**DRAFT Minutes of the Advisory Committee on Plants and Animals**

**March 11, 2024, Meeting**

Hawaii Department of Agriculture (HDOA)

1. CALL TO ORDER

Chairperson Darcy Oishi called the Advisory Committee on Plants and Animals to order on Monday, March 11, 2024, at 9:36 AM via Zoom Meeting. He introduced himself and provided information to the virtual public on connectivity, zoom, testimony time limits, and call-in instructions.

Members Virtually Present:

Darcy Oishi, Committee Chairperson, HDOA (Acting Manager of the Plant Pest Control Branch

 Pamela Mizuno, Director of Panaewa Zoo, County of Hawaii, Retired

Thomas Eisen, Planner, Environmental Quality Control Program, Office of Planning & Sustainable Development

Gracelda Simmons, Department of Health

Joshua Fisher, (Invasive Species Biologist, U. S. Fish and Wildlife)

Sam Gon Ph.D., Nature Conservancy

Chelsea Arnott, designee for Robert Hauff (Dept. of Forestry and Wildlife)

 Others Present:[[1]](#footnote-1)

 Christopher Kishimoto, Specialist, PQB, HDOA

 Kevin Salvador, IT Specialist, HDOA

 Deborah Safarik, Secretary, PQB, HDOA

 Carol Okada, PI, HDOA

 Others Virtually Present:

 Jonathan Ho, PQ Branch Manager, Acting

 Travis Moon, Attorney General

Other Virtually Present:

 Christy Martin, CGAPS

II. INTRODUCTION AND COMMENTS

Chairperson Darcy Oishi introduced himself and asked the Committee members to briefly introduce themselves. For those in attendance virtually, he asked that they indicate if anyone is in the room with them. Chelsea Arnott, Thomas Eisen, Pam Mizuno, Gracelda Simmons, Joshua Fisher, and Sam Gon introduced themselves. All indicated they were alone.

III. APPROVAL OF MINUTES FROM October 2, 2023 & November 17, 2023

Chairperson Oishi asked the Committee if there were questions or concerns about the October 2nd, 2023, minutes. Hearing none, he asked for approval of the October 2nd, 2023, minutes.

Sam ‘Ohu Gon moved to approve the minutes and Pam Mizuno seconded the motion.

Chairperson Oishi for a roll call vote:

Vote: Approved 7/0 Eisen, Mizuno, Fisher, Simmons, Arnott, Gon, Oishi

Chairperson Oishi asked if there were questions or concerns about the November 17th, 2023, minutes. Hearing none, Chair Oishi motioned for approval of the November 17th, 2023, minutes. Sam ‘Ohu Gon seconded the motion. The chair called for a vote.

Vote: Approved 7/0: Mizuno, Simmons, Eisen, Arnott, Gon, Oishi, Fisher

IV. REQUESTS TO BE REVIEWED BY COMMITTEE

1. 1. Request for: (1) A Finding that the Unrestricted Intra-Island Movement of Agricultural Commodities, Including but Not Limited to Live Plants, Propagative Plant Parts, Cut Flowers, Fruits, Vegetables, Green Waste, and Plant Propagation Media Within the Island of Oahu, Constitutes an Emergency Justifying Issuance of an Interim Rule to Prevent the Spread of the Little Fire Ant, *Wasmannia auropunctata*; and

(2) A Finding that the Issuance of an Interim Rule to Restrict the Intra-Island Movement of Agricultural Commodities, Including but Not Limited to Live Plants, Propagative Plant Parts, Cut Flowers, Fruits, Vegetables, Green Waste, and Plant Propagation Media on the Island of Oahu, is Required to Prevent the Spread of the Little Fire Ant, *Wasmannia auropunctata* to Un-infested Areas Within the Island of Oahu.

This request was presented to the Advisory Committee on Plants and Animals Committee at its meeting on March 11, 2024. Acting Plant Quarantine Branch Manager Jonathan Ho provided a synopsis of the request.

Chair Oishi explained that Item IV on the agenda is one request that is working in two distinctive parts. The first part is related to the declaration of an emergency. If we do not find a need for any emergency, there will be no need to address the second portion of the request. Chairman Oishi asked Jonathan Ho to explain.

