



Minutes of the Board of Agriculture

3 CALL TO ORDER – The meeting of the Board of Agriculture was called to order on
4 December 13, 2016 at 9:00 A.M. by Board of Agriculture Chairperson Scott Enright, at
5 the Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.

6

7 Members Present:

8 Scott Enright, Chairperson, Board of Agriculture
9 Mary Alice Evans, Deputy, Department of Business Economic Development, Ex
10 Officio Member
11 Suzanne Case, Chairperson, Board of Land and Natural Resources
12 Clark Hashimoto, Member-At-Large
13 Jerry Ornellas, Kauai Member
14 Glenn Hong, Member-At-Large
15 Richard Ha, Hawaii Member
16 Simon Russell, Maui Member

17

18 Members Absent:

19 Dr. Rachel Novotny, Interim Dean of the College of Tropical Agriculture & Human
20 Resources University of Hawaii, Ex Officio Member
21 Michelle Galimba, Member-At-Large

22

23 Others Present:

24 Wayne Yoshioka, Hawaii Public Radio (KHPR)
25 Wil Leon Guerrero, Hawaii Department of Agriculture (HDOA)/ Plant Quarantine
26 Branch (PQB)
27 Randall Chang, HDOA/State Agricultural Loan Division (SALD)
28 Gareth Mendonsa, HDOA/SALD
29 Linda Murai, HDOA/Agricultural Resource Management (ARM)
30 Roy Hasegawa, HDOA/ARM
31 Margaret Ahn, Deputy Attorney General
32 Haunani Burns, Deputy Attorney General
33 Delanie Prescott-Tate, Deputy Attorney General
34 Andrew Goff, Deputy Attorney General
35 Lisa Johns, University of Hawaii (UH), John A. Burns School of Medicine
36 (JABSOM)
37 Chris Kishimoto, HDOA/PQB
38 Jeri Kahana, HDOA/Quality Assurance Division (QAD) Administrator
39 John McHugh, HDOA/Plant Industry (PI) Administrator
40 Darcy Oishi, HDOA/Plant Pest Control Branch (PPC)
41 Lance Sakaino, HDOA/PQB
42 Phyllis Shimabukuro-Geiser, HDOA/Deputy Director
43 Jonathan Ho, HDOA/PQB

1 Isaac Maeda, HDOA/Animal Industry Division (AI)
2 Raquel Wong, HDOA/AI Administrator
3 Rock Riggs, Senator Mike Gabbard's Office
4 Emanuel Zibakalam, Pacific Business Advocates LLC
5 Janelle Saneishi, HDOA/Office of the Chair (CHR)
6 Micah Munekata, HDOA/CHR
7

8 II. APPROVAL OF MINUTES FROM 10/18/16 MEETING
9

10 Chairperson Scott Enright (Chairperon Enright) called for a motion to approve the
11 minutes from the October 18, 2016 meeting: Hong/Hashimoto.
12

13 Board Member Suzanne Case (Member Case) commented that she was not present for
14 the meeting and would recuse herself from this particular vote.
15

16 Hearing no further comments, Chairperson Enright called for a vote on the request.
17

18 Vote: Approved, 7/0, 1 Abstention (Member Case).
19

20 III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR
21 WRITTEN)
22

23 Chairperson Enright said that the Board will be taking public comments on agenda
24 items as they come up during the meeting.
25

26 IV. INTRODUCTIONS
27

28 There were no introductions or comments.
29

30 V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
31

32 A. AGRICULTURAL LOAN DIVISION
33

34 1. Request for Approval of One (1) Direct Class A Loan to Hamakua
35 Heritage Farm, Inc.
36

37 Presentation by Gareth Mendonsa, HDOA/SALD, as submitted. Staff recommends
38 approval.
39

40 Chairperson Enright called for a motion to entertain this request: Hong/Ha.
41

42 Board Member Clark Hashimoto (Member Hashimoto) noted that the loan was for a
43 significant amount of money and asked if sufficient funding remained to allow other
44 farmers to secure loans. Mr. Mendonsa said sufficient funding was available.

