

#122

**Ho, Jonathan K**

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**From:** Heather Forester <heather.n.forester@gmail.com>  
**Sent:** Monday, January 29, 2024 5:04 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Chapter 72 TESTIMONY

Little Fire Ants (LFA) can hitchhike on many different items, and potted plants are a high-risk item needing special attention. Mitigating the spread of LFA needs to start with Big Island Nurseries. If authority recommends barrier treatments to treat infested plant stock, it only covers up the underlying problem deeper in the pots. When barriers are applied, you can get a false negative when testing for LFA.

Infested nurseries in Oahu are not a new thing, but thankfully are now in the public eye. All it takes to spread an LFA colony is one fertile queen and a few workers, which is easily done in potted plants.

HDOA needs to stop the bleed by preventing the sale of infested plant stock STATEWIDE; otherwise, Oahu (and all other islands) will become as infested as Big Island with no chance of eradication.

I support the language in Chapter 72 which gives HDOA the authority to stop the sale of infested materials. There are currently at least 5 known nurseries on Oahu infested with LFA, and every day they continue to sell plants there is the potential for spreading LFA.

Something needs to be done NOW.

#123

**Ho, Jonathan K**

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**From:** David Pollmiller <dave@harvestgardenhawaii.com>  
**Sent:** Monday, January 29, 2024 5:12 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

This is a no brainer.

*Dear Chair Hurd and Members of the Board of Agriculture,*

*I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.*

*As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.*

*With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.*

*Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.*

*Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.*

*Dave Pollmiller*

#124

**Ho, Jonathan K**

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**From:** Beverley Sambor <bevsambor@icloud.com>  
**Sent:** Monday, January 29, 2024 5:29 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Please please stop the spread of rhinoceros beetles from getting to each and every island. I have seen them here in my yard in Ewa Beach. 1 dead and 1 live (which I exterminated).

If it know that there is a possibility of eggs or live beetles in mulch, do not sell it or ship it from one location to another.

I am not sure of solutions to eradicate the ones already present but we can and should stop shipping them from one location to another.

Thank you

Bev Sambor  
Sent from my iPhone



#125

**Ho, Jonathan K**

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**From:** Laurel Nakanishi <laurel.nakanishi@gmail.com>  
**Sent:** Monday, January 29, 2024 5:39 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

Dear Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.

As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.

Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.

in gratitude,  
Laurel



#126

**Ho, Jonathan K**

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**From:** Donny Marez <DLMarez@hotmail.com>  
**Sent:** Monday, January 29, 2024 5:45 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Chapter 72 Testimony

I strongly support the language in Chapter 72 which gives HDOA authority to stop the sale of infested material. It is bad enough that we on Big Island have to deal with such a HUGE problem that impacts our way of life AND the health of our family and animals. I do not want our precious Big Island to be known as the island that spread Little Fire Ants to all other neighboring islands when we could have stopped it. We must do something NOW!!!

Donny Marez  
Sent from my iPhone

#127

**Ho, Jonathan K**

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**From:** Linda Summers <linda@summersrealty.net>  
**Sent:** Monday, January 29, 2024 5:56 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony Regarding Title 4, Subtitle 6, Chapter 72, HAR

RE: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Chair Hurd and staff:

I am concerned about the spread of invasive species and the destruction they have on the islands. I understand that the Department of Agriculture must have the resources to stop the spread of these pests before they are everywhere.

At the same time, the proposed rules are confusing. I want to comply with all the rules but I'm not sure exactly what I am required to do, when I have to do it, and who is going to be making decisions that impact me.

As a producer, I know how much damage pests and diseases can do and how much they can affect agriculture. I would like to see more pests stopped before they even enter the state and I'd like to have help dealing with pests when my area is affected by them.

These rules should be clear about what we are required to do and how we should do it.

Thank you.

Linda Summers, Beoker/Owner  
Summers Realty, Inc.

#128

**Ho, Jonathan K**

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**From:** Andrea <lexia99@aol.com>  
**Sent:** Monday, January 29, 2024 6:09 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HAR Chapter 4-72

Dear Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide regulatory tools to ensure that current and future community efforts to combat invasive pests are effective.

As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.

Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.

Sincerely,

Andrea Baer





#129

January 29, 2024

Subject: Testimony in Support of the Proposed rule changes to Hawai'i Administrative Rules (HAR) Chapter 4-72

Aloha mai kākou-

I am submitting testimony to **strongly support** the proposed amendments to Chapter 4-72 of Hawaii Administrative Rules to authorize the State (Hawai'i Department of Agriculture) to be able to stop the movement of products (e.g. plants sold from nurseries infested with little fire ant (LFA) aka *Wasmania auropunctata*) that are infested with pests and provide important authorities for the Hawaii Department of Agriculture to prevent the spread of high-priority invasive species. If a nursery is not properly treating for a pest like LFA, the movement of products off property should not be permitted until the products can be properly treated. We are dangerously close to being inundated with LFA on O'ahu, and the most important missing component of a satisfactory response is regulation.

If we become inundated with LFA, our island and all those who live and visit will suffer substantially. Tourism dollars and agriculture yields will decrease, costs to treat public spaces to maintain them for use by residents and visitors will skyrocket, and the way of life on this island will be detrimentally changed forever. The painful sting from LFA will not only impact our residents and tourists as they can thrive within homes, hotels, and vehicles, but these ants also target the eyes of pets. LFA attacks on pets often lead to corneal clouding and blindness. An island full of LFA will be dire for our human and animal communities.

The draft of proposed changes to Chapter 4-72 that does include this language and other important components of invasive species control has been unanimously approved by the Board of Agriculture on February 28, 2023. The proposed changes were also approved by the Small Business Regulatory Review Board for public meetings in May 2023 and at those three public meetings there was no opposition, only constructive and favorable comments. Other drafts that have not included important stipulations regarding limiting the spread of invasive species through the stoppage of movement for infested products has been met with widespread opposition throughout the community and other conservation groups.

It is unclear why these proposed changes are facing abandonment by the Department of Agriculture despite being so far along in the process, especially when other drafts that haven't included stopping the movement of infested products are frankly inadequate to address the current outbreaks of LFA, coqui frogs (*Eleutherodactylus coqui*), and coconut rhinoceros beetle (*Oryctes rhinoceros*). Other States use similar authority through their Departments of Agriculture regularly in order to protect consumers, the Ag industry, and the environment. Controlling high-impact invasive pests at critical control points like infested nurseries early on helps protect other nurseries, garden shops, the agricultural economy as a whole, and our precious natural resources.

In addition to the implications for LFA inundation across O'ahu, the implications for coconut rhinoceros beetles (CRB) spreading across the state are also dire. The previous draft of proposed Chapter 4-72 changes would have made permanent the interim CRB quarantine rule that was intended to stop the spread of CRB to neighbor islands as well as reducing the spread





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of CRB within O'ahu. After the interim rule expired, neighbor islands began detecting CRB. Although the rule's expiration may not be the sole cause for the spread to neighbor islands, the CRB expansion emphasizes how crucial regulation is to fight the spread of invasive species. Maintaining a robust arsenal of invasive species management tools will be the only way our island and State can successfully address the threats posed by these injurious species, and regulatory authority needs to be increased through the proposed Chapter 4-72 HAR revisions to bolster our control and eradication toolbox.

Restarting this process will cause further delays and there will likely lead to more detections of all the species listed in this testimony and a possible expansion of other pest species that arrive through the nursery pathway. Without the sufficient regulatory control contained within the already approved draft, it will be impossible to prevent the spread of these high-impact pest species. It only takes a single bad-actor refusing adherence to best-management practices to threaten the revenue of the nurseries who do strive to limit the spread of invasive species and to threaten the prosperity of the agricultural industry statewide.

OISC has been hearing from members of the public, including nursery owners and workers, who are overwhelmingly in favor of holding the few bad actors accountable (e.g. nurseries who continue to sell products infested with LFA). Leaving out the key aspects of proposed changes to Chapter 4-72 that have previously been approved and are detailed in this testimony will irreparably sever invasive species management throughout the State and will do nothing to prevent further expansion of LFA, CRB, and other high priority invasive species that threaten our economy, agriculture, and way of life.

Mahalo nui loa for your time and consideration.

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Nate Dube

Manager, O'ahu Invasive species Committee

#130

**Ho, Jonathan K**

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**From:** Andrea Anixt <andreapeatmoss6@gmail.com>  
**Sent:** Monday, January 29, 2024 6:26 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72

Aloha Chair and members

Please do all possible by rules introductions to help stop invasive species now!  
The misery caused by little fire ants I know of personally. Save us by supporting these rules  
and whatever else you can do.

Mahalo  
Andrea Anixt

PO Box 646  
Ka'a'awa HI  
96730



#131

**Ho, Jonathan K**

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**From:** Lara Reynolds <reynolds.lara@gmail.com>  
**Sent:** Monday, January 29, 2024 6:31 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony - HDOA Invasive Species rule amendment

Aloha HDOA,

I am writing in strong support of the proposed changes to HAR chapter 72. These changes would grant the HDOA the authority to address issues with repeat offender nursery and garden shop owners, as well as to promptly respond to situations where infested merchandise is discovered. This is critically important for ensuring regulatory compliance and preventing the spread of pest infestations. Stopping the spread of invasive pests early and at critical control points protects other nurseries, garden shops, the entire agricultural industry, the environment, and the public.

Mahalo,  
Lara Reynolds

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**Ho, Jonathan K**

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**From:** Jane Beachy <beachy@hawaii.edu>  
**Sent:** Monday, January 29, 2024 6:35 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony on invasive species rule amendment to Chapter 4-72, HAR

Aloha,

I'm writing today in support of the proposed invasive species amendments to Chapter 4-72 of the Hawai'i Administrative Rules, pertaining to the Hawai'i Department of Agriculture Plant Quarantine Branch. These amendments are critical to combating invasive species issues in the State, and are long overdue. They will provide HDOA with more tools for addressing invasive species issues, and encourage businesses and industry to behave in a conscientious and pono manner.

As a conservationist who has worked in the natural resource management sector protecting Hawai'i's spectacular and unique flora and fauna for over 20 years, I'm so excited about this step towards providing better protection against invasive species spread. Our native plants and animals are imperiled by threats, and often it seems that a new one arises every time we turn around. This is devastation by a thousand cuts, with native forests pushed to the brink by new and old threats, like weeds (for example *Miconia calvescens*, *Tibouchina herbacea*, and *Chromolaena odorata*), insects (such as Little Fire Ant, Coconut Rhinoceros Beetle, and *Myporum* thrips), animals (ex. coqui, rats, mice, and mongoose), and diseases (ex. Rapid Ohi'a Death, *Austropuccinia rust*). We, as a State, already have our hands full addressing these threats. Reducing their spread will help us to be more effective and efficient in combating them. These amendments will provide new support and new tools for HDOA.

As a kama'aina, born and raised in Kahalu'u, it is heart-breaking to think about losing ohi'a from the forests in the back of the valley, or coconut from the coast. I'd like my mother to be able to buy plants and potting soil for her lush garden without worrying about introducing little fire ants, coconut rhinoceros beetles, or other pests. These amendments are a common sense start. They will provide new support and new tools for HDOA. They will help us all to protect these unique islands, our home.

Sincerely,  
Jane Reppun Beachy  
Kahalu'u, O'ahu

#133

**Ho, Jonathan K**

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**From:** Ashlie McGuire <amcsuperstar@yahoo.com>  
**Sent:** Monday, January 29, 2024 6:45 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Aloha  
My name is Ashlie McGuire and I am from Keokea Maui. I think it should be illegal to sell bags of compost, soil, or any garden amendments that are infested with pests such as coconut rhinoceros beetle or little red fire ants. I support the Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR) entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules." Thank you.



#134

Ho, Jonathan K

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**From:** Lehuanani chang <kaionagirl808@gmail.com>  
**Sent:** Monday, January 29, 2024 6:52 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

*Dear Chair Hurd and Members of the Board of Agriculture,*

*I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.*

*As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.*

*With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.*

*Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.*

*Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.*

In solidarity,

Lisa Lehuanani Chang

#135

Ho, Jonathan K

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**From:** Kapua Kawelo <jobykapua@gmail.com>  
**Sent:** Monday, January 29, 2024 7:13 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for Rule 72 amendments

Aloha, I am writing as a concerned, Hawaii resident, neighbor, community organizer, taxpayer, Hawaiian and a conservation professional. I 100% want these amendments made! I want the department of agriculture to be able to hold people responsible who knowingly spread invasive species. These invasive species have the potential to affect our communities, neighborhoods, livelihood, food security, way of life, Hawaiian cultural practices, and tourism. I am a I am an organizer for a little fire ant control in my community in Windward Oahu, and have experience firsthand the impact of this pest on my relationship with 'Aina. The idea of my grandchildren not being able to play freely outdoors without being stung by LFA is frightening. Please move forward with these amendments. I am happy to discuss this further via email or phone, my number is 808-864-1014. Mahalo, Kapua Kawelo, 47-533 Melekula Rd, Kaneohe HI 96744them Sent from my iPhone

**Ho, Jonathan K**

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**From:** Diga Kern <23.diga@gmail.com>  
**Sent:** Monday, January 29, 2024 7:18 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] YES on Proposed Amendments to Title 4, Subtitle 6, Chapter 72

Aloha,

I am a coconut producer in Puna makai, Hawai'i, who has provided my family and customers with nutrient-dense coconuts for 30 years. Currently, I am implementing an HDOA Food Security Microgrant to plant 24 more coconuts to expand into oil production in the future.

MANY people in our area rely on coconut as a staple food crop, grown in polycultures that sequester carbon and circumvent the ecologically costly mode of importing food to Hawai'i. We are preparing for a post-carbon future, by freely sharing food-growing knowledge, keiki, and recipes, in the hope that Hawai'i can smoothly transition back towards food sovereignty.

ANY and ALL measures taken by State or local government to quarantine and limit the extent and spread of new pests, pestilences, and diseases will have a DIRECT POSITIVE IMPACT on farmers in our area, already struggling with LFA, QLB, avocado lace bug, and BBTV.

I urge you to approve the amendments to the intrastate plant quarantine regulations.

Sincerely,

Diga Kern



**Ho, Jonathan K**

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**From:** Mia Bellwood <miapbellwood@gmail.com>  
**Sent:** Monday, January 29, 2024 7:20 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Miriam Bellwood Testimony

Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,  
I, Miriam P. Bellwood, support the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

The little fire ant has devastated my community in Puna for years, and all signs point to it having originated from a nursery decades ago. There are nurseries even today knowingly spreading fire ants throughout the islands, and this needs to stop.

For these reasons, I ask that you please enact these changes to chapter 72.  
Sincerely,  
Miriam "Mia" Bellwood

#138

Ho, Jonathan K

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**From:** Cathy Oyama <cathy.oyama@gmail.com>  
**Sent:** Monday, January 29, 2024 7:47 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in STRONG SUPPORT - Amendments to HAR Chapter 4-72

Dear Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.

It saddens me greatly when I drive around our island and see so many dead palm trees due to the devastation from the CRB. As a backyard gardener, I found more than 40 CRB larvae in a bag of soil that I purchased from Lowe's. Please pass this legislation to prevent more compromised soil from being sold and exacerbating the CRB problem.

This same legislation could help stop the spread of LFA.

Please protect our islands by passing this legislation.

Thank you,  
Cathy Oyama

Sent from my iPhone

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**Ho, Jonathan K**

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**From:** Cory <333cory@gmail.com>  
**Sent:** Monday, January 29, 2024 7:50 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] support HAR Chapter 4-72 Rule Amendments

Dear Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72.

Over forty years of living in Hawai'i, I've seen quiet nights invaded by screeching coqui frogs, and my home invaded by fire ants so I have to keep buying poison and contaminating my yard with it.

I've also seen our island's ability to grow our own food threatened by fire ants, coconut rhinoceros beetles, and numerous other invasives.

It is typical for people to under-estimate the threat of invasives until it's too late to control them. Let's not make that mistake now.

mahalo,  
Cory Harden, Hilo

#140

**Ho, Jonathan K**

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**From:** David Zuckerman <greenopz1@gmail.com>  
**Sent:** Monday, January 29, 2024 8:10 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony re invasive species

We need to do whatever it takes to address the problem due to invase species and in particular to control and prevent those entities that are enabling this problem to be held accountable. .And, in particular, the fire ant invasion in Oahu as well as all Hawaii islands

David Zuckerman  
Get [Outlook for Android](#)



#141

**Ho, Jonathan K**

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**From:** Trisha Wilson <tiddillenburg@gmail.com>  
**Sent:** Monday, January 29, 2024 8:16 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Written testimony for "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Hello,

My name is Trisha Wilson and I work for Maui Invasive Species Committee but I am representing myself in this testimony. I am in support of the amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules."