Jonathan Ho reiterated that the request is in two parts. The first part is that the unrestricted intra-island movement of agricultural commodities, including, but not limited to live plants, propagated parts, cut flowers, fruits, vegetables, green waste, and plant propagation media within the island of Oahu constitutes an emergency justifying issuance of an interim rule to prevent the spread of the Little Fire Ants. Item (2) A finding that the issuance of an interim rule issued to restrict the movement of the commodities on the Island of Oahu is required to prevent the spread of LFA to the uninfested areas within the Island of Oahu. So basically, the branch is proposing to implement the interim rule for LFA for agricultural commodities.

The committee is aware of LFA, and how bad it is in biology and that it’s been in the state for quite some time. This rule is being proposed because we are starting to see quite a bit of spread on the Island of Oahu, particularly on the windward side of Oahu. Procedurally to get this rule through, there is a requirement pursuant to 158 9.5 that an interim rule can be adopted if there is a finding that with the lack of effective rules, there is a dangerous situation to public health or environment that is so immediate in nature that it constitutes an emergency. Again, part one of this submittal. No interim rule shall be effective for more than a year, and once adopted, the interim rule must be published once in any paper or general circulation, within 12 days of issuance. 158 8 gives us the authority to regulate flora and fauna intra-state, this in turn will provide us the means to further restrict the movement of LFA. When you look at the rule itself, you know the commodities are going to be very specifically regulated again from areas that are going to be deemed to be infested to other areas on the island of Oahu. If there’s a question with regards to the possibility of moving it statewide, we are limited to Oahu because we weren’t seeing the same kind of spread on the other islands. However, should that occur, obviously the ability to implement an interim rule for another island can be done.

The 4-72 proposed rules that we had at the last meeting also have this authority baked into it. So, provided that gets done, there may not necessarily be a need to do another interim rule specifically for LFA.

There was one set of testimony that the Department received from the coordinating group on alien pest species, that condensed the rule by adding definitions. Looking at it against what was proposed by the branch, it is very similar. The only substantive difference is the fact that the term witnessing, or the fact that treatment needs to be witnessed and approved by the department isn’t specified in the version that was provided by CGAPS. It just says, subject to treatment.

So, standard practice, from quarantine, we witness treatments, and we make sure that the treatments that are being applied are those that are known to be effective. Obviously, we don’t want them to be treated with something that they feel may be effective but may not necessarily be effective. If the committee does want to use the CGAPS version, it can be done, but I think keeping the witnessing and approval of, or witnessing and use of approved treatments is, very critical. If that is added to their version, I think either version can be acceptable.

Chair Oishi asked if there are any questions or discussion from the committee. Committee member Chelsea Arnott, she thanked Jonathan Ho for the breakdown and the department recognizing the need to address high risk pathway removing Little Fire Ant on Oahu. My initial concern is the timeline for Chapter 72 and wanting to ensure that it’s still on track as Jonathan stated. This Chapter 72 amendments as the committee knows would address all the issues that this interim rule would address and more for the State. I want to make sure that moving this interim rule forward isn’t sidelining the Chapter 72 amendments or delaying that process.

Jonathan Ho stated that due to limited staff it’s a matter of balancing the ability to do something immediately versus managing the procedural requirements to get stuff done. Managing the needs of the community in terms of trying to manage spread on Oahu, yet still getting this comprehensive rule set done it does take away time from that, because again, the limited staff. Once the interim rule goes into effect, we are going to continue to move forward with the permanent rulemaking to get it done as soon as possible.

Committee Member Chelsea Arnott asked for the timeline on Chapter 72 going forward. Jonathan Ho answered that there were approximately 290 testimonies, some are specific with regards with concerns. Some are quite nuanced; those are the ones that are a bit more difficult. So, addressing all those concerns so that the rule can be presented to the board, and they can make an informed decision. The department’s intent is that this move forward, we are going to make sure that we get this done as soon as possible.