1 Chairperson Enright said that HDOA will have the remaining funds lent out before the
2 end of this legislative session and will be asking the legislature for additional funds.

3
4 Hearing no further comments, Chairperson Enright called for a vote on the request.

5
6 Vote: Approved, 8/0.

7
8 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 9
10 1. Request for Consent to Waive Performance Bond Requirement for
11 General Lease No. S-4636; Ronald T. Okazaki; 3rd Div/2-2-056:022, Lot
12 No. 08, Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo, Hawaii.

13
14 Presentation by Ms. Linda Murai, HDOA/ARM, as submitted. Staff recommends
15 approval.

16
17 Chairperson Enright called for a motion to entertain this request: Ornellas/Hashimoto.

18
19 Board Member Mary Alice Evans (Member Evans) asked if HDOA had any idea about
20 how much the performance bond costs the lessee each year. Ms. Murai said that the
21 lessee has cash set aside for this.

22
23 Hearing no further comments, Chairperson Enright called for a vote on the request.

24
25 Vote: Approved, 8/0.

26
27
28 C. PLANT INDUSTRY DIVISION

- 29
30 1. Request to: (1) Allow the Importation of Entomopathogenic Nematode,
31 *Steinernema carpocapsae*, an Organism on the List of Conditionally
32 Approved Animals, by Permit, for Field Release Research and Laboratory
33 Research by the United States Department of Agriculture, Agricultural
34 Research Service, Pacific Basin Agricultural Research Center, Hilo,
35 Hawaii; and (2) Update Permit Conditions for the Importation of the
36 Entomopathogenic Nematode, *Steinernema carpocapsae*, an Organism
37 on the List of Conditionally Approved Animals, by Permit, for Field
38 Release Research and Laboratory Research by the United States
39 Department of Agriculture, Agricultural Research Service, Pacific Basin
40 Agricultural Research Center, Hilo, Hawaii.

41
42 Presentation by Chris Kishimoto, HDOA/PQB, as submitted. Staff recommends
43 approval.

44

1 The applicant, Dr. Robert Hollingsworth, USDA ARS, (Dr. Hollingsworth) appeared via
2 conference call. Dr. Hollingsworth noted that he had brought in the same nematodes
3 from the same vendor in the past and was curious about why the Board was requiring
4 extra steps to import them again for agricultural use. Mr. Kishimoto said that they need
5 Board approval for the permit conditions. PQB thought the prior conditions were
6 inadequate and should be updated. The new conditions are basically standard
7 conditions. Dr. Hollingsworth said that there are other nematode species that could be
8 very important to Hawaii and he hoped to bring in additional conditionally approved
9 species to be used for biocontrol. None of them are dangerous in the agricultural
10 environment. This particular nematode is coming from England where they have a
11 quality control program. Dr. Hollingsworth had previously expressed disagreement with
12 the permit condition that require nematode identification through a third party. He
13 believed USDA ARS should be allowed to do their own testing.

14
15 Chairperson Enright asked that staff review the advisory committee findings. Mr.
16 Kishimoto said that the advisory committees both agreed to third party testing. There
17 was no self-certification. All importers are treated the same. Mr. Kishimoto then
18 presented the results of the advisory board as submitted. The subcommittee and the
19 advisory committee believed that independent third party testing was necessary.

20
21 Chairperson Enright called for a motion to entertain this request: Hashimoto/Ha.

22
23 Member Evans noted that this nematode has a broad impact on a variety of insects, but
24 PQB is proposing limiting uses to agricultural applications. Does the nematode effect
25 termites and would this be deemed agricultural in nature? Mr. Kishimoto said that it
26 depends on location of its use. Member Evans asked if nematode would be safe for
27 residential use. Mr. Kishimoto said it would be safe as it only attacks insects. Dr.
28 Hollingsworth agreed with the premise.

29
30 Board Member Glenn Hong (Member Hong) asked if the nematode would attack
31 beneficial insects. Dr. Hollingsworth said that it will attack all insects and kill them in 24-
32 48 hours because of septicemia (bacteria it carries with them). It will kill beneficial
33 insects but in a pest situation the pest has already escaped control efforts. He said that
34 he doesn't think it will kill more beneficial insects than pests. Dr. Roxana Myers is an
35 entomologist with USDA PBARC who is using nematodes on Coffee Berry Borer. She
36 found that this particular nematode species is found in Hawaii, but it is hard to find.
37 They do not persistence well in the environment.

