

AGENDA
BOARD OF AGRICULTURE MEETING

Date: October 22, 2019
Time: 9:00 a.m.
Location: Department of Agriculture
Plant Quarantine Conference Room
1849 Auiki Street
Honolulu, Hawaii 96819

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES FROM 8/27/19 MEETING
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 1. Request for Consent to Assignment of General Lease No. S-6024; Fong Sourivong, Lessee/Assignor, Khamphou Khouthong, Assignee; TMK: 1st Div/5-6-006:052, Lot 24, Kahuku Agricultural Park, Koolauloa, Kahuku, Island of Oahu, Hawaii
- 2. Request for Acceptance of Annual Lease Rents as Determined by Independent Appraisal for Rent Reopenings and New Leases for Various Lots Located Statewide

B. PLANT INDUSTRY DIVISION

Pesticides Branch

- 1. Request for: (1) Establishment of the External List of State Restricted Use Pesticides (“RUPs”) pursuant to section 4-66-32, Hawai'i Administrative Rules (2019); (2) Compilation of the External List of RUPs from the Previous RUP List (under section 4-66-32, Hawai'i Administrative Rules (2006)) and three active ingredients previously adopted as RUPs—Amicarbazone, Chlorantraniliprole, and Fludioxonil; and (3) Adoption of Chlorpyrifos and Cyantraniliprole for Classification as State RUPs.

(Copy of HAR, Section 4-66-32 (2006) and HAR, Section 4-66-32 (2019) attached.)

Plant Quarantine Branch

- 2. Resubmittal of Request to: (1) Allow the Importation of the Copepod, *Apocyclops panamensis*, an Unlisted Crustacean, by Special Permit, for Scientific Research, by Kampachi Farms, LLC.; and (2) Establish Permit Conditions for the Importation of the Copepod, *Apocyclops panamensis*, an Unlisted Crustacean, by Special Permit, for Scientific Research, by Kampachi Farms, LLC.

V. OLD BUSINESS

None

VI. NEW BUSINESS

None

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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, 10/17/19.**

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*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.*

**Attachment for BOA Meeting 10/22/19 -- Agenda Item B-1**

**Section 4-66-32, Hawaii Administrative Rules (2019)**

**§4-66-32 Restricted use pesticides.** (a) A pesticide or pesticide use classified for restricted use under FIFRA shall be classified as a State restricted use pesticide.

(b) Any pesticides or pesticide uses that meet or exceed any of the following criteria shall be a candidate for State restricted use classification:

- (1) Pesticides in toxicity categories I and II as defined in section 4-66-18 (40 CFR sections 156.62, 156.64, 156.66, and 156.68 (2017));
- (2) Pesticides or pesticide uses that are determined by the head, in consultation with the director of the department of health, to be a health hazard for one or more reasons including, but not limited to, toxicity, body storage, oncogenicity, mutagenicity, and teratogenicity or other reproductive effects;
- (3) Pesticides or pesticide uses that can reasonably be anticipated to result in contamination of groundwater or significant reductions in non-target organisms, or fatality to members of endangered species; and
- (4) Pesticides or pesticide uses authorized under section 18, the Emergency Exemption provision, of FIFRA.

(c) Any pesticide, pesticide formulation, pesticide product, or pesticide use that meets or exceeds the criteria set forth in section 4-66-32(b) shall be subjected to an internal review process by the department prior to being presented to the board for adoption as a State restricted use pesticide.

(d) The head, in consultation with the advisory committee, shall determine which pesticides, pesticide formulations, pesticide products, or pesticide uses meet or exceed the criteria set forth in section 4-66-32(b) and shall submit those items for review by the department.

(e) Once the review process under section 4-66-32(c), or if applicable, an evaluation under section 4-66-32.1(c), has been completed, the head shall submit a list of those pesticides, pesticide formulations, pesticide products, and pesticide uses deemed appropriate for classification as State restricted use for adoption by the board.

(f) The head may classify a pesticide or pesticide use meeting or exceeding the criteria set forth in section 4-66-32(b) for non restricted use if during the department's review process it is determined that measures such as packaging, type of formulation, or method of application eliminate or reduce hazards associated with the pesticide or its use.

(g) The board, upon adoption of those pesticides, pesticide formulations, pesticide products, or pesticide uses recommended for classification as a State restricted use pesticide, shall maintain a list of all State restricted use pesticides at the department Office of the Chairperson. The list of State restricted use pesticides shall also be posted on the department's website.

**Section 4-66-32, Hawaii Administrative Rules (2006)**

**§4-66-32 Restricted use pesticides.** (a) A pesticide or pesticide use classified for restricted use under FIFRA shall be classified as a restricted use pesticide.

(b) Any pesticides or pesticide uses meeting or exceeding any of the following criteria shall be a candidate for State restricted use classification:

- (1) Pesticides in toxicity categories I and II as defined in section 4-66-18;
- (2) Pesticides or pesticide uses which are determined to be a health hazard for one or more reasons including but not limited to toxicity, body storage, oncogenicity, mutagenicity, and teratogenicity or other reproductive effects;
- (3) Pesticides or pesticide uses which can reasonably be anticipated to result in contamination of groundwater or significant reductions in nontarget organisms, or fatality to members of endangered species; and
- (4) Pesticides or pesticide uses authorized under section 18, of FIFRA.

(c) The head may classify a pesticide or pesticide use meeting or exceeding the criteria set forth in section 4-66-32(b) for nonrestricted use if it is determined that measures such as packaging, type of formulation, or method of application eliminate or reduce hazards associated with the pesticide or its use.

(d) The head, in consultation with the advisory committee, shall determine those pesticides or pesticide uses meeting or exceeding the criteria set forth in section 4-66-32(b) and submit a list of those pesticides and pesticide uses for adoption by the board.

(e) The following pesticides, pesticide formulations, or pesticide products for reasons based on the criteria set forth in section 4-66-32(b) are classified as restricted use pesticides:

Restricted Use Pesticides

Restricted  
Concentration

|                                                                                |                          |
|--------------------------------------------------------------------------------|--------------------------|
| Alachlor                                                                       | All                      |
| Atrazine                                                                       | All                      |
| Bromacil                                                                       | All                      |
| Chlorine gas (effective January 1, 2008)                                       | All                      |
| Chloropicrin                                                                   | All                      |
| Including its use as an irritant or warning agent when used with any pesticide |                          |
| Cyanazine                                                                      | All                      |
| Hexazinone                                                                     | All                      |
| Metolachlor and its isomers                                                    | All                      |
| Paraquat                                                                       | All above 0.2%<br>cation |
| Picloram                                                                       | All                      |
| Simazine                                                                       | All                      |