Committee member Thomas Eisen, related to the interim rule: There is a one-year sun-setting clause, what is going to happen in one year? Are we going to have everything solved by then, or do another one, or do you have Chapter 72?

Jonathan Ho stated that yes, there is a statutory limit for any interim rule. There is a potential of having concurrent regulation. I don’t expect that this rule will need to be in place anywhere near that amount of time before Chapter 72 comes in and basically supersedes what this rule is intending to do.

Committee member Joshua Fisher commented that the Little Fire Ant is a serious test that we have been seeing play out within the State for some time. There are good methods for localized control, so the ability to control it when it small. I do have a concern we are seeing in Guam, where it’s completely throughout the island, so much to the extent that instead of preventing it from moving within the island, you are having to protect resources from LFA like we do here. Protecting resources from invasive species that are already established, the need to set up quarantine and address this issue is paramount. I do feel that this interim rule is narrowly focused on Oahu, LFA is playing out on the other islands, and I do not understand why it is just the emergency on Oahu and not the other areas. Another concern there was an interim rule for quarantine for CRB, and that was withdrawn citing chapter 4-72 would be released shortly. Now we have this other interim rule change would have addressed. I am concerned about the timeline, could we circle back about what the next step is for the Chapter 4-72 rule change, what would be the next steps?

Chairperson Oishi, interjected regarding the limitation to Oahu. I want the committee to understand that we are going to have to follow Sunshine Law. The agenda was published for Oahu. I am open to entertaining discussion as to why it’s limited to Oahu, but the motion must be limited to Oahu. Ultimately, we are only deciding a quarantine a declaration of emergency for the island of Oahu.

Committee Member Joshua Fisher asked why only Oahu constitutes this emergency? Jonathan Ho answered when we decided to move forward with the interim rule, the immediate threat we were seeing with LFA spread on Oahu particularly on the windward side. What we know versus what you are seeing on Maui and Kauai where I think the infestation are there, but not seeing this kind of rampant known spread as you are seeing here, and the idea was by making it very focused and targeted. This speeds its way through the process, with the intent of getting the permanent rule done. So, you would start to see the same situation that is on Oahu, going to Maui, or to Kauai, to start taking action because it’s already there. You don’t need to come before the committee to have an interim rule, take all this time and effort to do that. The intent was really to focus on what the biggest uproar is about now to move it quickly as possible, that’s why we did it this way. Joshua Fisher acknowledged this agenda item is focused on Oahu, he expressed concern that it is too narrow for not addressing the other islands. Joshua asked if we were focusing on the first item of the agenda to establish an emergency. Jonathan Ho reiterated what Chair Oishi said, that if you don’t have the first one (the emergency), you can’t have the second one (interim rule), that is why it’s split up.

Jonathan Ho also covered what needs to be done moving forward for rules for 72, there is a hearing officer’s report that needs to be drafted addressing all the testimony. That is what is going to be presented to the board. Then with the rule, should there be any changes, it will be based off the testimony. That is what is being worked on now. At that point it will be presented to the board, more than likely will make a determination to move it forward or they may have concerns, which is unlikely. Once the Board reviews it, we are going to finalize everything in Standard and Ramsay and make all those permanent changes.

Jonathan Ho continued, that it needs to back to the Small Business Regulatory Review Board. There is an after-public hearing requirement for any administrative rule that has an impact on small business. The ability to potentially quarantine businesses and prevent their ability to do business as an impact. Once that is done, it is filed with the Governor for his signature. Once the Governor signs it, it is transferred over to the Lieutenant Governor’s office, then 12 days later, it is a force of law. So, it’s where we are in the home stretch, basically.

Joshua Fisher commented that for the first part of today’s agenda item, I do agree it constitutes an emergency. Chair Oishi asked if there are other questions and concerns from the committee. Committee Member Pam Mizuno added having to deal with fire ants on this (Hawaii) island for years and having been bitten numerous times while working, I do think it’s an emergency.