It should be illegal to knowingly transport Little Fire Ants, Coconut Rhinoceros Beetles, and other known invasive pests from island to island in Hawaii. I work on the Little Fire Ant crew, and have experienced first-hand the strenuous work that goes into fighting Little Fire Ant infestations all over the island of Maui. While some might say continued transport of Little Fire Ants from known infestations to new places provides infinite job security for me, I believe that the most effective use of our resources is achieved when the HDOA can work to prevent the spread of invasive species in Hawaii.

Little Fire Ants, Coconut Rhinoceros Beetles, and other invasive species have well-documented detrimental impacts to the economy, to native species, and to the Hawaiian way of life. Little Fire Ants negatively impact agriculture, they harm our native seabirds, they make our homes uncomfortable and unsafe for our pets, they push out all other invertebrates and spread indefinitely if left unchecked. The Coconut Rhinoceros Beetle destroys coconut palms, other palm species, Hala, papaya, bananas, and more, and often are hard to detect until a breeding population is already established and are difficult to eradicate.

The Hawaii Department of Agriculture needs to be empowered to prevent the spread of these invasive species from known infestations so that we can continue the battle against accidental infestations. Please help us protect the land.

Thank you,

Trisha Wilson

**Ho, Jonathan K**

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**From:** Kumu Pieper <michelle.pieper@hawks.k12.hi.us>  
**Sent:** Monday, January 29, 2024 8:21 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony on Invasive Species

Certainly, I'll integrate your provided content into the testimony:

**Testimony in Support of Amending Chapter 72**

Honorable Committee,

I write in strong support of the proposed amendments to Chapter 72, essential for combating the spread of the Coconut Rhinoceros Beetle (CRB) and fire ants through packaged mulch and soil.

Our state is in the midst of an ecological crisis. The infestations are widespread, severely impacting our ecosystems and food systems. Given our reliance on imported food, addressing this issue is urgent.

The amendments will empower HDOA to enforce measures against the sale of contaminated mulch and mandate clean-up in infested premises. This is critical for safeguarding our environment and food security.

As a Kanaka, I want to emphasize the cultural significance of the coconut tree, often overlooked in discussions about CRB. For us, the coconut is not just a "decorative burden" but a symbol of life and resilience. Planting coconut trees is a powerful act that aligns with our ancestral values and represents our commitment to healing our land and traditions. This effort resonates deeply with our 'ohana across the Pacific, who face similar challenges.

Our approach to combating the CRB infestation is more than an agricultural practice. It's a testament to our effectiveness in reviving our traditions and environment. This initiative is part of a larger movement to transform dominant economic systems towards a more cooperative, community-centric model. Planting coconut trees is our way of honoring our heritage and protecting our future.

Therefore, I urge the committee to pass these amendments. We need to take a stand against ecological threats and work proactively to preserve our natural and agricultural resources, respecting the deep cultural connections that bind us to our environment.

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Sincerely,

Michelle Pieper

Teacher, Nānākuli High & Inter

--  
Nānākuli High & Inter School  
Academy of Sustainability  
World Language Dept Head  
Hawaiian Language Teacher



# 143

**Ho, Jonathan K**

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**From:** JON BRODZIAK <squidbro@aol.com>  
**Sent:** Monday, January 29, 2024 8:39 PM  
**To:** HDOA.PQ.TESTIMONY; JON BRODZIAK  
**Subject:** [EXTERNAL] Hawai'i Administrative Rules Chapter 4-72

Dear Chair Hurd and Esteemed Members of the Board of Agriculture,

I wholeheartedly endorse the suggested revisions to the Hawai'i Administrative Rules Chapter 4-72, a move that promises essential regulatory tools to safeguard the tireless endeavors of current and future community initiatives combating invasive pests.

As witnessed on Hawai'i Island, the onslaught of invasive pests, such as the diminutive fire ant (LFA), threatens not only our agriculture and local food security but also imperils our ecological and cultural integrity, our quality of life, public health, and the very bedrock of our economy, with potential ramifications stretching across generations.

With the LFA and the coconut rhinoceros beetle now making their insidious presence felt throughout the islands, we find ourselves in dire need of employing every available resource without delay. It is imperative that we support an all-hands-on-deck approach to combat these emerging pest threats.

Kindly champion these sensible amendments, providing the Department of Agriculture with the essential tools it requires to fulfill its role in controlling and eradicating invasive species. Crucially, these amendments empower the Department to act swiftly in legally curtailing the sale and movement of invasive species and infested commodities, both within and between islands. This becomes particularly vital in thwarting nurseries and businesses knowingly trading in infested plants and other items, thereby thwarting the collective efforts of agencies and community organizations dedicated to shielding our islands and securing our future from the ravages of invasive pests.

Therefore, I beseech the Board with great respect to APPROVE the proposed rule amendments. Mahalo nui for affording me the opportunity to present this testimony.

Yours sincerely,

Jon Brodziak



#144

**Ho, Jonathan K**

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**From:** Hattie Gerrish <hatgerrish@gmail.com>  
**Sent:** Monday, January 29, 2024 8:43 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony HAR Support for Amendments to HAR Ch. 4-72 (sale of invasive pests)

Aloha,

I strongly support banning the sale and transport of materials infested with invasive pests. As a farmer and life long resident of Hawai'i, I see the impacts of invasive pests everyday. I am disappointed that these rules have not been put into effect sooner, and I am appalled that some businesses have been selling plants with fire ants for so long, spreading fire ants across the state.

Invasive pests like fire ants and rhinoceros beetles are the biggest problem farmers in Hawai'i face. In my short life, I have seen many changes, all of them bad. We used to have plenty of bananas, buckets of avocados, and you could eat as many mangos as you wanted. Now my avocados and bananas are sick, and the mangos, like most fruits, are infested with fruit flies. I give these examples to show how detrimental pests are to our ability to feed our people and make a living from farming, although the pests covered by this proposed rule are different.

As for rhinoceros beetle, that would be devastating to coconuts, kalo, and bananas, some of our most loved foods. Foods that I took for granted when I was a child. Back then, I could climb trees and play in the stream without fear of fire ants. Now pets are being injured and blinded by fire ants and children can't even play outside the way I did in some places. When my childhood home was overtaken by fire ants, you could not even go swimming in the stream without being bitten.

I'm just 32 and I already miss the old days before fire ants. The constant invasion of new pests that destroy cherished plants and resources one by one makes me depressed for the future of Hawai'i. I hate it and wish we could go back.

Please implement the amended rules now and stop the spread of some of the worst pests.

Mahalo,  
Hattie Gerrish  
Farmer, Hawai'i Island

#145

Ho, Jonathan K

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**From:** Joseph Kohn MD <outlook\_945BCBF227049F41@outlook.com> on behalf of Joseph Kohn MD <Joseph@WeAreOne.cc>  
**Sent:** Monday, January 29, 2024 8:47 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

*Dear Chair Hurd and Members of the Board of Agriculture,*

*I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.*

*As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.*

*With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.*

*Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.*

*Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.*

Joseph Kohn MD  
Founder, We Are One, Inc. - [www.WeAreOne.cc](http://www.WeAreOne.cc) - WAO  
493 Pio Dr Apt 209  
Wailuku, HI 96793-2641  
808-359-6605  
Joseph@WeAreOne.cc  
[www.WeAreOne.cc](http://www.WeAreOne.cc)

# 146

**Ho, Jonathan K**

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**From:** Brian Hauk <brianhauk76@hotmail.com>  
**Sent:** Monday, January 29, 2024 8:48 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HAR chapter 72 rules

I'm in support of HAR chapter 72 rules being altered in order to give HDOA the authority to stop the sale to the public of plants and other merchandise that are infested with invasive pests such as plants infested with Little Fire Ants (LFA) or bags of compost containing Coconut Rhinoceros Beetle (CRB). Our neighborhood board has been battling LFA at our own expense in Kahaluu and the pest continues to spread. Jurisdictional authorities are needed in order to ensure vendors are not spreading pest to other parts of the island.

Thank you for your time,  
Brian Hauk  
Concerned Citizen



#147

**Ho, Jonathan K**

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**From:** Gwen Demitria-de Leeuw <demitria.deleeuw@gmail.com>  
**Sent:** Monday, January 29, 2024 9:02 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

Dear Chair Hurd and Members of the Board of Agriculture,  
I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.

As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

I have experienced first hand the effects of the invasive avocado lace bug infestation here on Oahu. In early 2020 it reached our generations old avocado tree and I have been battling it ever since. The tree, who's fruit has fed our family, our neighbor's families, as well as countless community members, is now continuously stressed from constantly shedding its leaves in an effort to survive the infestation. The avocados are now consistently smaller, less abundant, and often sunburnt. I can only imagine the cost and effort required of local farmers in battling this pest. We cannot keep allowing these pests and other invasive species to keep wreaking havoc with our agricultural and our highly sensitive environment.

With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.

Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.

Gwen Demitria-de Leeuw  
Kaneohe, HI

# 148

**Ho, Jonathan K**

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**From:** Greg Puppione <gpuppione@gmail.com>  
**Sent:** Monday, January 29, 2024 9:18 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

*Dear Chair Hurd and Members of the Board of Agriculture,*

*I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.*

*As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.*

*With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.*

*Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.*

*Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.*

Greg Puppione  
Honolulu, HI



# 149

**Ho, Jonathan K**

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**From:** Lindsay Moore <bemoorefree@gmail.com>  
**Sent:** Monday, January 29, 2024 9:25 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony, Plant and nondomestic animal quarantine plant intrastate rules

Aloha,

It should be illegal to knowingly sell compost or plants with Little fire ant and/or coconut rhinoceros beetle. Interdiction as soon as possible to stop the influx of invasive species is necessary to avoid spending millions of dollars battling established populations. LFA and CRB can destroy the economy, ecosystem, T&E species, cultural traditions and practices when infestations take place.

I monitored 800 coconut trees in Asan, Guam for CRB infestation in coordination with the university of Guam. We ended up having to cut 90% of the 800 trees in a small park area from damage of crb to each individual.

Reference: Testimony, Plant and nondomestic animal quarantine plant intrastate rules

Mahalo,  
Lindsay

Sent from my iPhone



#250

Ho, Jonathan K

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**From:** Lorraine Waianuhea <mamowaiianuhea@gmail.com>  
**Sent:** Monday, January 29, 2024 9:29 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony in STRONG SUPPORT – Amendments to HAR Chapter 4-72

Aloha Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.

As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

I visited Kapapahu Point Park in 'Ewa a few weeks ago and was dismayed to see all of the niu (coconut trees) dying from coconut rhinoceros beetle damage. CRB is also killing loulu (our endemic palms that are found no where else in the world) and pūhala (hala trees). All of these plants are incredibly important to Hawaiian life, including sustenance, shelter, and craft. What would Hawai'i be without niu, loulu and pūhala? We need to act now against CRB, little fire ant, and other invasive species, so that we will never find out.

Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. **Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands.** This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.

In order to eradicate these invasive species, we need everyone's cooperation and effort.

Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.

Lorraine Waianuhea

#151

**Ho, Jonathan K**

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**From:** Arabella Ark <arabellaark@icloud.com>  
**Sent:** Monday, January 29, 2024 9:33 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] invasive species and the tender island of Molokai

Hawaii Department of Agriculture  
6 p.m. January 30, 2024  
Plant Quarantine Branch Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,

Aloha Ms. Hurd and Committee Members,

Please understand that long time island business, Ark Ceramics, established as Papa's Pokai Pottery in 1976, is in support of the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

I am particularly concerned about harm to the island of Molokai.

Having resided in Wai'anae on the island of O'ahu for 30 years, and Hana, Maui for 18, and now Molokai for 5, I have seen the damage wrought on our islands by invasive species.

My family has worked in forests on O'ahu, Maui, Big Island, Lana'i, and Molokai, not to mention a few sojourns on Kaho'olawe, in efforts to protect our environment, encourage resurgence of native species, and to ward off invasives. Our islands need all the help and more that we can give them to protect our natural habitats.

I want my grandchildren to live in the Hawai'i I know so well, not one invaded and despoiled by alien species.

For these reasons, I ask that you please enact these changes to chapter 72.

Thank you for your kind consideration.

Regards,

Arabella Ark

Arabella Ark dba Ark Ceramics  
2376 Kamehameha V Hwy.  
Kaunakakai, Hi 96748



#152

**Ho, Jonathan K**

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**From:** WVHCA BOD <wvhcabod@gmail.com>  
**Sent:** Monday, January 29, 2024 9:34 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HAR, Ch 4-72

Hawaii Department of Agriculture  
6 p.m. January 30, 2024  
Plant Quarantine Branch Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,

The Wai'anae Valley Homestead Community Association support(s) the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

Our way of life must be protected, these are sensible regulations, we must be able to stop pests sooner, before they become widespread and unmanageable. Wai'anae is being inundated with CRBeetles that have wreaked havoc on our niu trees and now other species of plants. DOA must do better in creating laws to stop the spread, Eñducate the community and build task forces to remediate the problem. Not just with CRBeetles but any and all pests that pose a hazard to our native flora, fauna and fisheries.

Our homestead hopes to start a community kupuna garden to teach sustainability among our kanaka here but the pests could pose major setbacks in the process. Please be mindful of the cultural significance in mea 'ai practices, whether it be through mahi'ai (farmers) or lāwai'a (fishers) all is a tender balance that must be protected.

For these reasons, I ask that you please enact these changes to chapter 72.

Sincerely,  
Jan Makepa, Pelekikena  
Waianae Valley Homestead Community Association, Inc.

#153

**Ho, Jonathan K**

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**From:** Samuel Wolff <sbwolff@hawaii.edu>  
**Sent:** Monday, January 29, 2024 9:35 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

*Dear Chair Hurd and Members of the Board of Agriculture,*

*I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.*

*As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.*

*With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.*

*Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.*

*Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.*

Sam Wolff  
808.729.0335  
Sent from my iPhone



#154

Ho, Jonathan K

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**From:** Marybeth Fentriss <mfentriss@gmail.com>  
**Sent:** Monday, January 29, 2024 10:09 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Hello, I am a resident of Kailua, Hawaii, and am writing to urge passage of HAR 4-72 with regard to invasive species such as little fire ants and coconut rhinoceros beetle.

Nurseries and other retailers statewide should be required to protect consumers from buying infested plants or plant material, including compost, soil, and any other gardening materials which could be infested.

Furthermore, professional landscapers should be required to clean their equipment between yard jobs in order to reduce the transmission of invasive species from yard to yard.

Names of nurseries known to be selling infested plants and or plant material, including compost, soil, and any other gardening materials, should immediately be made public to apply more pressure to cease selling infested plant material. Signage clearly indicating that infested plant material has been sold by the offending nursery should be required to be posted on premises until the infestation has been properly and completely treated and eradicated. Daily fines should accrue while such nurseries knowingly continue to sell infested plant material.

Failure to implement and enforce such regulations immediately runs the very real risk that life across the pae aina will be irretrievably changed to our detriment. Our keiki will no longer be able to play outside due the risk of being bit by little fire ants. No more backyard barbecues, no more kanikapila in the garage or on the outside lanai. LFAs can easily be brought indoors, and get into bedding and buildings. LFAs can blind pets. Without identification, treatment, and eradication, coconut rhinoceros beetles will voraciously eat our niu, hala, kalo, and banana plants, stripping these important cultural resources and food sources from our environment. I personally cannot stand by and let this happen. You shouldn't either. Please act immediately.

Thank you for your consideration.  
Marybeth Fentriss

**Ho, Jonathan K**

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**From:** C C <oahugrown96792@gmail.com>  
**Sent:** Monday, January 29, 2024 10:11 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL]

Dear Committee Members,

I am writing to strongly support the proposed updates to Chapter 72. These changes are vital to help us fight against the spread of the Coconut Rhinoceros Beetle (CRB) and fire ants, which are affecting our packaged mulch and soil.

Our state is facing a big ecological crisis right now. These infestations are everywhere, badly damaging our natural areas and our food supply. Since we rely a lot on food from other places, it's really important that we handle this issue quickly.

The updates will give the Hawaii Department of Agriculture (HDOA) the authority to take action against selling mulch with these pests and to clean up places that are infested. This is really important to protect our environment and make sure our food is safe.

As a Kanaka, I want to point out the special meaning of the coconut tree, which often gets overlooked in discussions about the CRB. For us, the coconut is more than just a tree; it's a symbol of life and strength. Planting coconut trees is a significant act that connects us with our ancestors and shows our dedication to healing our land and preserving our traditions. This effort is also important to our families in other Pacific islands facing similar challenges.