38
39 Member Evans asked if there is potential for commercial use. Dr. Hollingsworth said
40 yes and there were plans for this. Insect nematodes are considered quite safe
41 compared to CBB Bavaria Basiana (which is regulated). The goal is to have farmers
42 produce their own nematodes. Member Evans asked that if the Board approves this
43 permit, would other importers have to come before the Board. Mr. Kishimoto said yes.
44 These particular permit conditions are for research. Different permit conditions are
45 needed for different purposes. Mr. Jonathan Ho, HDOA/PQB Acting Branch Manager,

1 said that all non-domestic animals are regulated for importation. The conditionally
2 approved list just means the non-domestic animal is a lower risk. Dr. Hollingsworth has
3 requested this particular nematode for research purposes. If another applicant wanted
4 to import nematodes for commercial purposes, a new set of conditions would be
5 required.

6
7 Member Hong asked if that means that every importation for commercial application
8 would require a permit application. Mr. Ho said yes, every importer must obtain a
9 permit prior to importation.

10
11 Board Member Simon Russell (Member Russell) asked if the nematode culture Dr.
12 Hollingsworth obtains could be kept alive and distributed to farmers. Mr. Ho said
13 distribution would be allowed only if the recipient was conducting research. Commercial
14 use transfer must be part of the permit application and permit conditions. Member
15 Russell asked if condition changes required Board approval. Mr. Ho said that PQB
16 cannot establish conditions without the Board's approval.

17
18 Member Evans said that these nematodes seem so beneficial with no negative
19 environmental impact and asked if the Board could give the Chairperson permission to
20 approve future permits. Deputy Attorney General Haunani Burns said that such
21 requests require environmental impact review. Dr. Hollingsworth said the distributor
22 sends you packets that add up to about a billion healthy nematodes. It is also possible
23 to find them in nature and if it becomes an issue in the future, we can go back to nature
24 and extract the nematode again.

25
26 Member Russell asked about the member of the review committee who recommended
27 disapproval. Dr. Hollingsworth said that this particular person has been against this
28 research from the start. Follow up monitoring will not show much but a reduction in
29 nematodes in the environment. Nematodes only live for so long. Literature shows that
30 these nematodes quickly reduce in population. Member Russell asked about the
31 bacteria that comes with these nematodes. Dr. Hollingsworth said that the bacteria is
32 found in the nematode and not the environment.

33
34 Board Member Richard Ha (Member Ha) asked if this organism kills slugs, snails, or
35 ants. Dr. Hollingsworth said that this particular nematode does not but there were
36 others out there that do.

37
38 Member Ha asked if they could be used on fire ants. Dr. Hollingsworth said that he was
39 not sure. Anything that kills ants would be discarded by the other ants and would not
40 spread to the colony.

41
42 Hearing no further comments, Chairperson Enright called for a vote on the request.

43
44 Vote: 8-0, Approved.

45

- 1 2. Request to: (1) Allow the Importation of an Unlisted
2 Microorganism, Zika Virus, Determined to be High Risk, by Special Permit,
3 for Laboratory Research, Including Animal Inoculation Research, by the
4 University of Hawaii; and (2) Establish Permit Conditions for the
5 Importation of Unlisted Zika Virus, by Special Permit, for Laboratory
6 Research, Including Animal Inoculation Research, by the University of
7 Hawaii.

8
9 Presentation by Wil Leon Guerrero, PQB, as submitted. Staff recommends approval.

10
11 Chairperson Enright called for a motion to entertain this request: Evans/Ornellas

12
13 Lisa Johns, Research Assistant with importer Dr. Pramila Walpita, JABSOM, came
14 forward.

