Severability to clarify that if a provision of Chapter 4-72 is found to be unconstitutional or invalid, the other provisions of the chapter are not affected.

16. Amending and renumbering Section 4-72-5 Examples of regulated pests as Section 4-72-15. Amendments are proposed to make technical changes, including updating scientific and common names, and to add new examples of regulated pests.
17. Amending and renumbering Section 4-72-6 Restrictions on sugarcane as Section 4-72-16. Amendments are proposed to make technical changes and add that a university or government agency may conduct research on sugarcane, pursuant to a permit.
18. Amending and renumbering Section 4-72-7 Restrictions on soil, sand, and animal manure as Section 4-72-17. Amendments are proposed to make technical changes, delete “artificial” and add “soil-less”, and add that an institution approved by the Board, university, or government agency is eligible for a permit for diagnostic purposes.
19. Amending and renumbering Section 4-72-9 Restrictions on dasheen and taro as Section 4-72-18. Deletes “corms” from the heading and throughout the section.
20. Amending and renumbering Section 4-72-10 Restrictions on papaya and cucurbit as Section 4-72-19. Amendments make technical changes to scientific and common names.
21. Amending and renumbering Section 4-72-11 Restrictions on banana as Section 4-72-20. Amendments make technical changes for clarity.
22. Amending and renumbering Section 4-72-12 Restrictions on coffee as Section 4-72-21. Amendments make technical changes for clarity and allow coffee plants and plant parts for propagation to be quarantined at a facility approved by the SPRO.
23. Amending and renumbering Section 4-72-13 Quarantine restrictions on ohia and soil from rapid ohia death infested areas as Section 4-72-22. Amendments make technical changes, including updating scientific names.
24. Adds new Section 4-72-23, Quarantine restrictions on CRB and CRB host material to make permanent Plant Quarantine Interim Rule 22-1. The proposed Section:
  - a. Designates the entire island of Oahu as the CRB infested area.
  - b. Prohibits the movement of CRB host material within the State except by HDOA or pursuant to a compliance agreement issued by the SPRO.
  - c. Prohibits a person from transporting, receiving, processing, selling, bartering, donating, otherwise giving away, and exporting CRB host material within or from the infested area unless the person is operating under a compliance agreement or other permit issued by HDOA, or is directly exporting the material out of State.
25. Other changes are proposed throughout Chapter 4-72 for clarity, simplification, or to correct format, grammar, punctuation, and typeface.