Dealing with the CRB infestation is about more than just agriculture. It's a way for us to show that we can revive our traditions and care for our environment. This effort is part of a larger goal to change our economic systems to focus more on community and cooperation. Planting coconut trees is how we honor our past and protect our future.

So, I'm asking the committee to please pass these amendments. We need to stand up to these environmental threats and actively work to keep our natural and agricultural resources safe, while respecting the deep cultural connections we have with our environment.

Mahalo Nui,

Charles Cravalho

# 156

**Ho, Jonathan K**

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**From:** John Reppun <jreppun@keyproject.org>  
**Sent:** Monday, January 29, 2024 11:03 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in STRONG SUPPORT - Amendments to HAR Chapter 4-72

John Reppun,  
Waiahole Valley Agricultural Lot tenant  
Lifetime Windward O'ahu Resident



#157

**Ho, Jonathan K**

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**From:** kapulei flores <kapuleif@gmail.com>  
**Sent:** Monday, January 29, 2024 11:19 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony

Aloha,

I am writing in support of having regulations in place to manage invasive species like coconut rhinoceros beetles, little fire ants, coqui frogs, and others. We have seen and continue to see the damage these invasive species cause, as well as the speed that they spread. It is more important now than ever to truly do our best to minimize and stop the spread of invasive species.

Mahalo

#158

**Ho, Jonathan K**

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**From:** Haylin Chock <haylinc@hawaii.edu>  
**Sent:** Monday, January 29, 2024 11:39 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony Regarding Title 4, Subtitle 6, Chapter 72, HAR

Hawaii Department of Agriculture Plant Quarantine Branch 1849 Auiki Street Honolulu, HI 96819 RE: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules" Aloha Chair Hurd and staff: I am concerned about the spread of invasive species and the destruction they have on the islands. I understand that the Department of Agriculture must have the resources to stop the spread of these pests before they are everywhere. At the same time, the proposed rules are confusing. I want there to be clear rules that prevent the spread/ sale and distribution of vectors and breeding materials that can harbor invasive pests so that all stakeholders are able to comply without loopholes. As a conservationist and aloha āina advocate , I know how much damage pests and diseases can do and how much they can affect agriculture and the broader environment. I would like to see more pests stopped before they even enter the state and I'd like to have help dealing with pests when my area is affected by them. These rules should be clear about what we are required to do and how we should do it. Thank you.

Mahalo Piha,  
  
Haylin Chock

#159

**Ho, Jonathan K**

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**From:** Breanne Fong <bfong4@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 12:07 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in STRONG SUPPORT - Amendments to HAR Chapter 4-72

Dear Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.

As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but also to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

Please pass these common-sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.

I was born and raised on O'ahu in Kaimukī and Niu Valley and have developed pilina (connections, relationships) to these places in addition to other 'āina I have taken care of, such as Waimānalo and 'Ewa. I have grown much aloha (love) for these 'āina and have seen firsthand how destructive invasive plant species can be--native species being outcompeted, depleted, and wiped out. Thus, with invasive pests, the problem exacerbates and threatens the biodiversity, beauty, culture, and well-being of the 'āina and therefore the well-being of people on this 'āina.

Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.

Breanne Fong

--  
Breanne (Bree) Fong (she/they)  
Natural Resources and Environmental Management (NREM)  
NREM Diversity, Equity, and Inclusion First Co-Chair  
University of Hawai'i at Mānoa



#160

Ho, Jonathan K

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**From:** Elizabeth McDermott <bmcd63@gmail.com>  
**Sent:** Tuesday, January 30, 2024 12:17 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony - strengthen enforcement to stop the spread of invasive pests Chapter 72

I am writing to voice my vigorous support for rule changes that would strengthen the Dept of Agriculture's ability to stop the spread of invasive pests.

When fire ants, coconut rhinoceros beetles or coqui frogs are found at garden centers or nurseries, the plants or products infested absolutely **MUST** be taken off the shelves and quarantined until treatment to eradicate these pests can be performed. We can't rely on these businesses to do this on their own. Few do.

Years ago I was unwittingly one of the first people to introduce coqui frogs to Manoa valley. I had just brought home a plant from Home Depot that I had no idea had one of it until later that night we heard the incessant calling of the coqui out our window. Authorities were able to find the frog in my next door neighbor's hedge. We tracked that frog to the plants I had purchased the day before, which had just come in from the Big Island.

Thankfully Manoa missed becoming the next host to the screeching coqui chorus. I don't want to imagine the repercussions if it had been infested with fire ants. I would probably have to quit gardening, or ever again entertaining on my lanai.

And what tree more symbolizes the islands than our gently swaying coconut trees, which have been wiped out on other Pacific islands that didn't get ahead of the coconut rhinoceros beetle.

Our response to this must be as stringent and relentless as our response to stopping the spread of covid was. I grew up in Hawaii, and love that I can be outdoors year round swimming, hiking, hanging with friends.

All that could be wiped out on account of just three pests!!! If they continue to slip through these containment cracks, the Hawaii I love could become instead a backwater that both tourists and residents have abandoned, fed up with fighting painful stings all day, and screeching frogs all night. And a shoreline barren of swaying palms

Don't let that happen. Get on it and step up enforcement ASAP please.

Mahalo,

Beth McDermott  
374 Hema Pl. Honolulu HI 96821

(previously at 2739 Terrace Drive in Manoa)  
Ph 808-988-6004

#160-

#161

Ho, Jonathan K

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**From:** Kilia Purdy-Avelino <kpurdyavelino@gmail.com>  
**Sent:** Tuesday, January 30, 2024 3:50 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Aloha e Chairperson Sharon Hurd,

My name is Kilia Purdy-Avelino; I am a 4th generation homestead farmer from Ho'olehua, Molokai. My husband is Justin Avelino of Hilo. My husband not only adopted the lifestyle of becoming a homestead farmer, but he also worked for The Nature Conservancy and Molokai-Maui Invasive Species Committee, learning about and controlling invasive plants and pests. Being from Hilo, we often talked about and feared the pests they have - coqui frogs, fire ants, etc. - getting to Molokai. I also recall several night operations they would do to assure potential coqui "sightings" (sounds) were just false alarms. As a farmer, the possibilities of having these and other pests on our island, on top of weather patterns, unfit soil, and plant diseases we deal with is unsettling.

For these reasons, I ask that you please enact the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii. Our way of life must be protected. These are sensible regulations; we must be able to stop pests sooner, before they become wide spread.

Mahalo nui for your care and consideration,  
Justin & Kilia Purdy-Avelino  
Ho'olehua, Molokai



#162

Ho, Jonathan K

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**From:** Lu Ann Mahiki Lankford-Faborito <kaluhiokalanik@aol.com>  
**Sent:** Tuesday, January 30, 2024 5:07 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,  
Fancy F LLC support(s) the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

*Stopping pests early and at critical control points protects other nurseries, garden shops, the entire agricultural industry, the environment, and the public.*

*These rule amendments also include sensible measures to reduce the spread of CRB around Oahu.*

Please enact these changes to chapter 72.

Lu Ann Mahiki Lankford-Faborito  
Fancy F LLC - Goat Farm  
Ho'olehua, Molokai.

#163

Ho, Jonathan K

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**From:** kaluhi kaluhi <kaluhikaluhi@yahoo.com>  
**Sent:** Tuesday, January 30, 2024 5:10 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,  
Fancy F LLC support(s) the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

*Stopping pests early and at critical control points protects other nurseries, garden shops, the entire agricultural industry, the environment, and the public.*

*These rule amendments also include sensible measures to reduce the spread of CRB around Oahu.*

Please enact these changes to chapter 72.

Kenneth Faborito  
Fancy F LLC - Goat Farm  
Ho'olehua, Molokai.

#164

**Ho, Jonathan K**

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**From:** Bonnie Bee <recallbherenow@hotmail.com>  
**Sent:** Tuesday, January 30, 2024 7:10 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony  
**Attachments:** 1000019519.jpg

ACTION Please !

Please on strengthen HDOA

Hawaii Department of Agriculture needs ability to curtail Alien pests.

Coqui Frog, Fire Ants and Guinea Grass  
are EVIL

Hmmm, Lahaina Wildfires.... ? !

If the 2024 Hawaii Legislative Session can actually accomplish anything- - - -  
the  
protection of Hawai'i Nei - it would be miraculous - STOP The interisland spread of INVASIVE Species

PLEASE go Big Island and experience the terror of Fire Ants & LOUD Coqui.

BIG Box Stores & ALL Nurseries must be held accountable

MAHALO

Sincerity & GRATITUDE

Keana`aina, Keli`ikoa, Kai`aokamalie, Bator and Kai`Ohana

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#164

## OUR VIEW

## STATE AGRICULTURE

## Time to get tough on invasive species

**T**he Hawaii Department of Agriculture (HDOA) is under pressure, properly, to strengthen rules preventing damaging pests and invasive species infesting nursery products from spreading, whether within or between islands. HDOA must immediately improve and accelerate its efforts to get this urgent problem under control.

Frustration is high over foot-dragging at the agency on this serious problem, and HDOA director Sharon Hurd should expect an earful at a public hearing today on proposed rule changes. Answering earlier questions over delays in stricter rulemaking, Hurd has said that industry representatives objected to tighter restrictions. But given the harm done by turning a blind eye to invasive species, this is no reason to drop the ball.

Over the past year, extensive damage to both agricultural and ornamental palms has been discovered across widespread areas of Oahu by the tree-killing coconut rhinoceros beetle; small children have literally been bitten in their beds by the dangerous little fire ant; and the noisy, ecosystem- and neighborhood-disrupting coqui frog continues to spread on Hawaii island and Oahu.

The stronger rules would give the department power to halt the sale of pest-infested plants or products, such as mulch or potting soil, whether on or between islands. Currently, and outrageously, nurseries are on an honor system for intralands sales and transfers, with no legal requirement to monitor for the pests or to take action if detected.

The rule changes give HDOA authority to monitor and quarantine potentially infested materials. The list of pests targeted for control or eradication has been expanded. The HDOA could also require treatment of areas where infested items have been stored — a clearly sensible requirement that must be implemented.

Loopholes, however, remain, in that the HDOA “may” prohibit moving infested materials, and “may” require treatment. Further, the suggested new rules specify that HDOA can opt to authorize moving infested materials, if the destination is known to have already established populations of destructive pests. These vagaries give HDOA too much room to continue its lackadaisical approach. Rather, any non-native pest populations that can be eradicated, should be eradicated. Dangers outweigh any benefits from slack measures.

With the legislative session underway, lawmakers should expect HDOA requests to fund eradication and prevention, and HDOA must be prepared to make informed presentations on its strategy, and to bulldoze requests for aid until delivered. That would be a notable shift from last year’s approach of downplaying needs and allowing a funding request to die at session’s end.

The Hawaii Board of Agriculture first approved amended rules about a year ago, but failed, until now, to schedule a public hearing that would allow the rules to be implemented. This unwillingness to grasp the urgency of the issue is unjustifiable.

Observers know that nurseries and garden centers are one of the main pathways for invasive pests. “Stopping pests early and at critical control points protects other nurseries, garden shops, the entire agricultural industry, the environment and the public,” points out Christy Martin, a member of the University of Hawaii’s Coordinating Group on Alien Pest Species. “If we don’t have the authority, and the businesses, as we’ve seen, aren’t willing to do the right thing and voluntarily stop the sale, we all lose.”

### HAVE YOUR SAY TODAY:

Written testimony on the proposed “Plant and Non-Domestic Animal Quarantine Plant Intrasale Rules” can be submitted to [hdoa.pq.testimony@hawaii.gov](mailto:hdoa.pq.testimony@hawaii.gov) through 6 p.m. today. (Put “testimony” in the subject line.)

#165

**Ho, Jonathan K**

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**From:** Maxwell Bendes <mbendes@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 7:20 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Written Testimony Regarding Amendments to HAR chapter 72

Aloha Kākou,

I am writing in support of the amendments which would grant HDOA additional powers to stop the sale of plant material which has been infected with invasive species. Species like LFA and CRB cause significant cultural and economic damage to Hawai'i. I urge you all to support this effort to limit their spread and protect native species and ecosystems.

-Maxwell Bendes



January 30, 2024

Sharon Hurd, Chair  
Board of Agriculture  
State of Hawaii

**BOARD OF DIRECTORS**

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Pacific American Foundation  
C/O 111 Hekili Street Suite A 170  
Kailua, Hawaii 96734

Phone: (808) 664-3027  
[www.thepaf.org](http://www.thepaf.org)

RE: Testimony in SUPPORT - Amendments to HIR Chapter 4-72

Dear Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.

As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

The Pacific American Foundation has been active on the Windward side of O'ahu as part of a collective community effort to eradicate these pest that are becoming more prolific daily.

With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

Please pass these amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.

Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments.

Mahalo nui,

**Herb Lee Jr.**  
**President & CEO**  
**Pacific American Foundation**

FEIN 54-1696134



#167

**Ho, Jonathan K**

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**From:** Erin Bishop <bishop.emc@gmail.com>  
**Sent:** Tuesday, January 30, 2024 8:00 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,

I support the proposed changes to Chapter 72, Hawaii Administrative Rules. These changes are necessary to prevent the spread of harmful pests.

If HDOA cannot prevent the sale of infested plants/products to the general public, thereby preventing their spread across an island, then it seems at odds with the work so many people do to eradicate and remove infestations when they are found. It is like pouring water into a bucket with a hole.

These proposed changes are logical, protect the general public, and protect the environment and agricultural future of Hawaii; all of which are in line with the mandates of your department.

Please enact these proposed changes to Ch. 72.

Mahalo,  
Erin Bishop  
45-017 Oopuhue Place  
Kaneohe, HI 96744

#168

**Ho, Jonathan K**

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**From:** Megan Blazak <mblazak@gmail.com>  
**Sent:** Tuesday, January 30, 2024 8:03 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Oppose Rule Changes to Title 4, Subtitle 6, Chapter 72, HAR

Regarding: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Chair Hurd and staff:

I am writing in opposition to the proposed amendments to Title 4, Subtitle 6, Chapter 72, HAR. I urge you to defer decision making on the proposed amendments until more discussion with agricultural producers can be conducted to collect public input.

My primary concern about the proposed amendments is the process by which the amendment language was developed. It is clear that farmers, ranchers, nurserymen, and others in the agricultural industry were not engaged in the amendment drafting. In fact, many of the advocates in support of the drastic changes to the existing rules are not engaged in commercial agriculture or any type of agricultural production. This seems unfair given that agricultural producers are at risk of being the most severely impacted by the proposed rule changes.

Invasive pests are a major threat to Hawaii's agricultural sector and natural resources; however, the current language for the proposed rule changes is unclear and may create a situation where a producer's property is placed in quarantine indefinitely. Further, the designation of a SPRO to oversee enforcement of the rules will disempower HDOA of its lawful oversight of plant quarantine and invasive pest issues.

Regulations impacting the agricultural sector should support, not hinder, the ability of producers to engage in commerce freely. Producers should not have to fear unpredictable and selective enforcement of rules that could have severe impacts on their businesses and livelihoods.

For these reasons, I respectfully request the Board of Agriculture defer action on these rule changes until the agricultural sector can be meaningfully engaged in discussions about appropriate amendments to the rules.

Mahalo,

Megan Blazak, MBA  
Hilo Chapter President  
Hawaii Farm Bureau



**Attention: Hawaii Department of Agriculture**  
**Re: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR)**

1/29/2024

Aloha Review Committee,

On behalf of Hilo Orchid Farm Hawaii, Inc. (HOF), I would like to thank you for providing an opportunity to comment on the Proposed Amendments to Title 4, Subtitle 6, Chapter 72.

HOF is a Certified Nursery located in Mountain View, HI. We primarily export potted orchid plants to other nurseries and businesses around Hawaii and to the mainland US. HOF employs 18 full-time employees and has been in business for over 30 years, providing a positive economic impact to our rural community.

While I understand the intent to these Amendments, the changes proposed to Title 4, Subtitle 6, Chapter 72 are deeply concerning, I believe it has the potential to cripple the entire Hawaii agriculture industry. We can all agree on the importance of Biosecurity protocols, but to put the responsibility solely on the agriculture industry is irresponsible and unrealistic. The current language in the Amendment creates rules that would be nearly impossible to abide by for the entire industry. Growers and farmers face a constant assault by invasive pests coming from beyond property lines, we need to recognize that it is not the fault of a single party or industry, and shutting down a nursery will not prevent the spread of invasive pests. Only by working together through methodical means without over penalizing the grower will we keep the industry alive and thriving.