15
16 Member Russell asked about the benefits of doing this research work in Hawaii. Ms.
17 Johns said that there is a need to see if the vaccine is working or not. The virus is
18 already here. They would like to continue the work. Mr. Guerrero said that Dr. Walpita
19 uses a different approach by using Virus Like Particles (VLP)

20
21 Member Hong asked if Zika is required to extract VLP. Ms. Johns said no, the virus is
22 not used to get the VLP, the VLP is the vaccine.

23
24 Member Russell asked if it would be possible to send VLP away to test elsewhere. Ms.
25 Johns said that it is possible but it is easier to control their experiment here than
26 sending somewhere else. Chairperson Enright said the virus is already here. In order
27 to get more the Board must approve permit conditions.

28
29 Member Hong asked if dengue research was being done at the same lab. Ms. Johns
30 said that it is the same area, but not the specific lab. Member Hong asked if Hawaii has
31 the mosquitos that carry Zika. Ms. Johns said that we do.

32
33 Member Ha asked that assuming everything works, then you can make a vaccine. Ms.
34 Johns said that more approvals and animal testing would be needed. This is
35 preliminary testing. Member Ha asked if this research was unique. Ms. Johns said yes,
36 no one has published VLP research on Zika.

37
38 Member Russell asked what the benefit will result from importing the virus. Ms. Johns
39 said that the benefit is vaccine research in Hawaii. Zika affects the State.

40
41 Hearing no further comments, Chairperson Enright called for a vote on the request.

42
43 Vote: 8-0, approved.

44
45 Chairperson Enright called for a recess at 10:10 A.M.

1
2 Chairperson Enright reconvened the meeting at 10:20 A.M.
3
4

- 5 3. Resubmittal of Request to: (1) Allow the Importation of Mahimahi,
6 *Coryphaena hippurus*, an Animal on the List of Restricted Animals
7 (Part B), by Permit, for Research in an Above Ground Flow-Through
8 System by Kampachi Farms, LLC at the Natural Energy Laboratory of
9 Hawaii Authority, Kailua-Kona; and (2) Establish Permit Conditions for the
10 Importation of Mahimahi, *Coryphaena hippurus*, an Animal on the List of
11 Restricted Animals (Part B), by Permit, for Research in an Above Ground
12 Flow-Through System, by Kampachi Farms, LLC at the Natural Energy
13 Laboratory of Hawaii Authority, Kailua-Kona. (*Reference: October 18,*
14 *2016 Board of Agriculture Meeting.*)
15

16 Presentation by Jonathan Ho, HDOA/PQB Acting Branch Manager, as submitted. Staff
17 recommends approval.
18

19 This is a re-submittal from the October 18, 2016 meeting. Mr. Ho presented a diagram
20 explanation of the breeding experiment that Kampachi farms wants to do.
21

22 Chairperson Enright called for a motion to entertain this request: Evans/Hashimoto.
23

24 Member Hong said that he was trying to understand the impact of YY fish on the
25 environment. The diagram explanation does not totally do away with the concern. He
26 would feel more comfortable if temperature shock could be used to produce male
27 offspring rather than super males through hormonal approach.
28

29 Member Case asked what happens to the fish at the end of this trial. Mr. Ho said that
30 once local brood stock is obtained, the imported stock will be eliminated.
31

32 Hearing no further comments, Chairperson Enright called for a vote on the request.
33

34 Vote: 8-0, Approved.
35

36 D. ANIMAL INDUSTRY DIVISION 37

- 38 1. Request for (1) Preliminary Approval of Proposed Amendments to Chapter
39 4-29, Hawaii Administrative Rules, entitled "Dogs, Cats, and Other
40 Carnivores," Concerning Definitions, Arrival Ports, Carrier Responsibility,
41 Transiting Private and Commercial Vessel Responsibility, Pre-shipment
42 Requirements, Other Requirements, Movement of Dogs and Cats
43 Originating in Hawaii, Movement of Dogs and Cats Requiring Urgent
44 Diagnostic, Medical or Surgical Procedures Not Available in Hawaii,
45 Exemption From Quarantine, State Animal Quarantine Station, Animals

1 Abandoned in Quarantine, Satellite Animal Quarantine Stations, Removal
2 From Animal Quarantine Stations, Requirement for Breeding of Animals
3 in Quarantine, Users of Guide or Service Dogs, Movement of Guide and
4 Service Dogs by Special Permit, Fees, Penalty, Criteria and Conditions
5 for Service Dogs and Exempted Guide Dogs, Arrival Requirements for
6 Service Dogs and Exempted Guide Dogs, Designated Address, Thirty-
7 day to Forty-day Post-arrival Requirement, Documentation of Need for a
8 Service Dog and (2) Authorization of the Chairperson to Schedule Public
9 Hearings and Appoint One or More Hearings Officer.