Chair Oishi stated that Jonathan Ho mentioned that there is testimony by the Coordinating Group on Alien Species. Ms. Stephanie Easley, legal fellow, spoke for the group and said she believes this interim rule goes farther than anything in Chapter 72 and is more impactful. Chapter 72 is limited in terms of quarantine for things available to the public by sale or donation. This is an extremely broad quarantine authority that could apply, under my reading, to my condo building or any area. So, I do see it as different and important. With respect to the emergency finding, as Chair noted, Sunshine Law limits it to what has been published. But this committee could consider other interim with expanded authority that would be effective for a year, and that is my entire testimony for Part One.

Chair Oishi asked if anyone else would like to provide testimony. Hearing none, Chair moves to approve the determination of an emergency status for the island of Oahu as written by Plant Quarantine. Do I have a second? Pam Mizuno seconded. The chair asked for the vote.

Vote: Finding of an Emergency - Approved 7/0 (Fisher, Arnott, Simmons, Mizuno, Gon, Oishi, Eisen)

Chair Oishi asked Jonathan Ho to speak about Item 2 on the agenda. Jonathan noted the rule is quite broad, but the idea that is broader than Chapter 72, I thought they were essentially the same. However, we are regulating those specific commodities within the Island of Oahu. While inter-island movement isn’t necessarily regulated, obviously, you can’t move it to the port as that is within the island of Oahu, that is why we are limiting it to Oahu. So, it does have that benefit of basically restricting inter-island movement. We are going to require treatments that we witness and approve depending on the extent of the infestation. That is probably going to be the biggest impact on operations, dependent on the number of items that are moving, and which areas are infested, that is how the rule is set up.

Committee member Fisher asked if non-agricultural commodities, such as tractors, could be regulated. Mr. Ho said most pests have specific host commodities, so targeting those items specifically can be done and if LFA were found on non-agricultural commodities, we can hold those items. However, because LFA can be found on all sorts of commodities there is no way to hold everything for inspection. He noted another challenge is that statutory authority is limited to flora and fauna.

Committee member Thomas Eisen asked how someone would know if an area was infested with LFA. Mr. Ho said that Plant Quarantine would use a system to respond to possible LFA infestations. Should an LFA infestation be found, the Department would work with the affected party to implement best management practices and ensure that infest commodities are not moved unless subjected to treatment. Should a party not want to voluntarily participate, there is a warrant process that can be used to gain access.

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Committee member Fisher asked how Plant Quarantine would determine the extent of an LFA infestation. Mr. Ho said through use of a systematic surveys and based on the findings of those surveys, specific areas on property, or an entire property could be quarantined. Once that determination is made, the Plant Pest Control Branch would work with the affected party to implement a treatment regime and Plant Quarantine would coordinate witnessing of treatments of potentially infested material to ensure it is free of LFA before movement.

Committee Member Gracelda Simmons asked a follow up question on how would you be utilizing public outreach and getting the word out to potential landowners? Do you have enough staff in your branch to follow up on these sites? Will you require additional funding? Again, how is enforcement going to be implemented? Jonathan Ho answered that right now, there is only a handful of places, and we are dealing with it. Having more staff would be helpful in dealing with this. We have been working within the tight confines of what we have. Should LFA start to explode, we are going to start running into potential issues with regards to managing treatments. Say we start finding 500 sites on the island of Oahu, our maritime section has 13 people, so are obviously not going to forget imports and only do LFA. Preventing new pests such as Asian Long Horn Beetle, Gypsy Moth or whatever it maybe from coming in is more important than trying to manage spread of LFA. So, if it gets to the point where it becomes very unmanageable, we may need to reassess how we are going to deal with Oahu, or the continued implementation of this rule. There’s been bills at the Legislature about licensing nurseries and based on information we have seen with USDA, with the potted plant nurseries and managing LFA, 80 to 88 people would be needed, doubling Plant Quarantine to do this program. There would also be a need for facilities of about $20 million dollars. Right now, the goal of the quarantine is to prevent the spread as quickly as possible and limit it to the windward side of Oahu only by finding them quickly and start mitigation measures so that it does not further spread.

Committee member Arnott had a question on the capacity and designating an area of quarantine. She asked if the Department of Agriculture is understaffed, is there an ability that a partner organization could assist the department? She said she was unclear as to who is allowed to go into a quarantine area once it has been designated. She said she heard only DOA inspectors were allowed to enter quarantine area.