With the proposed Amendments in place, a nursery that cannot meet these new rules will be forced to undergo Quarantine for an unforeseen time, which would most likely result in a shut





# HILO ORCHID FARM

#169

HC 1 Box 9 Mt. View, HI 96771 PH 808.968.8801 FAX 808.968.8282 orchids@hiloorchidfarm.com www.hiloorchidfarm.com

down of business. If Hawaii growers cannot produce things locally, the consumer will be forced to import more outside products which would ultimately result in an increase in invasive pests.

Furthermore, to treat all invasive pests in the same category that would result in a Quarantine is far too general. The list being used is outdated and most of the state is already infested by many of the pests on the list. I would suggest a tiered system in which different invasive pests would result in different actions by the property owner and the State, working together to eradicate or remove the threat. This list should be managed by and updated regularly by the HDOA through scientific and scholarly research.

Also, the inclusion of a new position in the form of a State Plant Regulatory Official 'SPRO', as it is worded in the Amendment, is inadequate. There is no mention on the qualifications or merits this position would have, and the authority of the position seems to contradict the current chain of command in the HDOA administration.

There are many aspects of this Amendment that read as far too general and encompassing for such an important and nuanced matter as Quarantine Rules. Any changes need to be highly scrutinized and developed together with the agriculture industry. Agriculture is an important piece in Hawaii's culture and we must protect it in a way that allows local growers and farmers to thrive for generations to come.

Mahalo,

Aubrey Hansen

Hilo Orchid Farm Hawaii, Inc.

#170

**Ho, Jonathan K**

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**From:** Kaiea Medeiros <Kaiea.E.Medeiros@co.maui.hi.us>  
**Sent:** Tuesday, January 30, 2024 8:28 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in support of proposed rule amendments enabling HDOA to stop the sale of plants and other merchandise that are infested with invasive pests

Aloha,

I am writing in support of the rule amendments enabling HDOA to stop the sale of plants and other merchandise that are infested with invasive pests. There needs to be greater accountability of businesses that are selling and moving harmful pests and invasive species, locally and from the continent and the rest of the world. The lack of overall enforcement to secure our endemic and indigenous bio diversity has led to many systemic and multi generational problems. These issues are incredibly costly to our environment and the public and have ramifications that will make life on the worlds most isolated islands in the world, that much harder. We have to increase our bio security at all levels and this is one small step to do so.

Mahalo,  
Kaiea Medeiros

#171

**Ho, Jonathan K**

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**From:** Lydi Bernal <lydibernal@gmail.com>  
**Sent:** Tuesday, January 30, 2024 8:37 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony re: Notice #: 0001441439-01

To the Hawai'i Department of Agriculture:

Aloha mai kākou,

Thank you very much for holding this hearing and for the opportunity to provide testimony, which I am submitting here in my personal capacity.

I strongly support the proposed amendments to Title 4, Subtitle 6, Chapter 72, HAR, entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules" (re: Notice #: 0001441439-01).

Invasive species continue to have absolutely devastating impacts to Hawai'i's precious and unique environment, as well as to our quality of life, health, and economic well-being. The proposed rule amendments allow for much needed and common sense actions to be taken to prevent their spread.

Please adopt and implement these rules right away.

Thank you again for this opportunity.

Aloha,  
Lydi Morgan Bernal



#172



**NORTH SHORE NEIGHBORHOOD BOARD NO. 27**

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 106 • HONOLULU, HAWAII, 96817  
TELEPHONE: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

January 27, 2024

Sharon Hurd  
Chair  
State of Hawaii, Department of Agriculture Board  
Plant Quarantine Conference Room  
1849 Auiki Street  
Honolulu, HI 96819

North Shore Neighborhood Board Testimony in Support of Strong HDOA Invasive Species Rules

Aloha Chair Hurd,

The North Shore community on O'ahu is very concerned about the proliferation of invasive species – especially the Little Fire Ants (LFA) and Coconut Rhinoceros Beetle (CRB) and their negative impact on the foliage, animals, and residents of our area and the entire state.

The State of Hawaii Department of Agriculture (HDOA) has the sole authority to stop or regulate the movement of invasive pests or material infested with an invasive pest, yet the Department lacks clear, sensible rules that can better address the spread of invasive pests around or within an island. We are now finding that the CRB are moving from palm trees to non-palm trees in our area. Unfortunately, no one seems to have a clue on how to fight or prevent the spread of these evil pests. What will happen next? Infestations of our grass and shrubbery? What about our livestock and pets; not to mention our keiki. We need clear rules and the Department needs funding to fight and fine those who spread these invasive pests.

It should be illegal for nurseries and garden shops to knowingly sell plants infested with LFA or coqui frogs, bags of compost with Coconut Rhinoceros Beetles, or to sell any materials infested with serious pests. Further, HDOA should have the authority to require a nursery infested with a serious pest like LFA to control the infestation before selling infested plants and materials. The proposed changes to chapter 72 are vital to preventing the establishment and spread of the next serious invasive pest.

The Hawaii Department of Agriculture should also pass the rules that re-start the compliance program to manage the spread of Coconut Rhinoceros Beetles around O'ahu in greenwaste and other host material.

Mālama 'āina,

*Kathleen M. Pahinui*

Kathleen M. Pahinui  
Chair, North Shore Neighborhood Board #27

Cc: Council Member Matt Weyer, District II  
Senator Brenton Awa  
Representative Sean Quinlan  
Representative Amy Perruso

**Ho, Jonathan K**

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**From:** Schyler Stewart <tutusky2013@gmail.com>  
**Sent:** Tuesday, January 30, 2024 8:58 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

To Whom It May Concern,

I am a small part of a group of citizens who are concerned about invasive species on our Aina.

We are very concerned about Little Fire Ants, Rhinoceros Beetles, Coqui Frogs that have been brought in from other areas of the world.

Just as disease has been brought in many years ago, and decimated our population, now these invasive species are brought in to decimate our plant life, our ability to roam our property freely and to live in an environment free from noise.

We have the ability to take action NOW, to do what needs to be done to stop the invasion. Please understand the need for action NOW, before it gets out of control. Give the authority where it needs to be given, to help us STOP the growing infestation.

We all live on a beautiful island. It should not be so hard to keep us all safe from this invasion.

We should have the right to protect us from allowing more invasive species from entering our island home.

I want my grandchildren to be able to play freely outdoors without the threat of being bitten by Little Fire Ants. I want to be able to pick flowers to make a lei and give it freely without worrying about Little Fire Ants.

There are some who do not feel the need to take action, but then visit the Big Island, where my sister-in-law lives with the constant sound of coqui frogs to the point she is just forced to accept it.

We must hold people accountable if they are spreading these invasive species throughout our islands. We can like these people, we may even call them friends or relatives, but we do not allow them to spread these invasive species to the detriment of the health of our Aina.

We all can, by working together, eliminate these threats, but first and foremost, WE MUST TAKE THESE THREATS SERIOUSLY AND TAKE ACTION IMMEDIATELY.

Please help, as we all work together, to do our best to live our best life.

Sincerely,

Schyler Ann Stewart  
47-751. Ahuimanu. Loop  
Kaneohe, HI. 96744  
808-372-4707

# 174

**Ho, Jonathan K**

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**From:** Boteilho, Kevin <Kevin.Boteilho@simplot.com>  
**Sent:** Tuesday, January 30, 2024 9:06 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony Regarding Title 4, Subtitle 6, Chapter 72, HAR

Hawaii Department of Agriculture

Plant Quarantine Branch

1849 Auiki Street

Honolulu, HI 96819

RE: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Chair Hurd and staff:

I am concerned about the spread of invasive species and the destruction they have on the islands. I understand that the Department of Agriculture must have the resources to stop the spread of these pests before they are everywhere.

At the same time, the proposed rules are confusing. I want to comply with all the rules but I'm not sure exactly what I am required to do, when I have to do it, and who is going to be making decisions that impact me.

As a producer, I know how much damage pests and diseases can do and how much they can affect agriculture. I would like to see more pests stopped before they even enter the state and I'd like to have help dealing with pests when my area is affected by them.

These rules should be clear about what we are required to do and how we should do it.

Thank you.



#175

Ho, Jonathan K

**From:** Becky Hart <becky@terraformation.com>  
**Sent:** Tuesday, January 30, 2024 9:07 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony - Ch. 72

Aloha,

Having worked in conservation for nearly a decade in multiple locations across the United States, I unfortunately have to use the word appalled in my feelings towards how the state of Hawai'i deals with invasive species. I live here on Hawai'i island and not only does the state not fund the eradication and management of invasive species, but they allow the sales of these species from stores. A prime example is the species Lanata that is taking over the understory of forests and old pastures, creating giant thickets that are impenetrable, yet it is sold at Lowes and Home Depot and used in landscaping around Kailua-Kona.

Another example is the feral ungulates issue. There are studies that have been completed that show a direct correlation between these feral ungulates and the spread of Rapid Ohia Death. I agree that hunters need a space to hunt, however I do not believe it needs to be the entire island. There can be a space that is enclosed where hunters can go where these ungulates are allowed to breed and populate, but the hunters and the state are not doing their job in managing these populations. Not only do these goats, pigs, cows and sheep destroy the native plant populations where they are found, but they also spread invasive species.

New invasive species reach the islands every year in shipments. There are many other pacific islands that have strict importation guidelines to protect their natural resources and biodiversity. Here on Hawai'i island, we let anything and everything onto our island. There is no check when people arrive off the plane, or cruise ship, or even at the docks where shipping containers come in. We have no parameters for keeping our islands flora and fauna safe, and ultimately the people who live here will pay the price. If we keep degrading our aina, we will be battling and struggling to obtain basic natural resources from our lands. We will not have the Ohia forests that have stood for thousands of years cleaning our water and air, and providing temperature regulation. We will not have the reefs that feed our friends and family, as they will be smothered with sediment. We will lose species that are only found here in our archipelago and nowhere else in the world.

I ask of you, our elected government officials to put the money and the corruption aside and do what is truly best for the aina and its people. Please instill greater laws, regulations, education and monitoring to help save and restore our aina to the great lands it has been.

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reversing climate change with forests

**Becky Hart**  
Nursery Manager and Seed Steward  
+1 (860) 808-6746  
[becky@terraformation.com](mailto:becky@terraformation.com)  
[Terraformation.com](http://Terraformation.com)





#176

Ho, Jonathan K

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**From:** Corie Yanger <novaciniti@gmail.com>  
**Sent:** Tuesday, January 30, 2024 9:11 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Hawaii Department of Agriculture  
January 30, 2024  
Plant Quarantine Branch Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

Greetings, Chairperson Sharon Hurd,

I, Corie Yanger, am writing to express my strong support of the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

I grew up on Oahu and moved to Hawaii Island about 20 years ago and work in natural resources conservation and management, specifically watershed protection. The increase in invasive species introductions I have observed over the years have been painful to witness, both figuratively and literally. In Hawaii, we are so fortunate to be living with and sustained by fresh, clean water, native forests, and native creatures like honeycreepers and 'ōpe'ape'ā, the Hawaiian hoary bat. The possibility of living this way declines sharply with each new invasive species that takes hold in our islands.

I would like to see stronger regulations to empower and motivate the Hawaii Department of Agriculture to take action to prevent the introduction and spread of invasive species. We must stop pests sooner.

The proposed rule amendments would enable HDOA to stop the sale to the public of plants and other merchandise that are infested with invasive pests such as plants infested with Little Fire Ants (LFA) or bags of compost containing Coconut Rhinoceros Beetle (CRB). Also, if the merchandise is stored in an area that is also found to be infested with an invasive pest, these rule amendments provide HDOA the authority to require the business to treat the area before the merchandise is sold to the public. The horticultural trade (nurseries and garden centers) is one of the primary ways that invasive pests and plant diseases arrive in Hawaii and these rule amendments empower HDOA to prevent the spread of those pests.

The authority to stop a business from selling pest-infested merchandise and to require the business to treat infested areas of their stores is a basic, common-sense authority regularly used by other States to protect consumers, agriculture, and the environment. These rule amendments would provide both the incentive for nurseries and garden centers to be part of the solution and also the potential for consequences for not taking responsibility for addressing known infestations. I support the proposed changes as they are sensible measures to reduce the spread of CRB around Oahu in greenwaste, palms, and other products that serve as host material for CRB adults/larvae and to prevent CRB from further spreading from Oahu to other islands. Residents of Hawaii Island are VERY fearful of CRB becoming established on our island. I support that the amendments require

businesses that transport or process CRB host material on Oahu to use best management practices to prevent further spread of CRB and suppress existing populations. Again, these amendments are helpful in their sensibility to provide HDOA the flexibility to modify those best management practices and restrictions on host material movement to address the changing CRB infested areas.

I urge you to support the protection of other nurseries, garden shops, the entire agricultural industry, the environment, and Hawaii's citizens and visitors by enabling HDOA to stop pests early and at critical control points.

For these reasons, I ask that you please enact these changes to chapter 72.

Sincerely,  
Corie Yanger  
20-Yr Resident of Volcano, Hawaii Island, 96785



#177

**Ho, Jonathan K**

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**From:** Rohrer, Jobriath Lee CTR USARMY IMCOM PACIFIC (USA)  
<jobriath.l.rohrer.ctr@army.mil>  
**Sent:** Tuesday, January 30, 2024 9:19 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Amendments to Chapter 72

To whom it may concerns-

I am writing to express 100% support for the amendments to Chapter 72. LFA and other pests will change Hawaii's unique and beautiful environments for the worst and forever. As a father I want my children to be able to enjoy the Hawaii that I know and love. As a home gardener I want to be able work in my banana patch without painful stings. As an environmentalist I want to protect Hawaii's unique species form new threats. As a consumer I want to know that the products I buy are pest free. As a gatherer I want to be able to pick guava and lilikoi without concern. As a resident of Hawaii I want my government to protect Hawaii from these threats as a high priority.

Joby Rohrer  
Natural Resource Operations Manager  
OVPRI Contractor  
The Army Natural Resources Program on O'ahu  
email: Jobriath.l.rohrer.ctr@army.mil  
phone: (808)295-2556

#178

**Ho, Jonathan K**

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**From:** candg@hawaii.rr.com  
**Sent:** Tuesday, January 30, 2024 9:20 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony - stop sale of infested materials

to whom it may concern:

PLEASE allow the HDOA to stop the sale to the public of anything infested with invasive pests!! My neighborhood is battling Little Fire Ants and it would be so much better if they were stopped before spreading to our yards.

Thank you!!

Catherine Kaonohi  
47-641 Uakea Place  
Kaneohe, Hawaii

#179

**Ho, Jonathan K**

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**From:** Keith Weiser <quicheweiser@gmail.com>  
**Sent:** Tuesday, January 30, 2024 9:52 AM  
**To:** HDOA,PQ,TESTIMONY  
**Subject:** [EXTERNAL] Testimony to HDOA on Chapter 72 revisions

Adequate biosecurity and protection of businesses that rely on healthy plants and animals requires the ability of the State to identify and stop the transport of damaging pests and diseases. The State laws already broadly reflect this need but, shockingly, not all rules and statutes currently support that legal framework. The HAR Chapter 72 revisions represent the easiest first step to allow State regulators to stop the sale of goods infested with damaging organisms. I urge HDOA to accept the responsibility of preventing the transport and spread of known pests and diseases by amending HAR Chapter 72 to allow them to stop the sale of infested goods and require treatment to safeguard the site. Even if the department doesn't have the staff to handle the workload, the ability to enforce should be available when they have the capacity. When we rely on the good will of businesses to adopt the best practices, that punishes the businesses that are willing to do their best to protect Hawai'i and rewards businesses that act selfishly.

To further address the problem of understaffing at HDOA, I think that the department should reinstate and expand the use of compliance agreements to promote best management practices within agricultural and related businesses. Compliance agreements employed as part of interim rule 22-1 required businesses to agree to a set of best management practices, training, access for surveys, and remediation plans. These terms were presented to several of the covered businesses before it was passed to ensure that the terms were practical and effective. This can provide awareness of the problem, training on identification, a mechanism to initiate surveys for detection, adoption of best practices, penalties for breaches of the agreement, and expectations on the State response if the problem is detected at their site. This is also a much lower staffing burden than traditional regulation. I urge HDOA to draft more rules that employ compliance agreements in conjunction with other regulatory tools. I'm going to reiterate an earlier point because I think it's very important; when we rely on the good will of businesses to adopt the best practices, that punishes the businesses that are willing to do their best to protect Hawai'i and rewards businesses that act selfishly.

