

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

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State of Hawai'i
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February 23, 2024

Rec. #27958

Senator Jarrett Keohokalole
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Senator Keohokalole:

RE: Interim & Chapter 4-72 Hawaii Administrative Rule ("HAR") Changes Update

Thank you for your letter requesting more information on the proposed interim rule for the stop-movement of LFA. The Department of Agriculture respectfully provides the following responses:

1. What is the status on the proposed interim rule for stop-movement of LFA ("LFA Interim Rule")?

We will be having an Advisory Committee on Plants and Animals (P&A) meeting on March 11, 2024, at 9:30 AM for an LFA Interim Rule. Provided that the P&A makes a finding that the LFA Interim Rule is necessary pursuant to Section 150A-9.5(b), Hawaii Revised Statutes, the interim rule will be presented to the Chairperson for approval. Upon approval by the Chairperson, a press release must be issued within 12 days of implementation.

2. Amendments to HAR Chapter 4-72:

- a. Now that public hearing has been held, when can the public expect the proposed changes to HAR Chapter 4-72 to be put into effect?

The Department is going through the testimony to draft the hearing officer's report in addition to making responses to issues brought up through testimony. It will be brought before the Board for final approval and then sent to the Small Business Regulatory Review Board for their review, as the rules affect small businesses. It will then be sent to the Governor for his signature. After the Governor signs, it is transferred to the Lieutenant Governor and after 12 days, it is a force of law.



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- b. What effect will the new HAR Chapter 4-72 have on the currently effective CRB Interim Rule 23-1? Will this affect any of the penalties for violations made pursuant to Interim Rule 23-1?

The penalties are the same for the interim rule and 4-72, HAR.

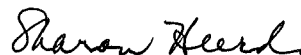
- c. What effect will the new HAR Chapter 4-72 have on the LFA Interim Rule, should it be put into effect?

HAR Chapter 4-72 would effectively make the LFA Interim Rule moot as 4-72, HAR would have more expansive authority. The LFA Interim Rule will be provided to your office as soon as the P&A meeting notice is posted.

The department feels it is important to manage expectations as the timeline for the process from public hearing to the Board of Agriculture has consistently been suggested to be 6 to 12 months or more. We appreciate your understanding as we undergo this process.

If you have additional questions, please contact me at (808) 973-9550.

Sincerely,



Sharon Hurd, Chairperson
Board of Agriculture