Mr. Ho answered it depends on the specific function of what is being asked of a partner. For example, to certify that a treatment is done appropriately is something that the Department would have the regulatory authority function to control. We would not give up that authority. Assisting a landowner with control or eradication or habitat modification are non-regulatory functions, that can be done potentially done. It is the landowner or the property owner, or the commodity owner’s decision of what assistance that they would like. Regulatory functions will be maintained by us, from the inspector standpoint, if you do something wrong, there’s specific recourse that the stakeholder can follow. Whereas with a partner it is not clear what they can and cannot do, and does the stakeholder have any recourse if that decision is not the regulatory standard.

Ms. Arnott added that interim rule is only good for a year and there could be additional sites found. She felt that this interim rule is targeted at trying to address what we do know already and some of those high-risk pathways in the nursery trade, but HDOA does not have that clear authority that Chapter 72 would allow. Mr. Ho said the interim rules were designed to be reactionary and focused to manage emergencies.

Committee member Josh Fisher asked a question regarding how often are certified nurseries inspected? Mr. Ho answered that the certified nursery program is basically a compliance agreement with the State of California that allows for self-certification of plants, plant materials if it is grown under very specific standards. We have allowed folks to ship inter-island under those same standards because they are quite strict. Plants must be grown from clean stock. The program is specifically designed around nematodes; however, it is very broad in that any pest is something that California would act on. Plants have strict guidelines such as physical barriers or distance from uncertified plants, elevated at least 18 inches above ground level, weed barriers etc. There are only about 115 nurseries with certifications due to the amount of work involved. We do inspections twice a year for these nurseries. We certify only the certified areas in some nurseries, and in others, we certify the whole nursery depending on the nursery itself. If we find something like Coqui, LFA, CRB or any insect or disease pest, they cannot ship. We suspend certification until they can remediate that issue. Going back to inspections for licensing program, the requirement is once a year, but we are going twice a year. For LFA, if you are going every 6 months, the likelihood of getting widespread infestations is pretty much impossible as they do not spread fast. There is a lot of mitigation built into this process. For allegations of shipping uncertified products, we have not had any instances of that. So, singling out the certified nurseries is not necessarily a valid one. But could it happen? Yes.

Josh Fisher asked for clarification on nursery stock originating from the certified nursery. Mr. Ho answered hypothetically, if you have 1000 benches and only one bench is certified, only that one bench is certified and not the other 999 others (which would be subject to all the regulations).

Mr. Ho continued; the nurseries understand that abuse is not going to help them. That is why the vast majority of them do the right thing. The real challenge is with the on-island movement, how can you effectively manage it as we cannot station someone at every nursery. I think that the real nuanced thing that we are really trying to get with this regulation is gaining compliance against trying to prevent spread. Mr. Fisher asked if there are any nurseries that have certified nursery stock that are known to have LFA. Mr. Ho answered, not on Oahu that he is aware of. Currently there are 27 to 30 certified nurseries, and we are not finding LFA in their certified areas. We are doing sentinel surveys throughout the island to determine how infested or not infested Oahu is. We are seeing a lot of this spread on Oahu, particularly on the windward side and we have not seen it elsewhere at this point. So, we are coming up with this rule to nip that in the bud.

Ms. Arnott said she was concerned that LFA could be spreading on Maui, Kauai, and Molokai, and wondered if another interim rule could be put together to address that and add CRB without delaying the completion of 4-72 HAR. Mr. Ho said the statute says the Committee needs to make a finding that there is a situation so immediate in nature that it constitutes an emergency and there is nothing preventing it from occurring.

Committee Member Mizuno said that LFA is an emergency because people do not get bitten by CRB and this is something that should be controlled as soon as possible.

Committee Member Sam ‘Ohu Gon wanted to remind the group that we can discuss all the possible actions, broadening, tightening, and adjacent actions that we could take. But from my experience on the land board, unless we are going discuss something that says, I don’t support this motion. It is a better use of our time to frame it in those terms, and then act on this as necessary.