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Keith Weiser



#180



January 30, 2024  
Department of Agriculture  
Plant Quarantine Conference Room  
1849 Auiki Street, Honolulu, Hawaii

Aloha Chairperson Hurd,

My name is Chad Matsushima, and I am President of Alluvion, Inc. Alluvion, Inc. is a second-generation wholesale potted plant nursery and florist in Haleiwa on Oahu's beautiful north shore. We have been in business for 28 years, servicing most of the garden shops on Oahu as well as some on the neighbor islands.

I am contacting you with concerns to the Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules." I agree that it is very important to have biosecurity protocols in place to stop the spread of invasive pests and diseases to our islands, but the solution should not be to just quarantine operations without any guidelines or explanations to how long it will last and what it will take to lift the quarantine. This runs the risk of shutting down many businesses who would not be able to get any income during this quarantine period. I believe that a better solution would be to get more funding for our Department of Agriculture for more inspectors and more positions that will help to eradicate and control the spread of the pests or diseases.

Several years ago, when the coqui frog first became an issue, we had a population of coqui frogs on our property. At the time, we were bringing in plants from Hawaii Island and there were no protocols for the treatment of coqui. It caused us to stop importing plants from Hawaii Island. This is when the department of agriculture stepped in to assist us with the problem. After many hours of monitoring and treating our property with the assistance of several Department of Agriculture personnel, we were able to eradicate them. Since then, new protocols have been implemented, such as the hot water treatment and inspection of shipments to allow us to receive material once again from Hawaii Island. Without the assistance from the Department of Agriculture at the time, I'm sure the problem would have gotten out of hand.

Another concerning change is the mentioning of a State Plant Regulatory Official (SPRO). I think there needs to be more clarification to this position. The SPRO should have regulatory qualifications and should definitely have to report to the HDOA administrator of plant quarantine, PQ manager and/or Chair of HDOA.

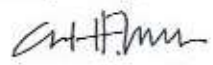
There is also a need to clarify the list of pests that would allow a nursery to be shutdown. There are many invasive pests, but not all of them pose the same kind of threat. This list should be

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developed by HDOA with discussion from industry and experts to determine the risk factor and protocols for treatment.

I understand the importance of making changes to 4-72, but I believe that there needs to be more review, clarification, and improvement to it. We need to work together to keep our farmers and nurseries in business and control the movement of pests and diseases. We need to support HDOA with more inspectors and funding to assist in this battle. Thank you for your consideration and review of Chapter 4-72. If you have any questions, you can reach me by phone at 808-637-8835, cell 808-864-9282 and by email at [Cmatsushima12@gmail.com](mailto:Cmatsushima12@gmail.com)

Respectfully,



Chad Matsushima  
President  
Alluvion, Inc.

# 181

**Ho, Jonathan K**

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**From:** Deborah Millikan <millikan@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 10:05 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony- Invasive Species

Dear Hawaii Department of Agriculture Plant Quarantine Branch,

I am writing **IN SUPPORT** of the new proposed rule amendments, already approved by the Board of Agriculture in Feb. of 2023, that would enable HDOA to stop the sale to the public of plants and other merchandise that are infested with invasive pests such as plants infested with Little Fire Ants (LFA) or bags of compost containing Coconut Rhinoceros Beetle (CRB). Also, if the merchandise is stored in an area that is also found to be infested with an invasive pest, these rule amendments provide HDOA the authority to require the business to treat the area before the merchandise is sold to the public.

As a longtime educator and grower, I have been following the stories and seen first hand the destruction caused by invasive species. I also understand the difficulties in preventing their spread, but with good strategies and proper rules, like the amendments proposed here, we can do better. There is really no reason that the spread of CRB has been allowed to continue when we have wonderful examples of success stories from other countries.

The proposed amendments are the very least we should be doing as the horticultural trade (nurseries and garden centers) is one of the primary ways that invasive pests and plant diseases arrive in Hawaii and are spread throughout the islands.

Thank you for the opportunity to provide testimony.

Mahalo  
Debbie Millikan



#182

Ho, Jonathan K

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**From:** Ilana Stout <ilana@islandmind.org>  
**Sent:** Tuesday, January 30, 2024 10:06 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony: Invasive Species Protections

Aloha,

I live in Puna and I'm writing to express my strong support for enhanced protections against invasive species and the strengthening of Hawaii Department of Agriculture's oversight authority in this area.

I am a small farmer and homesteader in the Puna District. In my 25 years on island/10 years that I have lived on my property, I have seen the uncontrolled explosion of lfa, bbtv, qlb, and now crb. These have resulted in significant crop loss to myself and those in my community and threaten our native ecosystems.

Time and again, home growers and professional farmers alike are told that it is on us to protect ourselves from novel invasives because the Department of Agriculture doesn't have the authority to do anything about bad actors who are moving them around the Hawaiian Island chain.

It is like having a guard dog with neither teeth nor bark.

If Hawaii is serious about increasing food security and protecting native ecosystems, the legislature must act NOW to help protect us from incipient threats. Other islands, states, and nations have demonstrated that they are able to do this. So can we.

Mahalo for your time and consideration, Ilana Stout  
\* Sent from my phone, please excuse typos/brevity :)

**Ho, Jonathan K**

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**From:** KianaRose Dulan <kianarosedulan@gmail.com>  
**Sent:** Tuesday, January 30, 2024 10:19 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Aloha mai kākou,

My name is KianaRose Dulan, and I am a Sustainable Community Food Systems and Olelo Hawai'i major at UHWO.

I am testifying today because there should be more regulations in place to manage invasive species like Coconut Rhinoceros Beetle (CRB), Little Fire Ant (LFA), and coqui frogs.

It does not make sense for businesses to sell products with invasive species, especially with the fact that CRB causes so much devastation to our local food crops.

There must also be more money allocated to the mitigation of invasive species, as I have talked to people who work closely with CRB and they have said that there is no hope for O'ahu.

We must take more intensive action against invasive species, and CRB specifically, to ensure that the other islands will be protected.

Mahalo for taking the time to read my testimony,  
Kī

Testimony and comments on HAR - 72

To: Chair Hurd:

I am very much opposed to importing plants and products which may harbor invasive species. I also feel that many of the pests move around on other things besides plants. After reading the proposed amendments to Title 4, Subtitle 6, Chapter 72, I have some concerns because parts of it are confusing.

The rule provides that violations of the rule or any notice given can result in criminal penalties or substantial fines, under HAR 4-72-11 (referencing Sections 150A-14 and 141-7, HRS).

As a result, anyone "harboring" a pest is in violation of the rule and considered prohibited conduct (HAR 4-72-6). The term "harboring" is not defined in the rule. Criminal violations usually require some level of conduct that denotes intentional or reckless conduct. Does having any of the long list of pests on property constitute "harboring"?

The list of pests determined by DOA to be such is long, and includes all manner of animals or organisms found on virtually every farm or nursery, including beetles, honey bees?, aphids, coqui frogs, fruit flies, mealy bugs, stink bugs, several ant species, thrips, snails, etc.

Pest host material includes plants, plant parts, soil or any material which harbors pests. HAR 4-72-2. Transporting such material between islands or from any portion of an island to another part of an island first require appropriate treatment, unless first authorized by the position of an SPRO where the transport is to an area already known to be infested. HAR 4-72-4. The term "transport" is also not defined. Does the sale of plant or plant material on site constitute transport if the buyer is from another part of the island? Is the buyer transporting? Shouldn't there be a further requirement that the knowing transport of infected or infested material is prohibited?

The draft rules are overly broad and ambiguous, and could be used in a way that abuse the authority of DOA. It is impractical and unreasonable to penalize operators for not controlling pests when they may have treated their product before transports, but if the area where the product is going or passes through has some pest that might infect or contaminate their product after it has left their property.

It makes more sense to provide practical programs and especially funding, to HDOA to assist operators in control efforts, and spending funds for programs that provide best or recommended practices to operators.

Adding better definitions which provide clarity on prohibited conduct requiring knowledge or intent before subjecting an operator to penalties is also necessary.

Respectfully,

Aileen Yeh

942 W. Kawaihina St, Hilo, HI 96720



#184

Ph (808)936-2671

Email. [ayeh@hawaii.rr.com](mailto:ayeh@hawaii.rr.com)

**Ho, Jonathan K**

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**From:** kellee hearther <calikellee@gmail.com>  
**Sent:** Tuesday, January 30, 2024 10:33 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Proposed amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules testimony

Aloha kākou,

As it relates to Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR) entitled, "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules," I support any rule amendments that will stop the sale, to the public or otherwise, of plants and other merchandise that are infested with invasive pests. Examples include, but are not limited to, plants and soil infested with invasive pests such as LFA (Little Fire Ants), or bags of soil or compost containing CRB (Coconut Rhinoceros Beetle). In addition, if the merchandise is stored in an area also found to be infested with invasive pests, these rule amendments MUST provide HDOA the authority to require the business to treat the area before the merchandise is sold to the public. (Merchandise that is obviously free of invasive pests.)

We live on an island and it is imperative that we do whatever we possibly can to stop the spread of invasive pests that can negatively affect our environment and plants that are important to our economic and physical survival.

Please take action to pass amendments to stop the spread of invasives like LFA and CRB. The time is now!

Mahalo,  
Kellee Hearther

# 180

**Ho, Jonathan K**

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**From:** CRB Response Data 2 <crbdata2@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 10:41 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HDOA Testimony

HDOA Invasive species amendment testimony

I believe it is within the HDOA's authority and responsibility to address instances of infested material, the distribution of infested plants, and the spread of invasive species within the horticulture industry in a more deliberate and authoritarian manner in order to protect the existing flora of the Hawaiian islands. That of which is already critically threatened by extinction from a myriad of human caused issues. Data from the CRB response program has shown that the horticulture trade is one of the primary ways that invasive species arrive and spread throughout Hawaii, including neighboring islands, in the past 10 years of the monitoring program. This amendment is critical to protect Hawaiian palms from businesses that do not understand the ramifications of distributing infested materials, or simply do not care to do their due diligence when operating within such a delicate ecosystem. I believe that this rule amendment is not an infringement of business' rights when many of these businesses are repeat offenders or big box stores. These businesses do not reflect the sentiments of true local gardeners, who understand how detrimental these pests can be to communities and do what they can to prevent unnecessary spread. It is critical that HDOA has the power to step in to better protect the ecology of Hawaii.

Thank you,

Noah Rogers  
*CRB Survey Data Technician*  
**Coconut Rhinoceros Beetle Response**  
Hawai'i Department of Agriculture  
Research Corporation of the University of Hawai'i



#187

From: [ERIC CHING](#)  
To: [SHARON.HURD@HAWAII.GOV](#)  
Subject: [EXTERNAL] testimony, rule changes, HAR Chapter 72  
Date: Tuesday, January 30, 2024 10:52:07 AM

Hawaii Department of Agriculture  
Plant Quarantine Branch  
1849 Auiki Street  
Honolulu, Hawaii 96819  
Attn: Sharon Hurd, Chairperson, Board of Agriculture

Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,

I am writing in support of the proposed changes to chapter 72, Hawaii Administrative Rules, to help stop the spread of harmful invasive pests in our State. I'm especially concerned with the spread of Little Fire Ants in our community.

Looking at the map of LFA infestations (attached), it's obvious to me that LFA are being spread, not by migration, but by importing infected plants and materials directly into our neighborhoods. That's the most plausible reason for the LFA infestation in the middle of my subdivision!

We need to prevent the spread of LFA and other pests (coconut rhinoceros beetles and coqui frogs) by stopping the sale and movement of infected plants and materials and allow the treatment to eradicate the infections that occur at nurseries and other commercial establishments dealing with plants and infectious materials.

Voluntary actions have not been effective in preventing the spread of these pests. We need these rule changes to mandate the control and treatment of infected plants and materials.

Please enact the proposed rule changes to Chapter 72 in order to protect us from the spread of these harmful pests.

Mahalo,  
Eric Ching

## UPDATED MAP: As of Friday, September 15, 2023



#187

Sent from Eric's phone

**Ho, Jonathan K**

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**From:** Heather Meckel <heather.meckel@gmail.com>  
**Sent:** Tuesday, January 30, 2024 11:05 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

Dear Chair Hurd and Members of the Board of Agriculture,

I am writing in support of proposed amendments to Chapter 4-72. We desperately need to make it easier to stop the spread of invasive species within and between islands. Impacts from invasive species affect not only agriculture and commercial sectors, but our way of life. I have lived in an area with fire ants and I can't imagine trying to raise my children constantly worrying if every park or beach has an infestation.

Given what has happened and what continues to happen with the spread of invasive species, we can not rely on everyone doing the right thing. The Department of Agriculture needs more tools to prevent these individuals and businesses from ruining things for everyone.

I strongly urge the Board to approve the proposed rule amendments.

Mahalo for your time,  
Heather Meckel



# 189

**Ho, Jonathan K**

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**From:** betsyduerr@gmail.com  
**Sent:** Tuesday, January 30, 2024 11:08 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

I'm a long time resident of the Big Island and can testify that dealing with on going invasive like coqui and fire ants 🐜 is worrisome, expensive and time consuming.

We spend nearly a thousand dollars a year for fire ant abatement alone. Plus there is the cost in running the AC to white noise the coqui.

I'm also concerned about all the invasive grasses growing rampant during our current drought. No one wants a repeat of Lahaina.

Count me in favor of legislation for more controls to remove and keep invasives off our islands.

Sent from my iPhone Betsyduerr@gmail.com

Adriana E Duerr  
99 Honolii Pali  
Hilo, HI 96720

808-987-0824

Sent from my iPhone Betsyduerr@gmail.com

# 190



January 30, 2024

Hawaii Department of Agriculture  
6:00 P.M. Plant Quarantine Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

Aloha Chairperson Hurd and Members of the Board of Agriculture:

On behalf of the Board of Directors of the Landscape Industry Council of Hawaii (LICH), please accept this testimony in support of the proposed amendments to Hawaii Administrative Rules (HAR) 4-72.

Harmful invasive pests, particularly the Little Fire Ant and the Coconut Rhinoceros Beetle, have gotten out of control.

The LICH Board's support is predicated on the understanding that any fees imposed by the Department of Agriculture actually fund the effort to control the continued spread.

We are dismayed that more control could have been exercised before these pests reached their current state of spread. Agricultural properties that are not practicing viable agriculture, and tree trimmers without contractor's licenses, have all contributed to the growing population of invasive species. These non-compliant activities have transported, harbored, and bred invasive species that then infect horticultural and agricultural businesses.

The LICH Board recognizes the difficulty and high cost of running a nursery business. For most nurseries, it is a labor of love that comes from a love of plants, working the land, a love of the role of plants in society and the environment. We hope that the Department of Agriculture also recognize and reward those establishments meeting good practice standards. Perhaps a placard of approval and compliance could be issued as the Department of Health did with compliant restaurants.

The LICH Board also supports making permanent the proposed rules allowing Hawaii Department of Agriculture to operate the compliance program to slow the spread of the Coconut Rhinoceros Beetle. The temporary compliance program was helpful in educating our industry on how to reduce the spread of these destructive beetles in coconut trees, cuttings, green waste, and compost, yet it was allowed to lapse. The compliance program also needs to have an enforcement capability to warn and then cite those non-compliant activities if education fails.

# 190



Mahalo,

A handwritten signature in blue ink, appearing to read "Matt Lyum".

Matt Lyum, CLP  
President  
Landscape Industry Council of Hawaii  
[hawaiiscape.com](http://hawaiiscape.com)

*Hawaii's landscape industry has an economic impact of over \$745 million annually and employs more than 11,000 fulltime landscape professionals. LICH was formed in 1986 and continues as a statewide alliance representing Hawaii's landscape trade associations.*



# 191

## Olin Kealoha Lagon

2950 Laelae Way Honolulu 96819 • olin.lagon@gmail.com • 808.351.9784

January 30, 2024

Subject: Support proposed amendments to Hawai'i Administrative Rules Chapter 4-72

Aloha e nā Chair Hurd and Members of the Board of Agriculture,

I am a weekend mahi'ai (farmer). We mālama kalo at an 'ohana plot within Kako'o 'Ōiwi. We prioritize the careful stewardship of both the lo'i and the land. This includes exclusively cultivating strains proven to be free of destructive apple snails. Additionally, we actively nurture the environment to accommodate the resurgence of endangered species like the ae'o and alae 'ula, ensuring their habitat is protected and preserved.

Your kōkua is crucial in taking immediate action while there's still a window to mitigate the threat of Little Fire Ants (LFA). Their presence poses significant risks to our agriculture, local food security, overall well-being, and public health. Addressing LFA is vital for safeguarding our economy.

