

REVISED AGENDA
BOARD OF AGRICULTURE MEETING

Date: July 24, 2018
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 5/29/18 AND 6/26/18 MEETING
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
 - A. AGRICULTURAL LOAN DIVISION
 1. Request for Approval of One (1) Direct Emergency Loan to Holbrook W. Beck.
 2. Request for Approval of One (1) Direct New Farmer Loan to Kulana Kokoleka Farm, Inc.
 3. Request for Approval of One (1) Direct Farm Ownership Loan to Kona Farm Direct, LLC.
 - B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
 1. Request for Approval of Boundary Fence; General Lease No. S -3768; Kevin and Susan Mulkern, Lessee; TMK: 1st Div/4-1-027:027, Lot 28; Waimanalo Farm Lots, Koolaupoko, Waimanalo, Island of Oahu, Hawaii
 - C. ANIMAL INDUSTRY DIVISION
 1. Request for Approval of an Application for a Satellite Animal Quarantine Permit for the Kauai Police Department
 - D. QUALITY ASSURANCE DIVISION
 1. Request for (1) Acceptance of the Minutes of the Public Hearings on Proposed Rules, Chapter 4-162, Hawaii Administrative Rules, entitled "Food Safety Certification Costs Grant Program"; and (2) Adoption of Chapter 4-162, Hawaii Administrative Rules, entitled "Food Safety Certification Costs Grant Program."

(See attached summary of proposed rules)
 - E. PLANT INDUSTRY DIVISION
 1. Request for: (1) Approval of Additional Partial Amendments to Chapter 4-66, *Hawai'i Administrative Rules* that received Board Approval on February 27, 2018 in Order to Comply with the Passage of Act 045, Signed into Law June 13, 2018; and (2) Appoint John McHugh, PhD. as the Hearings Officer in Connection with the Proposed Amendments to Chapter 4-66, *Hawai'i Administrative Rules*.

(See attached amendments)

V. OLD BUSINESS

1. Updates on disaster relief for Kauai and Hawaii Island.
2. Updates provided by Staff on Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules (HAR), Entitled "Plant and Non-Domestic Animal Quarantine, Non-Domestic Animal Import Rules", Including Amendment Banning Import of Dangerous, Wild Non-Domestic Animals for Performance or Exhibition in Circuses or Carnivals;

VI. NEW BUSINESS

1. Presentation from Vincent Mina, Hawaii Farmers Union United (HFUU) regarding farmer share prices and cover crop program to be implemented state wide.R

VII. 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.*

*"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 48 hours prior to the meeting so arrangements can be made."*

**NOTE: MATERIALS FOR THIS AGENDA WILL BE AVAILABLE FOR REVIEW IN THE BOA CHAIRPERSON'S OFFICE, 1428 S. KING STREET, HONOLULU, HAWAII, ON AND AFTER THURSDAY, 7/19/18.**

## Summary of Proposed Chapter 4-162, Hawaii Administrative Rules

1. Section 4-162, Definitions  
Establishes definitions for the food safety certification costs grant program.
2. Section 4-162, Purpose of Program  
Establishes the purpose of the program to provide grants to assist farmers or ranchers in meeting the costs of complying with the FSMA, FDA regulations, and state food safety laws.
3. Section 4-162-3, Eligibility requirements  
Specifies the eligibility requirements for applicants of the grant.
4. Section 4-162-4, Eligible costs  
Establishes the criteria for the eligible costs for the grant.
5. Section 4-162-5, Ineligible costs  
Identifies the costs that are not eligible for reimbursement to the applicants.
6. Section 4-162-6, Applications  
Specifies the requirements for the applicants and identifies the necessary supplemental documents to be submitted.
7. Section 4-162-7, Invoicing  
Identifies the necessary invoices, receipts of the eligible costs incurred for verification by the department.
8. Section 4-162-8, Grant amounts  
Specifies the disbursement of the grant awards made on a pro-rata basis, with the maximum amount of the grant award to an applicant to not exceed \$5,000.