Chair Oishi asked if anyone in the audience would like to provide testimony. He invited Janet Ashman, Hawaii Farm Bureau to come forward. She understood that this is limited to only Oahu but is blueprint for the other islands and could be rolled out quickly. Mr. Ho said he agreed that this could be the blueprint and could be done relatively quickly.

Chair Oishi said that maybe a comprehensive interim rule could be entertained as new business at another Committee meeting. Mr. Fisher recognized the limited PQB staff capacity and did not want to delay completion of 4-72. Mr. Ho said that PQB would do what the Committee would like to see but noted the intent to complete 4-72 should be the primary thing to focus on.

Chair Oishi asked for additional testimony. Ms. Stephanie Easley representing the Coordinating Group on Alien Pest Species reiterated that the beauty of an interim rule is that it addresses an emergency, and if this committee passes this and the chairperson signs, it takes immediate effect for one year. Then this provides an opportunity for sorting out other things. So, I hope the committee keeps the urgent status of what is going on in Oahu in mind. This interim rule is a way to get something done immediately, within 2 weeks, and I appreciate your time and consideration of it. I believe that the way that the authority in this interim rule exceeds authority in Chapter 72 rules is that it allows the quarantine of areas on an ongoing basis. Chapter 72, section 3, prohibits the movement of commodities and pest infested merchandise, so that would cover the tractor scenario. But it does not allow an ongoing quarantine of areas. So, I think that if that expansion is available, I think it would be very helpful to the department in terms of resources to say this area is quarantined. I have concerns about the process to quarantine an area, you can quarantine an area upon the determination that the area is infested with LFA, it does not have an actor who would make that determination or what the size of the area would be. With respect to the exceptions, it seems like the certified nursery exception does not make sense, as HDOA can quarantine commodities within the nursery, except for 2 benches. I think it would be worth the committee considering if they can make changes to remove these exceptions for the limited purpose of this interim rule.

I hope that as the committee moves forward, they consider how interim rules like this could be utilized in anticipation of Festival of the Pacific, because we do not have anything for intra-island movement, weaving that in with the ongoing LFA emergency. I think the interim rule could be drafted using this model that would allow HDOA to find a mulch pile infested with CRB on Hawaii Island, quarantine it, treat it, but now allowing the material to leave. It would be worthwhile to help prevent the spread of CRB, which we all recognize is at an emergency level. Thank you for listening to my testimony.

Chair Oishi asked again if there were any members of the virtual public present in the room who had any other testimony they would like to offer. He then asked if the committee had additional discussion from the committee.

Chelsea Arnott asked regarding Ms. Easley’s testimony about clarification of a quarantine area. She stated that Mr. Ho did walk through the process earlier in discussions, but it does not have clear specifications of what constitutes a quarantine area, such as buffer areas. Mr. Ho answered that it is a policy call to work with the infested person to ensure that they get the job done, as we found that is the best way of getting them on board to do the work. The alternative is getting a warrant, which creates a completely different set of challenges with regards to resources to the control portion and getting access. While the antagonistic approach has not served the department well, we do reserve that ability for bad actors, or folks that do not want to play ball. However, working with (owners) hand in hand, gaining access, willingness to work with us is the best way to getting them on board, and determining if it is infested so we can start to act as opposed to, court processes, which delays things. We don’t necessarily want to do that unless we really must. That should be the exception. We are giving some flexibility and authority at the same time.

Mr. Fisher commented that he can appreciate flexibility and not coming up as antagonistic, however his experience in the past with Coqui frog infestation at a nursery taking the flexibility approach with the owner who wanted things done a certain way resulted in limiting the ability of him being able to jump on the Coqui Frog situation. There is a limit to flexibility as damage is beyond just the focus on a particular property, we are talking about the entire state or entire island.

Mr. Ho agreed with Mr. Fisher and said with so much heightened awareness such as social media, You Tube, and so much more access to information about the problems than in the past. We have a much more aware constituent base, and they are asking for different things now and we need to rise to meet those needs. But there is a limit to what we are willing to accept as we do have treatment protocols.