I wholeheartedly endorse the proposed amendments to Hawai'i Administrative Rules Chapter 4-72. These amendments offer essential regulatory tools to safeguard the effectiveness of ongoing and future community endeavors aimed at addressing invasive pests. Additionally, I fully back any supplementary measures recommended by those actively engaged in the field.

Mahalo nunui for standing with us to protect our 'āina as best we can.

E mālama pono,



Olin Kealoha Lagon

#192

Ho, Jonathan K

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**From:** Ariel Imoto <ai6@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 11:16 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony re Proposed Amendments to Title 4, Subtitle 6, Chapter 72

Aloha,

My name is Ariel Imoto, and I wholeheartedly support the new proposed amendments to Title 4, Subtitle 6, Chapter 72 of the Hawaii Administrative Rules (HAR), specifically entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules" but with some reservations.

The inclusion of a subsection dedicated to addressing the Coconut Rhinoceros Beetle is a positive step forward. However, I believe it is equally crucial to consider rules for managing Little Fire Ants and Coqui Frogs. Living on Hawaii Island, we frequently encounter these pests, and they pose potential threats to public health and natural resources.

Little Fire Ants are known for their painful stings, which can afflict humans for extended periods. They infest various environments, including agricultural farms, homes, and the very yards where our children play. Furthermore, these ants can cause blindness in pets such as cats and dogs if they are stung in the eyes. Given the increasing prevalence of this pest across the State, it is imperative to implement protective measures that inform the public about potential infestations in plants they may purchase from growers.

Coqui frogs, while not yet widely distributed throughout the State, have the potential to disrupt vulnerable native ecosystems by preying on insects from the forest floor to the treetops. This could lead to a decline in crucial insect-related services, including pollination. Additionally, the loud calling of these frogs can be a nuisance to residents in infested areas, potentially impacting real estate market values.

In conclusion, I fully endorse the proposed amendments to HAR Chapter 72 and encourage the consideration of additional measures to address the Little Fire Ants and Coqui Frogs. These actions are essential to protect our public health and preserve Hawaii's unique natural resources.

Mahalo,  
Ariel Imoto

Ho, Jonathan K

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**From:** Richard Pender <thatplantguy@gmail.com>  
**Sent:** Tuesday, January 30, 2024 11:21 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Support for proposed changes to HAR chapter 72

Dear HDOA

I am emailing in support of the proposed changes to HAR chapter 72. These changes would grant the HDOA the authority to address issues with repeat offender nursery and garden shop owners, as well as to promptly respond to situations where infested merchandise is discovered. This is important for ensuring regulatory compliance and preventing the spread of pest infestations.

Thanks

Richard Pender, PhD.



# 194

Ho, Jonathan K

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**From:** Sarah Halpern <Sarah.Halpern@swca.com>  
**Sent:** Tuesday, January 30, 2024 11:30 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Invasive Species Testimony

I am emailing in support of the proposed changes to HAR chapter 72. These changes would grant the HDOA the authority to address issues with repeat offender nursery and garden shop owners, as well as to promptly respond to situations where infested merchandise is discovered. This is important for ensuring regulatory compliance and preventing the spread of pest infestations.

Sarah Halpern, M.S. (she/her)  
Assistant Project Geospatial Scientist – Remote Sensing

**SWCA Environmental Consultants**  
Honolulu Office  
1200 Ala Moana Blvd. #380  
Honolulu, Hawaii 96814  
P 808.548.7922 | Halpern.sarah@swca.com



*Celebrating 20 Years of Doing Business in the Pacific Islands*

# 195

**Ho, Jonathan K**

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**From:** Leo Nahe Smith <its.lexsmith@gmail.com>  
**Sent:** Tuesday, January 30, 2024 11:33 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony - Coconut Rhinoceros Beetles

Aloha Pō'aluā,

I am submitting testimony to state that I do not feel that it is wise to continue the intake of compost that knowingly contains Coconut Rhinoceros Beetles. This insect is destroying key native species on O'ahu already so we should be taking every single measure to ensure that the population of these beetles do not grow on Maui.

It is absurd that I must write to you about this, as it feels like our government should be doing all they can to preserve all that makes Hawai'i, Hawai'i. This includes our Kumu Niu (coconut trees) and all the other native species that this beetle has already been taking down at a very rapid rate.

Do your kuleana and do not allow the selling of compost on Maui with Coconut Rhinoceros Beetles, for it is our own 'āina at stake!

Na,  
Leo Nahe Smith

#196

Ho, Jonathan K

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**From:** Uma Nagendra <unagendra@ntbg.org>  
**Sent:** Tuesday, January 30, 2024 11:33 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony: HAR chapter 72 amendments

Aloha,

I support the proposed amendments to the HDOA rules that would allow HDOA to stop the sale of plant and soil material known to be infested with dangerous invasive pests such as Little Fire Ants and Coconut Rhinoceros Beetle.

Invasive species such as these pose incredible risk both to the natural and cultural resources of these islands, as well as the economic wellbeing Hawai'i. Invasive species control is crucial to address at the source and before the pest becomes a widespread problem. As a land manager, I can see first-hand that once a pest becomes well-established, it takes thousands of person-hours per year and hundreds of thousands of dollars per year just to maintain the status quo of preventing further damage. Our best protection is prevention. Especially with newer pests such as CRB and LFA, where treatments options are very limited, we need to give the power of enforcement to our state entities. Otherwise the rules are entirely voluntary, which has shown to not be effective. Inter-island transfers of infested material have been increasing recently, leading to new infestations on Kaua'i and Maui.

Please enable HDOA to stop the sale of infested plant and soil material to the public.

Mahalo  
Uma Nagendra

Uma Nagendra, Ph.D.

Conservation Operations Manager  
Limahuli Garden and Preserve  
National Tropical Botanical Garden

she / her / hers

Office (808) 826-1668x4  
Mobile (808) 651-8829

*"I ola 'oe, I ola makou nei" / "My life is dependent on yours, and your life is dependent on mine"*



# 197

**Ho, Jonathan K**

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**From:** Hala Pa-Kala <halapakala@gmail.com>  
**Sent:** Tuesday, January 30, 2024 11:36 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony

Hawaii Department of Agriculture  
6 p.m. January 30, 2024  
Plant Quarantine Branch Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Aloha Chairperson Sharon Hurd,,

My name is Hala Pa-Kala, I am a resident on the island of Molokai, an avid flower lei grower and maker, lauhala weaver, and defender of our island's precious resources.

I am in support of the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

I believe it is imperative that HDOA have the authority to stop the sale to the public of plants and other merchandise that are infested with invasive pests such as plants infested with Little Fire Ants (LFA) or bags of compost containing Coconut Rhinoceros Beetle (CRB).

Also, if the merchandise is stored in an area that is also found to be infested with an invasive pest, these rule amendments provide HDOA the authority to require the business to treat the area before the merchandise is sold to the public. The horticultural trade (nurseries and garden centers) is one of the primary ways that invasive pests and plant diseases arrive in Hawaii and these rule amendments empower HDOA to prevent the spread of those pests.

Our island had its first experience with a live snake found in compost shipment, and we as growers have been warned of the CRB also being in compost that arrived in Hawaii, thankfully not yet on our island which would truly be devastating, culturally, for our people. I have numerous coconut trees in my yard, make use of every part of the tree, anything that can be done to prevent the movement of these invasive pests must be done!!

Stopping pests early and at critical control points protects other nurseries, garden shops, the entire agricultural industry, the environment, and the public.

Mahalo nui for your time and attention to this matter.

Na'u no,

Hala Pa-Kala

Molokai Island Resident

Cultural Practitioner



# 198

January 29, 2024

Hawai'i Department of Agriculture  
6 p.m. Plant Quarantine Conference Room  
1849 Auiki Street  
Honolulu, Hawai'i 96819

Testimony in Support of the Proposed Amendments to Hawaii Administrative Rules,  
Chapter 4-72

Aloha Chairperson Hurd,

The Maui Invasive Species Committee (MISC) strongly supports the proposed amendments to chapter 72, Hawaii Administrative Rules (HAR). The proposed amendments will help expand the authority of HDOA to prevent the inter- and intra-island spread of invasive pests and diseases.

On Maui, as we work to eradicate or prevent the spread of little fire ants, coconut rhinoceros beetles, and coqui frogs, we are simultaneously faced with the reality that LFA, CRB and coqui will continue to arrive. Just last week, a resident detected LFA on her property—she had purchased starts that were shipped (possibly illegally) through the mail from Hawai'i Island to Maui, and they came with LFA. In less than six months, CRB was detected on Kaua'i, Hawai'i Island, and Maui after heroic efforts to keep it contained to O'ahu. We still have a nursery on Maui that continues to sell plants even though everyone knows the site has coqui. This is the definition of crazy.

The authorities provided for and clarified in the proposed amendments will bolster HDOA's ability to prevent and slow the spread of these and other pests. Chapter 72 HAR is the appropriate chapter for this authority. We hope that HDOA will move forward with these amendments as proposed and, if needed, further modify chapter 72 HAR in a future rulemaking process.

Some provisions of interest:

1. The proposed amendments will help prevent the sale of pest-infested merchandise vs. asking a seller to stop selling infested material on a voluntary basis.
2. The proposed rule appropriately limits its application, excluding farms, ranches, or other agricultural production areas that do not sell directly to the public on-site.
3. The proposed rules would allow HDOA require the pest-infested merchandise or area to be treated; order the infested merchandise to be destroyed; or take no action and allow the movement of the merchandise and require no treatment of an infested area of a store. In other words, it has built-in flexibility.

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P.O. Box 983, Makawao, HI 96768

Phone: (808) 573-MISC (6472)

Email: [miscmgr@hawaii.edu](mailto:miscmgr@hawaii.edu) • Website: [www.maulisc.org](http://www.maulisc.org)

4. The existing statutory appeals process should help assuage businesses of any potential over-reach by the regulatory agency.
5. The proposed rule would give HDOA authority to regulate CRB host material or infested material within an island.
6. Previous public hearings on the proposed amendments have demonstrated strong public support.

Mahalo for all the work done by HDOA, the Plant Industry Division, and the Plant Quarantine Branch staff on the proposed amendments to chapter 72 HAR. We urge HDOA to keep the momentum going.

Maui Invasive Species Committee



#199

**Ho, Jonathan K**

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**From:** Troy Levinson <troy.levinson@gmail.com>  
**Sent:** Tuesday, January 30, 2024 11:55 AM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Stopping Infested Materials from being sold to the public

Aloha,

I am writing to express 100% support for the amendments to Chapter 72. LFA and other pests have already and will continue to change Hawaii's unique and beautiful environments for the worst and forever. As a resident of Hawaii, I want the departments who have the ability to step up and deal with these issues to be empowered to actually fix the problem, instead of standing idly by as invasive pests move from one community, to another, to another, to another.

It is critical that HDOA establishes the ability to stop the sale of products already infested with invasive pests like LFA and CRB, and HDOA must be empowered to penalize vendors who continuously spread these damaging animals all across our island communities. The authority to stop a business from selling pest-infested merchandise and to require the business to treat infested areas of their stores is a basic, common-sense authority regularly used by other States to protect consumers, agriculture, and the environment. These rule amendments would provide both the incentive for nurseries and garden centers to be part of the solution and also the potential for consequences for not taking responsibility for addressing known infestations.

As a gardener I want to be able to work in my community garden patch without painful stings. As an environmentalist I want to protect Hawaii's unique species from new threats. As a consumer I want to know that the products I purchase are pest free. As a resident of Hawaii I want my government to protect Hawaii from these threats as a high priority.

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**Troy Levinson**  
Small Vertebrate Pest Biologist  
O'ahu Army Natural Resources Program

Phone: (970) 773-3471

Email: [troy.levinson@gmail.com](mailto:troy.levinson@gmail.com)

# 200

Ho, Jonathan K

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**From:** Jenna Patague <jenna31@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 12:00 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HDOA testimony for HAR Chapter 72

Aloha HDOA,

I would like to submit a testimony for the public hearing today at 6pm. I, Jenna Patague, am in support of changing the HAR chapter 72 rules **to give HDOA the authority to stop a business from selling pest-infested merchandise and to require businesses to treat infested areas of their stores.**

As a conservationist, invasive species have harmed our native critical habitats. Hawai'i is the endangered species capital in the world and our native and endangered species have too many factors against them. It would be a shame to lose more native ecosystems to another pest we knew about in the early stages of infestation. The newly widespread pests are Little Fire Ants (LFA) and Coconut Rhinoceros Beetles (CRB). These pests are impacting our native ecosystems drastically. Not only does this affect our forested areas, it is already affecting our communities and starting to spread in home gardens. Please consider my testimony. Mahalo for your time and consideration!

Mahalo,  
Jenna Patague

#201

**Ho, Jonathan K**

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**From:** Mark Phillipson <reelrelaxed@gmail.com>  
**Sent:** Tuesday, January 30, 2024 12:00 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony Regarding Title 4, Subtitle 6, Chapter 72, HAR

Hawaii Department of Agriculture

Plant Quarantine Branch

1849 Auiki Street

Honolulu, HI 96819

RE: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Chair Hurd and staff:

I am concerned about the spread of invasive species and the destruction they have on the islands. I understand that the Department of Agriculture must have the resources to stop the spread of these pests before they are everywhere.

At the same time, the proposed rules are confusing. I want to comply with all the rules but I'm not sure exactly what I am required to do, when I have to do it, and who is going to be making decisions that impact me.

As a producer, I know how much damage pests and diseases can do and how much they can affect agriculture. I would like to see more pests stopped before they even enter the state and I'd like to have help dealing with pests when my area is affected by them.

These rules should be clear about what we are required to do and how we should do it.

Thank you.  
Mark Phillipson  
Principal at Pacific Ag Consultants



# 202

**Ho, Jonathan K**

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**From:** Patricia Godfrey <patogodfrey@gmail.com>  
**Sent:** Tuesday, January 30, 2024 12:05 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Aloha

As a voting citizen and lifelong Hawaii resident born and raised, I have a deep interest in the islands' environment. From the wild lands of the mountain and the shore many work tirelessly to hold safe the habitat of our original and native species.

I am a member of a social media group called 808 Green Thumbs and have been horrified recently at the number of posts showing coconut rhinoceros grubs found in potted plants in local gardens..

Group members have investigated and found that the grubs are from locally sold

packaged potting soil. It is wrong that profit making sales points for garden amendments are spreading these destructive creatures.

Please do your best to remedy this and other attacks on our native flora ( yes I understand that the niu is a canoe plant.) in fact the tighter the rules on nurseries and garden centers the better.

This is only one example of alien species entering the islands. Let us hold back these threats for the good of the land.

Mahalo for your time,

Patricia Salisbury Godfrey

Current writing projects: *The Lucy Letters*, historical archive

University of California Berkeley Editing Certified Editor

Member American Copy Editors Association (ACES), Editorial Freelancer's Association (EFA), Society of Children's Book Writers and Illustrators (SCBWI).

#203

**Ho, Jonathan K**

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**From:** Lillian Ostrander <lostrand@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 12:34 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony on Amendments to HAR Chap. 72

Aloha,

My name is Lily Ostrander and I am a resident of Oahu and a 2nd-year law student at the William S. Richardson School of Law. I am writing to express my support for the proposed amendments to HAR Chap. 72 permitting HDOA to prevent the sale of products infected with invasive pests.

The existing rules are a step in the right direction, but without enforcement power, these rules are toothless. The serious threats posed by invasive species warrant swift action to prevent the spread of invasive pests around the island. The proposed amendments are greatly needed to address such a pressing issue.

Thank you for considering my testimony.

Best,

Lily Ostrander

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Lily Ostrander  
J.D. Candidate 2025  
University of Hawai'i at Mānoa  
William S. Richardson School of Law  
[lostrand@hawaii.edu](mailto:lostrand@hawaii.edu) | (440) 991-7037

#204

**Ho, Jonathan K**

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**From:** katherine miller <kemiller615@gmail.com>  
**Sent:** Tuesday, January 30, 2024 1:00 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

To whom it may concern,

I am writing to say that I am in full support of more strict regulations by the HDOA to help prevent the spread of invasive pests in Hawaii such as coconut rhinoceros beetle (CRB) and little red fire ants (LFA). It is proven already that not having these laws in place has been detrimental to the state, with invasive species such as CRB and LFA causing catastrophic damages to lands in an agricultural, commercial, cultural, and conservational sense. It has become clear that without more strict laws, businesses will not take the proper action to prevent the further spread of these invasive species. I am in full support of the proposed rule amendments that would enable HDOA to stop the sale to the public of plants and other products that are infested with invasive pests including LFA and CRB. I personally know of businesses in Waimanalo with known LFA infestations that are frequently visited by landscapers which then transport these infested plants all over the island. These nurseries have not taken any steps to help reduce the spread of LFA and this inaction is a solid example of why more strict rules need to be enforced. Although there was extensive outreach done on CRB, bags of infested soil and mulch still continue to be sold not only at big box stores such as Lowe's and Home Depot, but also at distribution companies such as Simplot (which is located in a CRB infested area) and when speaking with the delivery drivers, they had no knowledge on what CRB is or how damaging the beetles can be. These are just a few examples of why I believe HDOA needs to be able to enforce more strict rules when it comes to the sales and distribution of infested materials.