10
11 Presentation by Dr. Isaac Maeda, HDOA/Animal Industry Division, as submitted. Staff
12 recommends approval.

13
14 Chairperson Enright called for a motion to entertain this request: Hong/Hashimoto.

15
16 Chairperson Enright said that HDOA Animal Industry Division currently releases 89% of
17 transiting animals at the airport. These rule changes would move toward 95% release
18 at the airport. Risk analysis shows that these rules are fine. The best solution would be
19 to find private veterinarians that will care for those transiting animals that do not qualify
20 for release at the airport. HDOA may look to the military for assistance in moving some
21 of their animals. The AI facilities are not in good shape. HDOA is looking for more
22 money to plan and design new facilities. It is possible that AI will become an area for
23 Public Safety in the future. The goal of these rule changes is to allow HDOA to release
24 even more animals at the airport.

25
26 Hearing no further comments, Chairperson Enright called for a vote on the request.

27
28 Vote: 8-0, Approved.

29
30 E. QUALITY ASSURANCE DIVISION

- 31
32 1. Request for (1) Preliminary Approval of Proposed Chapter 4-161, Hawaii
33 Administrative Rules, entitled "Hawaii-Grown Industrial Hemp" and
34 (2) Authorization for the Chairperson to Schedule Public Hearings and to
35 Appoint a Hearing Officer in Connection with (1). The proposed new
36 chapter 4-161 includes: §4-161-1 Definitions; §4-161-2 Licensing
37 (application requirements to obtain an industrial hemp license); §4-161-3
38 Reports (reporting requirements for industrial hemp licensees); §4-161-4
39 Duties (licensee requirements to participate in the industrial hemp pilot
40 program); §4-161-5 Inspection and Sampling (industrial hemp inspection
41 and sampling requirements); §4-161-6 Violations; §4-161-7 Profits (the
42 State shall forego sharing of licensees' profits provided the licensee
43 submits enumerated reports to the State); and §4-161-8 Waiver.
44

1 Presented by Jeri Kahana, HDOA/QAD Administrator, and Shelley Choy, HDOA/Office
2 of the Chair, as submitted. Staff recommends approval.

3
4 Chairperson Enright called for a motion to entertain this request: Hong/Evans.

5
6 Member Russell asked why the plot area was limited to 10 acres. Ms. Kahana said that
7 this is a research project and that there is a need to limit the areas. Member Russell
8 asked if the \$35 inspection fee was statutory. Ms. Choy said yes. Member Russell
9 asked if the hemp producer will be burdened by fees and paperwork. Ms. Kahana said
10 that hemp is still a controlled substance, which needs to be monitored and that is the
11 reason for reporting requirements. Member Russell said the rules seem quite onerous.
12 Chairperson Enright said that the rules are guided by the statute. This is a pilot project.
13 For now the rules follow the mandate of the legislature.

14
15 Member Ornellas asked if hemp will cross pollinate with cultivars. Ms. Kahana said yes.

16
17 Hearing no further comments, Chairperson Enright called for a vote on the request.

18
19 Vote: 8-0, Approved.

20
21 VI. OLD BUSINESS

22
23 None.

24
25 VII. NEW BUSINESS

26
27 None

28
29 VIII. ADJOURNMENT OF REGULAR MEETING

30
31 Having no further business before the Board, Chairperson Enright called for a motion to
32 adjourn the meeting: Russell/Ha.

33
34 Vote: 8-0, Approved.

35
36 Meeting adjourned at 10:55 A.M.

37
38 Respectfully submitted,

39 

40
41 Micah Munekata
42 Board Secretary