Chair Oishi stated that although he liked entertaining the broader discussion, we need to hone-in on what we can take action on, which is the Oahu situation as approved by our declaration. So, Chair moves to approve the submittal as written by Plant Quarantine, do I have a second? Jonathan Ho asked for the purpose of discussion? He seconded the motion. Chair Oishi opened the discussion and said his concern is with the definitions, based upon the overall discussion on a desire to expand these declarations and to have more rules in place. As we go forward with the permanent rule, I do have concerns because of capacity issues on addressing the definition for treatment which would include language about witnessing by the department, since there will be point where we do not have the capacity to witness treatments. That is why I am limiting it to the original language. Jonathan Ho added that the version that CGAPS has provided is essentially the same as the one we have. So, we just have definitions. The only functional difference is the title that we have, while quite wordy, it really tells everybody exactly what is going on, what is regulated, who needs to do what, and what islands are affected. The CGAPS one is essentially one in the same.

Chair Oishi said that we would be setting a precedent applied for other islands. Do we have sufficient capacity to witness treatment? Jonathan Ho answered it goes back to how much there really is going to be. Chair Oishi, interjected that there are only 2 staff on Kauai, and 3 staff in Kona, wouldn’t we be establishing a precedent on how we enforce this? Mr. Ho answered the rule is set up in the way that we have always dealt with treatment, we witness everything. I don’t think we should get away from that because of the possibility of a capacity issue. When we hit that threshold, when capacity becomes a problem, the department will need to revise how we deal with this and treat everyone the same. Possibilities are not having to pay, self-certification, or rescinding the rule. Based on what we know now, this is for Oahu, and it’s doable. We will cross that bridge when we get there. If we are finding it for instance, in Hawaii Kai, or Kaawa, across the island, is the rule necessary at that point? We could conceivably rescind the rule which can’t exist longer than one year, there is no requirement that you need to manage them the entire time.

Committee Member Pam Mizuno asked to call for a vote. Chair Oishi seconded.

Chair Oishi called for roll call votes.

Vote: 7/0 (Oishi, Eisen, Mizuno, Simmon, Arnott, Gon, Fisher) for a finding that an interim rule is necessary to prevent the spread of LFA on the Island of Oahu.

Chair Oishi asked if there was a motion for new business since it was not included in the agenda. Joshua Fisher made a motion for new business. Chelsea Arnott seconded the motion. Chair Oishi called for a vote.

Vote: 6/0 (Fisher, Oishi, Simmons, Eisen, Gon, Arnott) in favor for discussion on new business. Pam Mizuno asked to be excused as she had to leave the meeting.

V. NEW BUSINESS

Committee member Joshua Fisher said he would like to see additional measures for the other islands. He added that the best time to address it is at the earliest stage possible.

Chair Oishi clarified with Mr. Fisher, so you are asking for Plant Quarantine, if there are no other submittals at the next P&A meeting, to provide an update of the status of emergency status and potential of amendments. Joshua Fisher agreed. Chair Oishi asked legal counsel Travis Moon if the members vote on this to be captured as an expectation for our next meeting. Attorney General Moon responded with an affirmative that a vote must be held. The Chair asked if there were any discussions on what Mr. Fisher raised and if there was a motion. Mr. Fisher moved to approve, and Sam ‘Ohu Gon seconded. Chair Oishi called for a vote.

 Vote: 6/0 (Arnott, Eisen, Simmons, Fisher, Gon, Oishi) unanimously carried.

Chair Oishi asked if there was any other new business, none was presented.

VI. ADJOURNMENT

Chair Oishi asked if there was a motion to adjourn the meeting. Thomas Eisen moved, and Sam ‘Ohu Gon seconded.

Chairperson Oishi called for a vote.

Vote: Approved 6/0 (Simmons, Arnott, Eisen, Gon, Fisher, Oishi)

Motion carries.

Chairman Oishi called to Adjourn the meeting of the Advisory Committee on Plants & Animals at 11:13 AM.

Respectfully submitted,

Deborah Safarik

Secretary, PQB

1. The identification of the public members is based on their sign-in name but are not verified. [↑](#footnote-ref-1)