Thank you for taking the time to read my testimony and I hope that in the near future more action can be taken to help prevent the spread of these highly destructive invasive species.

Sincerely,  
Katherine Hachmeister



# 205

**Ho, Jonathan K**

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**From:** Samuel Dutton <ssdutton1@gmail.com>  
**Sent:** Tuesday, January 30, 2024 1:06 PM  
**To:** HDOA.PQ.TESTIMONY  
**Cc:** Tomoko Kato Dutton  
**Subject:** [EXTERNAL] Fire ant testimony

Aloha Committee Members,

We are residents of Ahuimanu and are writing in support of granting HDOA the power to stop vendors from selling plants that harbor fire ants or other pests. We feel this is a very important issue for our community and our islands, and we appreciate your efforts on behalf of all of us.

Mahalo nui loa,

Sam & Tomoko Dutton  
Kaneohe, HI

# 206

**Ho, Jonathan K**

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**From:** Addi Gmail <addisonbulosan@gmail.com>  
**Sent:** Tuesday, January 30, 2024 1:15 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony Regarding Title 4, Subtitle 6, Chapter 72, HAR

Hawaii Department of Agriculture

Plant Quarantine Branch

1849 Auiki Street

Honolulu, HI 96819

RE: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Chair Hurd and staff:

I am concerned about the spread of invasive species and the destruction they have on the islands. I understand that the Department of Agriculture must have the resources to stop the spread of these pests before they are everywhere.

At the same time, the proposed rules are confusing. These rules should be clear about what we are required to do and how we should do it.

Thank you.

Aloha,

Addison B.



The Senate  
Ka 'Aha Kenekoa

STATE CAPITOL  
HONOLULU, HAWAII 96813

January 30, 2024

Board of Agriculture

Subject: Testimony re Proposed Amendments to HAR Chapter 4-72

Dear Chairperson Hurd & Members of the Board,

I write in **strong support** of the proposed changes to Chapter 4-72, Hawaii Administrative Rules, which are critical to stopping the spread of invasive species throughout the state of Hawai'i.

This year, Coconut Rhinoceros Beetle (CRB) have proliferated across our state, overwhelming O'ahu, including confirmed established populations now on Kaua'i and Maui. Little Fire Ant (LFA) have now also been detected at more than 40 sites on O'ahu. It is critical that more aggressive action on invasive species be taken now before infestations proliferate and costs escalate.

These proposed changes are an overdue measure of accountability and response. HRS Chapter 141-2 requires the Hawaii Department of Agriculture (DOA) to adopt and amend rules concerning the introduction, inspection, and quarantine of plants and plant products that are infected with pests harmful to the state of Hawaii. This includes the proposed rule changes to HAR Chapter 4-72, which would establish a necessary process of control and mitigation with the ability to quarantine of infested products in lieu of treatment.

Chapter 4-72 is the only chapter available to the Plant Industry Division within DOA to regulate the movement of pests within the State of Hawaii. Currently, DOA must ask businesses to voluntarily treat or quarantine pest-infested material. Alternatively, DOA may pursue a court order to compel a recalcitrant business to do the same; a process which can prove cumbersome and prolongs preventative actions to stop the spread of pest-infested material. The proposed changes will provide DOA with the critical authority to prevent the movement of pest-infested material and merchandise and will reinforce best management practices for local businesses that participate in the commerce of plant and horticultural material.

On November 22, 2023, the Senate Committee on Commerce and Consumer Protection held an informational briefing where DOA reported at least five (5) commercial operators who were knowingly selling pest-infested materials and refusing to voluntarily treat. This current



# 207

January 30, 2024  
Page 2 of 2

process unduly harms all consumers who unknowingly purchase infested material and casts the industry in a bad light. Additionally, the process unfairly impacts farmers operating under best practices and further escalates the invasive pest crisis in Hawai'i. DOA is statutorily mandated to take action against these deceptive and harmful practices. Recently, DOA Deputy Director Dexter Kishida reported their intention to initiate court action against another recalcitrant operator. This cannot continue when DOA has the authority and mandate to address this through the enactment of these rules.

Mahalo for the opportunity to provide testimony in **strong support** on these proposed rule changes.

#208

**Ho, Jonathan K**

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**From:** Meli Sandler <h20film@yahoo.com>  
**Sent:** Tuesday, January 30, 2024 1:41 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony

I would like you to stop the transport of ANY infested materials interisland. I do not agree with treating materials as it will never be 100% effective.

Melinda Sandler, P.O. Box 1228 Hanalei HI 96714 808 652-3392

# 209

**Ho, Jonathan K**

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**From:** Tamara Luthy <Tamara.Luthy@swca.com>  
**Sent:** Tuesday, January 30, 2024 1:44 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in support of proposed changes to HAR Chapter 72

Aloha,

I am emailing in support of the proposed changes to HAR chapter 72. These changes would grant the HDOA the authority to address issues with repeat offender nursery and garden shop owners, as well as to promptly respond to situations where infested merchandise is discovered. This is important for ensuring regulatory compliance and preventing the spread of pest infestations.

One of my neighbors dealt with an infestation of little fire ants. Although my yard was not impacted, I am frustrated to think how close we were to having to deal with this invasive species. I have a small toddler and many of my neighbors have pets, who are very vulnerable to little fire ant bites. I also know people who work tirelessly at the Hawai'i Ant Lab to battle this issue. Additional administrative rules would enable HDOA to more effectively regulate repeat offenders.

Thank you for your consideration of my testimony.

Regards,

Tamara Luthy, PhD | she, her, hers  
Assistant Staff Anthropologist  
[tamara.luthy@swca.com](mailto:tamara.luthy@swca.com)  
(808) 892-3432

SWCA Environmental Consultants  
1200 Ala Moana Boulevard #380  
Honolulu, HI 96814



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#210

Ho, Jonathan K

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**From:** Matthew Sandrich <mvsandrich@gmail.com>  
**Sent:** Tuesday, January 30, 2024 2:18 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HAR chapter 72 amendment Testimony

Aloha,

I'm writing in support of the proposed amendments to Chapter 4-72 HAR. I'm a watershed resource specialist for the Honolulu Board of Water Supply, and have worked in natural resource related fields in Hawai'i for the entirety of my professional career and have lived here most of my life. Previously I have worked on the CRB eradication program and for the Hawai'i Ant Lab on O'ahu and have witnessed the progression of both of these invasive pest species as they've increasingly proliferated throughout our islands in just the last few years. It's not just these species that are a concern either, as anyone that works in natural resource management or agriculture knows, it's only a matter of time before the next horrible invasive species arrives. The long-term cost of these pests pose a threat not only to public health, but our delicate and endangered natural environment, and economically to our tourism and agriculture industries.

Coconut Rhinoceros Beetles are a critical threat to our precious native loulou. They also affect the visual landscape that residents enjoy and attract visitors to our state every year. The Leeward side of O'ahu is pocked with frondless coconut trees, and if left uncontrolled it is only a matter of time before the rest of Hawai'i looks the same way. Coconut is also an important food source to many local people, the loss of which will be felt by many.

Little Fire Ants as they invade other islands as they have to Hawai'i Island, will change how we live our everyday life. They harm people and animals, and nobody wants to play or work in areas that are infested. It will affect food producers who will have an increased cost in treatments as well as dealing with health risks to their employees that are being stung while harvesting. LFA will also cause increased costs for treatment and to health for residents and business owners.

I also believe that in order to bolster our own food security, a more robust biosecurity is absolutely necessary.

I understand the financial burden that these new rules will have on some producers, landscapers, and sellers, but it is the unfortunate cost of doing business. The honor system obviously has not worked, and a few bad actors have helped to make these pest problems much worse. Enforcement is now a necessity. Food producers selling tainted meat or other food products is unacceptable, and selling infested plants and material should be as well.

Mahalo for your consideration,

Matthew Sandrich

#211

Ho, Jonathan K

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**From:** Bobby Camara <kuabay@hawaiiintel.net>  
**Sent:** Tuesday, January 30, 2024 2:25 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

RE: "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

To Whom It May Concern:

I urge you, in the most emphatic way possible, to PASS these rules.

For decades, Hawaii Nei has watched as invasive species have taken over our precious 'āina aloha. It seems as though no one in charge (if indeed there is anyone "In charge") cares to do anything. That includes Ms Hurd.

I urge you to use the verb "Shall" rather than "may"; the latter opens big big loopholes.

Along with this Bill, I remind you that the State List of Noxious Species must be updated, and must include appropriately harsh penalties.

Me ka mahalo,

Bobby Camara  
Kea'au Hawai'i





# 212

January 30, 2024

Testimony on amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules.

Dear Hearing officer,

My name is Gordon Inouye and I am the President of Puna Flower Power, an orchid growing cooperative located on the Big Island of Hawaii. Puna Flower Power was formed in 2019 as a means to revive the orchid growing industry devastated by the 2018 Kilauea Eruption.

First and foremost, we fully support the effort to minimize the transport of invasive species within the State of Hawaii and feel the need to support the Hawaii Department of Agriculture in its' effort to eliminate the entry of such species into the environment in Hawaii.

Having said that, we strongly object to a number of proposed changes to Title 4, subtitle 6, chapter 72 of HAR. Specifically:

1. 4-72-1; we feel there is no need to delete "their plant or commodity hosts" from the objective. Adding "infested or infested plant host material" makes some sense however defining those terms bears further definitions.
2. 4-72-2 Definitions. These amendments make no sense at all.
  - a. First of all it deletes "Chief of the plant quarantine branch" leaving it without any leadership or management.
  - b. It proposes to have a SPRO or designee who seems to have absolute authority without defining that person's qualifications, method of selection or position in the chain of authority in the Department of Agriculture.
  - c. While the chapter suggests and lists agriculture and plants as the transport means, we are of the understanding that there are multiple avenues of transmission unrelated to agriculture and this needs to be defined. As an example, pallets used to transport dry goods need to be included as well as other means of transport such as container and parcels. Additionally vehicles easily transport pests on island and also inter island. Any effort to address pest eradication and control must address these issues.
3. 4-72-3 Inspection requirements;
  - a. Prohibiting the interisland transport of plants etc prior to interisland or on island transport is economically impossible. If adopted, it suggests that every single parcel bound interisland or cross island is prohibited unless inspected to be pest free prior to shipment. Can you possibly imagine how impossible this task would be? This would practically cause virtually every nursery, regardless of its' certified status to shut down!
4. 4-72-4 Prohibited Transportation:
  - a. Do we actually want to criminalize a violation of the inspection rules/
  - b. Prohibiting the transport of pests can be prohibited but how does a nursery operator know if and when this occurs? Even inspected product can host some pests.
  - c. Again we see the SPRO authorized the permit some movement without having a clue on the credentials and experience of the person nor do we have any guidance on how that person carries out that responsibility.
5. 4-72-5 Prohibition on movement of infested material:
  - a. "May prohibit the movement....."if the SPRO determines that the pest host material is infested." Sounds great but how is this to be determined? One sample? Random

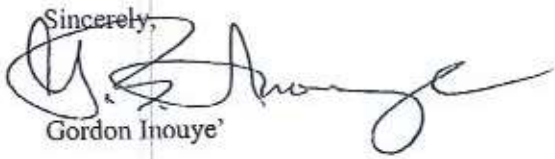


#212



- samples? multiple samples? What means of determination? Totally or for a "batch" or "lot" what quantity? Sounds great but needs much closer definition.
- b. Much is left to the discretion of the SPRO and we do not define what that person's qualifications may be to have the ability to wield such authority.
- 6. 4-72-6 Restrictions on transport, harboring, rearing or breeding of pests:
  - a. This section does not define whether this is intentional or accidental. Nurseries do not purposely harbor, rear or breed such pests!
- 7. 4-72-7 User permit and site inspection fees.
  - a. The permit fees are not unreasonable. Most nurseries will pay the \$100 annual fee.
  - b. However the site inspection and milage fees will become a major expense to growers who ship multiple order on a daily basis to many parts of the state.
  - c. We also suggest that the proposed fees will be inadequate to enforce the inspection requirements suggested in this proposed change. We ask that a complete cost analysis be conducted sufficient to carry out the inspections and the cost and impart to the agricultural industry be examined.
- 8. 4-72-8 Inspection Fees
  - a. These inspection costs will put many smaller ag producers out of business.
- 9. 4-72-9 Economic loss or damages;
  - a. This clearly recognizes the fact that these changes will have a dramatic economic impact on agriculture and attempts to shield the state from such fallout. Cleaning up these proposed rules would be a better effort.
  - b. We strongly suggest that remediation of pest infestations is the better approach to the problem. We don't see this in these proposed rule changes.
  - c. We so support efforts to identify "bad actors" but feel that a progressive set of steps need to be defined to resolve these issues without having to go to court.
- 10. 4-72-10 designation of infested areas: We have no problem with this section.
- 11. 4-72-11 Penalties- this is a dangerous area and needs further review.
- 12. 4-72-12 Scientific and common names; no problem
- 13. 4-72-13; severability- if certain key aspects of these changes are declared unconstitutional, all the changes should be affected. Eliminated a section, sentence or paragraph can change the entire definition of the rules.
- 14. 4-72-15 Examples of regulated pests; This list needs to be updated and reviewed on a periodic basis. Many of the know pests are beyond eradication levels and need to be treated as such (pest mitigation). Shutting down a nursery who may have these pests can mean the death of the nursery.

We appreciate this opportunity to provide our thoughts on these proposed changes to rule 4-72.

Sincerely,  


Gordon Inouye

President

# 2.13

**Ho, Jonathan K**

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**From:** Alexander Lau <ALau@swca.com>  
**Sent:** Tuesday, January 30, 2024 2:41 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony related to HAR chapter 72

Aloha,

I support the proposed changes to HAR chapter 72. When we know about a problem, we must be able to address it. Working with the nursery industry collaboratively to protect their business can work when everyone acts in good faith. But for those times when folks do not act in good faith, we need enforcement of rules, not just hope for their kōkua. When a business or any entity is knowingly spreading harmful species like little fire ants (*Wasmannia auropunctata*) to unsuspecting community members, breaking the social contract of being good community members, we need the option of intervening legally to stop a problem from continuing. Let's give HDOA the ability and authority they need to protect our communities from these harmful invasive species that have been spreading in the community by nurseries who know about the problem.

Alex Lau

#214

**Ho, Jonathan K**

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**From:** Lizzy Baxter <lizzy.baxter333@gmail.com>  
**Sent:** Tuesday, January 30, 2024 2:57 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony SUPPORT 4-72

SUPPORT for 4-72 strengthening our biosecurity methods. It is not right or moral to be selling known infested materials, and it's ridiculous we have to make this rule so people act pono. I am a resident of Kauai and support this measure.

Lizzy Baxter  
4820 Oahu Rd  
Kapaa, HI 96746



#215

**Ho, Jonathan K**

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**From:** Hana Barker <hana.barker2019@gmail.com>  
**Sent:** Tuesday, January 30, 2024 2:57 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Chapter 4-72 Testimony

Aloha,

I support with the proposed rule amendments to Chapter 4-72 Hawaii Administrative Rules. There should be a change regarding rules in order to mitigate the arrival and impacts that can come from infested material. It is baffling that this is not already a rule and not okay that people can knowingly ship infested material.

Mahalo,  
Hana Barker

# 216

**Ho, Jonathan K**

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**From:** Gracie Kwan <mij18na@yahoo.com>  
**Sent:** Tuesday, January 30, 2024 2:58 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony

Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules  
Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules

Cannot only and solely rely on HDOA to do this. With all the limitations in place whether it be legal, financial or staffing, every family, business, and organization have these limitations. If we cannot work together to as a COMMUNITY, as a SOCIETY to come together to support this department to manage pests and invasive species, then why live here. Move to the mainland where it is cheaper and affordable because the habitat, the environment, the nature, its going to be just like the mainland, but more affordable. The aquifer is on the verge of being invaded, and the boss and the people at BOW is doing their hardest to keep this from happening for EVERYONE ON OAHU. They don't want our natural pure water to be invaded so the water has to be treated and taste like water you find on the US mainland. Again, why stay here.

