**Notice of Public Hearing**

HAWAII DEPARTMENT OF AGRICULTURE

Proposed Administrative Rule to Prohibit the Introduction of Myrtaceae (Myrtle) Family Plants and Plant Parts.

The Board of Agriculture has determined that the introduction of new strains of Ohia rust, *Puccinia psidii*, (a fungus), and other disease pathogens and insects not now established in Hawaii are a serious danger to Ohia and Ohia forests in Hawaii and to horticultural and agricultural industries. In conjunction with existing rule section 4-70-1, Hawaii Administrative Rules (“HAR”), proposed rule section 4-70-55, HAR, gives notice that quarantine measures will be implemented to prohibit or restrict import of specific plants to minimize the risk of introduction of Ohia rust, *Puccinia psidii.*

Notice is hereby given pursuant to Chapter 91, Hawaii Revised Statutes (“HRS”), and section 141-2, HRS, that the Hawaii Department of Agriculture (“HDOA”) will hold public hearings to receive testimony on proposed amendments to Hawaii Administrative Rules, Title 4, Subtitle 6, Chapter 70:

Chapter 4-70 – “Plant and Non-Domestic Animal Quarantine

Plant Import Rules”

The proposed amendment will add a permanent rule to maintain quarantine restrictions needed to prevent the spread of Ohia rust. The reason for adding this rule subchapter is to restrict the importation of plants and plant parts in the Myrtle family (Myrtaceae) that host *Puccinia psidii,* commonly known as Ohia rust. *P. psidii*, a notorious plant pathogen found on Myrtaceae, is a significant threat to Hawaii’s native forests, watersheds, and to horticultural and agricultural industries that involve Myrtaceae (Myrtle Family). Myrtaceae includes a wide range of plants, including guava, eucalyptus, ohia, and plants used in the floral and garden industry. The proposed amendment is needed to prevent the introduction of additional strains of Ohia rust that are more virulent than the single distinct strain present in Hawaii, in order to protect Hawaii’s native forests, particularly ohia. Ohia, which comprises 80% of the native forests, is an ecologically, culturally, and economically significant plant species and is also critical for watershed stability and biodiversity.

The proposed rule authorizes the Plant Quarantine Branch (“PQB”) chief to approve treatments and mitigative measures as they are scientifically validated, and to revise permit conditions accordingly, as necessary to prevent the introduction and movement of the Ohia rust disease and to preserve the quarantine. The proposed rule also authorizes HDOA to charge fees for costs incident to inspections or treatments conducted away from the port or PQB inspection office during regular working hours and for inspections and witnessing treatments that require overtime services of HDOA personnel.

The proposed rule describes conditions under which the regulated material or commodity may qualify for import into Hawaii.

The proposed rule authorizes the PQB chief, upon written request, to issue a permit allowing import of a limited quantity of plants in the Myrtaceae (Myrtle) family for propagation under the PQB’s supervision in a strictly enforced quarantine appropriate to contain *P. psidii*, and other pests, pursuant to existing chapter 4-70, HAR, rule sections regarding plants requiring quarantine.

The proposed rule’s quarantine restrictions apply to all individuals or entities that import Myrtaceae (Myrtle family) plants and plant parts into Hawaii except:

(1) dried non-living plant material; (2) seeds, with no other plant fragments, that have been surface-sterilized using treatments approved by the PQB chief; (3) tissue-cultured plants grown in sterile media and in a completely enclosed sterile glass flask or other similar container; or (4) by approved permit as provided in rule section 4-70-57, HAR.

The following is the schedule of public hearings:

July 15, 2019, 5:00 p.m. – 7:00 p.m.

Conference Room, Department of Agriculture

1849 Auiki Street

Honolulu, Hawaii 96819

July 16, 2019, 5:00 p.m. – 7:00 p.m.

West Hawaii Civic Center

74-5044 Ane Keohokalole Highway

Kailua-Kona, Hawaii 96725

July 17, 2019, 5:00 p.m. – 7:00 p.m

Conference Room, Department of Agriculture

16E Lanikaula Street

Hilo, Hawaii 96720

July 18, 2019, 5:00 p.m. – 7:00 p.m.

Conference Room, Department of Agriculture

635 Mua Street

Kahului, Hawaii 96732

July 19, 2019, 5:00 p.m. – 7:00 p.m.

Conference Room, Department of Agriculture

4398A Pua Loke Street

Lihue, Hawaii 96766

The proposed rule amendments may be reviewed in person at any of the following Department offices during normal business hours of 7:45 a.m. to 4:30 p.m., Monday to Friday from June 03, 2019 to July 19, 2019:

Oahu- 1428 South King Street, Honolulu Phone: 808-973-9600

Administrative Services Officer: Phone: 808-973-9606

or

1849 Auiki Street, Honolulu Phone: 808-832-0566

Hawaii- 16E Lanikaula Street, Hilo Phone: 808-974-4141

or

95 Akahana Street, Room 9, Hilo Phone: 808-961-9393

or

73-302 Kupipi Street, Kailua-Kona Phone: 808-326-1077

Kauai- 4398A Pua Loke Street., Lihue Phone: 808-274-3071

Maui- 635 Mua Street, Kahului Phone: 808-873-3556

Molokai- Molokai Irrigation Office Phone: 808-567-6891

801 Puupeehua Ave., Hoolehua

Copies of the proposed rules may also be obtained at the above offices by paying a fee for photocopying or may be sent by mail upon request by paying a fee for photocopying and postage. Copies may also be reviewed or downloaded at the Department’s website at: http://hdoa.hawaii.gov/meetings-reports/proposedar/

All interested persons may attend the public hearings and submit comments orally or in writing. Those persons desiring to submit written testimony may do so via postal mail to the Plant Quarantine Branch c/o Department of Agriculture at 1428 So. King Street, Honolulu, HI 96814 or via FAX at (808) 832-0584 or via e-mail at [Lance.S.Sakaino@hawaii.gov](mailto:Lance.S.Sakaino@hawaii.gov). Please include the word “testimony” and the subject matter when submitting testimony by e-mail. Those persons desiring to present oral testimony at the public hearing are asked to register with staff prior to the convening of the hearing.If possible, submit 5 written copies of the testimony to staff prior to the meeting. Testimony will be accepted up to the close of the last public hearing.

The HDOA is committed to maintaining an environment free from discrimination, retaliation, or harassment on the basis of race, color, sex, sexual orientation, religion, national origin, age, or disability with respect to any employment, program or activity.  Should you feel you have been discriminated against under any HDOA program or activity receiving federal assistance, please contact the HDOA Title VI Coordinator. For information on how to file a complaint, go to:

<http://hdoa.hawaii.gov/blog/main/discriminationcomplaints/>.

The HDOA Title VI Coordinator may be reached at 1428 S. King Street, Honolulu, HI 96814, (808) 973-9560 or via email at [hdoa.info@hawaii.gov](mailto:hdoa.info@hawaii.gov). 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.

Phyllis Shimabukuro-Geiser

Chairperson, Board of Agriculture