**§4-66-62 Certified pesticide applicator recordkeeping.** (a) Certified pesticide applicators shall keep records of all [~~applications of~~] restricted use [~~pesticides applied,~~] pesticide applications at [~~their~~] his or her principal place of business.

(b) These records must be kept for a period of two years and shall be made available for inspection and copying by the head during reasonable working hours.

(c) Recordkeeping information shall include:

- (1) Brand or common name of pesticide product applied;
- (2) EPA registration number;
- (3) Type of formulation;
- (4) **Active ingredient(s)** and Per cent **of each** active ingredient;
- (5) Scientific or common name of target pest;
- (6) Dilution rate;
- (7) Total amount of pesticide used;
- (8) Total area covered;
- (9) Time and date of application;
- (10) Address or **geographic** location of treated site, **listing, at a minimum, the tax map key number or global positioning system (GPS) coordinates where the pesticide was used;**
- (11) Name of certified applicator and his or her certification number;
- (12) Crop, commodity, stored product or other site;
- (13) Restricted entry interval and whether posting and oral notification are required; and
- (14) Any other information [~~that~~] the head deems [~~to be~~] necessary.

**[~~(e)~~](d) Every user of restricted use pesticides shall submit to the Department, no later than January 30th of the following year, all restricted use application records for the preceding calendar year on forms provided by the Head.**

**(e)** Commercial applicators [~~applying~~] that apply any pesticide in agricultural operations [~~must~~] shall furnish a written record containing the following information to the agricultural employer before [~~the~~] any pesticide is applied:

- (1) The specific location and description of the treated area;
- (2) Time and date of application;
- (3) Product name, EPA registration number, and active ingredient(s);
- (4) Restricted entry interval;
- (5) Whether posting and oral notification are required; and
- (6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

**(f)** Commercial applicators shall retain a copy of the written record furnished to the agricultural employer in compliance with subsection (e). These records must be kept for a period of two years and shall be made available for inspection and copying by the head during reasonable working hours.

**(g)** Certified pesticide applicators shall create or verify the existence of records documenting that each non-certified applicator who mixes, loads, transfers, or applies restricted use pesticides has the qualifications required under section 4-66-61(4).

**(h)** Failure to comply with the recordkeeping requirements, reporting requirements, or both, may result in certification revocation and subject the certified pesticide applicator to additional penalties as provided by law.

(i) The Department shall produce a summary from information submitted in accordance with subsection (c), which includes:

- (1) The federal and state registration numbers or permit numbers, commercial product names, and active ingredients, for all restricted use pesticides used;
- (2) The total quantities used for each restricted use pesticide;
- (3) A general description of the geographic location where the restricted use pesticides were used, which at a minimum is to be expressed by tax map key number or global positioning system coordinates; and amount of area in the county in which the restricted use application occurred.

The Department shall summarize the information for public disclosure, by county, and post the information on the Department's website no later than thirty days following the annual January 30th reporting deadline specified in subsection (d).

**§4-66-64.2 Conditions and limitations on restricted use pesticide application within Buffer Zones.** (a) Beginning January 1, 2019, no person shall apply a restricted use pesticide on or within one hundred feet of a school property during normal school hours.

(b) This section shall not apply to whole structure fumigation.

(c) If this section is determined to conflict with any pesticide application information listed on the pesticide label, the more restrictive provision shall apply.

(d) Buffer zones may be determined by tax map key number, or if tax map key number is not an appropriate means of establishing the buffer zone, by property boundaries such as fence lines, landscaping, or other method that is reasonably capable of determining the school's property.

(e) The certified applicator shall be responsible for all violations of chapter 149A, Hawaii Revised Statutes and this rule.

As used in this section:

"Buffer Zone" means an area in which no restricted use pesticides may be applied.

"Normal school hours" means Monday through Friday from 7:00 a.m. until 4:00 p.m., excluding days when classes are not in session.

"School" means any public or private preschool, kindergarten, elementary, intermediate, middle, secondary, or high school.