Awareness. It feels like there's a lacking of awareness. The general public, they don't know. Those who care about it, they know, so there's no need to inform or warn them. Like at election time, we've said it before, and we've seen the results, the candidate with the most money and does the most advertising will likely win just because recognition and recognition alone. Employ this strategy in some form.

If this strategy is made available to HDOA for free to put out notices through EVERY form of media, one can hope those who aren't aware of the what is going on about invasive species will know, or those who don't care will care if we want to stay here with the nature and environment loved by all. Not expecting 100% participation but how else can you get people to care if they don't know there's a threat or how serious it is.

- \* Schools should be telling the kids, so the kids can tell their parents, grandparents.
- \* Employ the DOH placard communication system to vendors knowing sell infested/contaminated products; have this grading system on Yelp
- \* Landscapers placard grading if they clean their equipment, tools, between jobs. Provide awareness training so they know what to look for, understand what they're seeing if they see something
- \* Free and reuse and recycle items: quarantine items before giving them away



# 2.17



# SIERRA CLUB OF HAWAI'I

To: Sharon Hurd, Chairperson  
Board of Agriculture  
1849 Auiki Street  
Honolulu, Hawai'i 96819  
Via e-mail: [hdoa.pq.testimony@hawaii.gov](mailto:hdoa.pq.testimony@hawaii.gov)

Date: January 30, 2024

Re: Testimony on Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Chair Hurd and Members of the Board of Agriculture,

The Sierra Club of Hawai'i, on behalf of our over 20,000 members and supporters, offers this testimony in **SUPPORT** of the proposed rule amendments to mitigate the ongoing and future impacts of invasive pests on our food security, native ecosystems, cultural practices, public health, economy, and the overall quality of life of present and future generations.

Hawai'i's history provides us with a host of lessons regarding the wide-ranging and potentially irreversible damage that invasive species can inflict on our islands and ways of life. Parasites and other pests have impacted local food production and increased the use of toxic pesticides on farms and in home gardens, risking the health of farmers and workers as well as threatening stream and nearshore species critical to our aquatic ecosystems. Invasive plants and wildlife have overtaken entire watersheds, impacting not just native habitat but also reducing aquifer recharge, increasing our vulnerability to floods and wildfires, and smothering our nearshore reefs and waters with runoff. Invasive animals have also extirpated native species, continue to threaten others with outright extinction, and continue to undermine public health by acting as vectors for zoonotic diseases. Most recently, the spread of invasive pests such as the little fire ant ("LFA"), coconut rhinoceros beetle ("CRB"), hala scale, and others threaten additional and even greater impacts to our islands and our future generations.

The Sierra Club accordingly strongly supports the subject rule package, which among other provisions would close a regulatory vacuum that has contributed to the intra- and inter-island movement of these latter species. Notably, a wide range of community organizations and leaders – including environmentalists, cultural practitioners, farmers, gardeners, doctors, educators, and many, many others – have heeded the all-hands-on-deck call to take action in the face of our looming biosecurity crises. However, the Department of Agriculture has inexplicably confounded their efforts by its refusal to pass these rules in a timely manner, allowing certain nurseries and other businesses to knowingly sell infested plants and other garden products without any legal liability. As Chair Hurd has acknowledged, at least five businesses were known to have been actively selling invasive pest infested plants and other garden products last year – yet it has taken





an entire year since the Board of Agriculture's February 2023 public hearing approval, to bring these rules and their quarantine provisions to an actual public hearing.

The Sierra Club notes that the Department suggested last year that "the industry" objected to these rules, and particularly the rules' quarantine provisions, as a reason to justify what was then a nine-month delay. **Even if this were the case, we emphasize once again that the further proliferation of pests such as the LFA and CRB will have wide-ranging and potentially devastating impacts to our agriculture and food security, native ecosystems and species, cultural practices, outdoor activities, tourism, and our overall economy.** These impacts will not just impact our generation, but our children, grandchildren, and future generations to come. Accordingly, all detection and eradication tools – both community-based and regulatory – must be employed now, before eradication becomes an impossibility and irreparable harms are inflicted on our islands and people. **Any supposed industry inconveniences can be dealt with in subsequent rulemaking action if necessary.** In any case, we must not wait until after the horse has left the stable, before closing the barn door.

Moreover, the statement that "the industry" objects or objected to these rules is inconsistent with data gathered from members of our local nursery industry. For example, volunteers with the Sierra Club and the Conservation Council for Hawai'i recently conducted an informal phone survey of nurseries on O'ahu, Maui, and Kaua'i. Of those nurseries that took the survey, 92% (11 out of 12) supported or had no objection to rules that would require the quarantine and treatment of infested plants and other products. Several businesses emphasized the importance of "doing their part," and ensuring that their industry does not contribute to the infestation of our islands by new invasive pests. **Accordingly, a blanket statement that the industry objects to these regulations is not representative, and runs counter to the prevailing opinion, of actual businesses that we surveyed.**

Much remains uncertain as we continue to reckon with the consequences of Hawai'i's longstanding failure to enact critical biosecurity protections. However, it is certain that without much stronger action, including but not limited to the adoption of the proposed rule amendments, the problems that we now face – and that we risk passing on to future generations – will only continue to worsen.

Accordingly, we respectfully and strongly urge the adoption of the proposed amendments to Chapter 4-72, with no further undue delay.

Mahalo nui loa for the opportunity to testify.

Sincerely,

Wayne Tanaka, Director  
Sierra Club of Hawai'i

# 218

January 30, 2024

Hawaii Department of Agriculture  
Plant Quarantine Branch Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819



RE: Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Aloha,

I am writing to express the support of the Big Island Invasive Species Committee for the proposed changes to HAR Ch. 72. As a resident of an island which has for many years experienced the worst and most widespread impacts of invasive species, I am only too familiar with the significant negative consequences of introduced pests spreading beyond the point of control.

These rule changes are critical to improving our State's ability to adequately respond to and stop the spread of invasive pests. The Big Island recently had our first detection of coconut rhinoceros beetle (CRB). The updated HAR Ch.72 would allow for HDOA to undertake important actions that may be essential to ensuring that CRB does not spread on Hawai'i Island and join the cadre of other pests, like little fire ant and coqui, that have become an unfortunate part of life here. These rules can also strengthen the Department's ability to stop the possible movement off-island of highly destructive pests like Queensland longhorn beetle and two-lined spittlebug, which are currently only found here.

In the early days of coqui and little fire ant invasion here - 10, 15, 20 years ago - we were aware of individuals and businesses on our island selling products and moving materials that were infested with those pests. Most folks in our green industry were concerned, conscientious business owners, who took care not to spread pests. But some were not, and eventually the carelessness of that small group led to costs and losses that will now be incurred by the entire industry as whole - not to mention our entire community - with no end in sight. It is dismaying to hear that the same situation is now occurring on other islands, and with those very same pests. Hawai'i cannot allow this situation to repeat year after year, decade after decade, without taking the steps necessary to improve our response. HAR Ch 72 is just one step on the road to addressing those weaknesses that allow the spread of new pests, but it is a critical step and we encourage this committee to take it.

Thank you for the opportunity to provide testimony on this matter.

Franny Brewer  
Program Manager  
fbrewer@hawaii.edu



# 219

**Ho, Jonathan K**

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**From:** Ellison Montgomery <ellisonpmontgomery@gmail.com>  
**Sent:** Tuesday, January 30, 2024 3:02 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

*Dear Chair Hurd and Members of the Board of Agriculture,*

*I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.*

*As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.*

*Being someone who has personally lived with LFA on the Big Island of Hawai'i, I can personally attest to the fact that infestations are devastating to the public's ability to enjoy their own backyards, public parks, beach parks, forests and much more. We do not want those same circumstances for any other islands. The consequences could have a devastating impact on our way of life in the islands.*

*With LFA, Coconut Rhinoceros Beetle, and climate change against them, farmers have more to contend with than they ever before have in the past. We need to do everything we can to limit the potential spread of these pests and make farming a viable future in our islands. Food security is more important than ever, especially as the world faces increasing food shortages due to climate change, the COVID19 pandemic (and potential future pandemics), and lack of trade due to international wars and conflicts.*

*With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.*

*Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.*



#219

*Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.*

*Ellison Montgomery*

**Ho, Jonathan K**

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**From:** Ane Bakutis <anebakutis@gmail.com>  
**Sent:** Tuesday, January 30, 2024 3:09 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72- Testimony for HDOA Invasive Species rule amendment

Chairperson Sharon Hurd,  
Ane Bakutis support the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

Please please ban all peoples and businesses from selling invasive species. This includes plant species, insects species and anything else. I am a botanist and full time Molokai resident specializing in restoring Hawaiian plant species for the last 28 years. I currently work saving the rares of Hawaiian plant species from extinction. I have seen first hand the extinction of unique Hawaiian plant species only found in Hawaii go extinct due to invasive animal, insect and plant species.

In the last 15 years, HDOA has not protected Hawaii from invasive insects that have forever changed our precious islands. We can no longer roam free in our wet forests on Hawaii Island without being stung by little red fire ants. We can not sleep to the sound of the falling rain in Hilo or Puna or Waimea on Hawaii Island as Koqi frogs blast us with their calls all night long. Will we have fresh water to drink with the Ohia lehua in our watersheds that die from the ROD fungus.

These examples are just a few of animals, insects, and fungus brought in by the agriculture and nursery plant industries in Hawaii. They were most likely unintentional arrivals BUT HDOA has NOT done its job, they were not checking incoming product to the islands. They are not checking every shipping container (simply fogging every shipping container or Airplane upon arrival at the Port of Honolulu, as they do in Tahiti, Cook Islands and in New Zealand). They continue to allow product to be shipped by boat and air unchecked/uninspected between islands. HDOA inspectors are not at ports or airports checking cargo.

Now we are faced with losing our most valued tree, the coconut. Not only is it a tourism icon for the Hawaiian Islands, every part of the trees has a cultural use and spiritual significance to our people, to Hawaiians.

If HDOA continues to blame others for not having enough support or staff, we will lose all we hold dear in Hawaii and then can we actually call ourselves Hawaiian without the plants and animals that make us unique?

I support the efforts BUT emplore the HDOA to take more action. Push to create more laws to protect us and our environment from future invasions. Lets create a model for protecting our borders similar to that of New Zealand's Biosecurity <https://www.mpi.govt.nz/biosecurity/>. The functional templates for protecting islands are available to us and are proven to work. Let us follow these resources.

For these reasons, I ask that you please enact these changes to chapter 72.

Sincerely,  
Ane Bakutis



Kakalina Farms  
PO Box 534  
Waimanalo, Hawai'i 96795  
January 30, 2024

Via Email [hdoa.pq.testimony@hawaii.gov](mailto:hdoa.pq.testimony@hawaii.gov)

Hawai'i Department of Agriculture  
Plant Quarantine Conference Room  
1849 Auiki Street, Honolulu, Hawai'i 96819

**Testimony in Support of Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii  
Administrative Rules (HAR)**

Aloha Chairperson Hurd and Members of the Board of Agriculture,

My name is Tom Grande and I am submitting testimony in support of the proposed amendments to HAR § 4-6-72 which implement quarantine restrictions on Coconut Rhinoceros Beetle (CRB) and gives the Department of Agriculture (DOA) authority to restrict the movement of infested materials within the state with enforcement authority and penalties.

As a 47-year resident of Waimānalo, I can personally attest to the devastation that we are facing through the invasion of coqui frogs, Little Fire Ants (LFA) and CRBs.

Waimānalo agriculture has transitioned from truck farmers in the 1970s and 1980s using the gravity-fed Waimānalo Sugar Plantation irrigation system to plant nurseries starting in the 1990s using the Waimānalo 60 MG Reservoir. More recently, we have witnessed growth in the number of small farms that raise fruits and vegetables for sale to local restaurants and farmers markets.

Because Waimānalo is still home to many plant nurseries, Waimānalo is the epicenter of invasives coming from other islands and locations. As a result, we are tragically the source for the spread of invasives to other parts of the island.



In 2014, we experienced our first major outbreak of LFAs and with the help of the Coordinating Group on Alien Pest Species (CGAPS), local residents conducted an intensive survey of homes and farms in the affected area near Kakaina and Waikupanaha Streets. In the following years, CGAPS made presentations to the Waimānalo Agricultural Association (WAA) to provide adequate information to local nurseries to make sure they understood that early detection and containment is key to stopping the spread of invasive pests.

Given the current state of invasives in our community, clearly voluntary compliance by some local nurseries is not working.

In the last decade, we believed that the DOA was actively and aggressively working to contain the spread of invasives. However, we now understand that DOA's efforts are stymied by the lack of common-sense enforcement procedures and penalties.

Please pass these much-needed amendments and give DOA the power to investigate and enforce the rules to try to stem this tide.

Thank you very much.

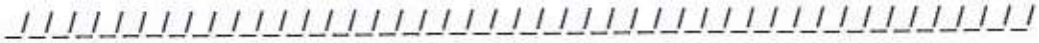
*Tom Grande*

Tom Grande



# 222

University of Hawai'i at Mānoa  
Phone: +1-650-557-3309  
E-mail: [altenber@hawaii.edu](mailto:altenber@hawaii.edu)  
Web: <https://dynamics.org/Altenberg/>





**Ho, Jonathan K**

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**From:** Philip Richardson <philip@current-affairs.net>  
**Sent:** Tuesday, January 30, 2024 3:29 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] RE: TESTIMONY - proposed amendments to chapter 4-72 - Stopping infested materials from being sold to the public

Aloha,

My name is Philip Richardson. After living in Kaimuki for 30 years, my wife and I have been blessed with moving to Ahuimanu in Kaneohe. As landowners, we feel obliged to steward the 40 acres we live on, back to health and vitality.

The Federal Government endorsed our efforts of reforestation three years ago and have encouraged us to remove the invasive species of trees and shrubs and to replace them with indigenous plantings, for instance, so far we have planted over 1,000 Koa Seedlings amongst many other foliage and fauna.

We clear the land section by section and then plant indigenous trees to this specifications of the Government sponsored project. Can you imagine how heartbreaking it has been to discover that a section of this restored land was recently analyzed and found subjected to Little Fire Ants (LFA)?

It has not been easy tending and caring for our plantings in this area because of the discomfort that comes with entering this LFA infested space therefore the plantings are subject to neglect and possible death. This makes our efforts, along with the Government's, fruitless and a waste of taxpayer money. Infested areas are likely to continue expanding as more seedlings are bought unknowingly from infested nurseries unless the source of infestation can be curtailed.

The only way to encourage people to join the movement to successfully care for the Aina we are all blessed with, is to make the process fluid and effective. Please pass this bill in anticipation it will curtail infested materials and plants from being sold to the public.

In anticipation of your dedication to doing the right thing, I remain sincerely grateful.

Mahalo nut loa

Philip Richardson

# 224



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawai'i 96850

In Reply Refer to:  
01EPIF00-2024-Invasives

Ms. Sharon Hurd  
Chairperson  
Hawaii Department of Agriculture  
Office of the Chairperson  
1428 S. King Street  
Honolulu, HI 96814  
Ph: (808) 973-9560

Subject: U.S. Fish and Wildlife Service Appreciation for Efforts to Strengthen Biosecurity  
Actions within the State of Hawai'i, Public Notice 0001441439-01

Dear Chairperson Hurd and Board:

This letter is provided by the U.S. Fish and Wildlife Service's Pacific Islands Fish and Wildlife Office (PIFWO) in support of the Hawaii Department of Agriculture's efforts to strengthen biosecurity measures in Hawai'i.

Invasive species have been extremely detrimental to biodiversity in the Pacific Islands and continue to threaten the trust resources under PIFWO's purview. Over half of all the threatened and endangered species found in the United States are located within the Pacific Island Ecoregion and are directly threatened by the impacts of invasive species. Because of these ongoing impacts and challenges invasive species pose to the recovery of listed species and the habitats they rely on, our office places a heavy emphasis on incorporating prevention and biosecurity measures in all our activities including the work with our conservation partners. Invasive species impacts on islands are so detrimental that in 2022, the Department of Interior (DOI) released "3 in 3 for the WIN" which positions invasive species control on islands as one of three key strategic invasive species initiatives for the DOI to focus on through 2025. Preventing the introduction, movement, and establishment of invasive species is everyone's responsibility.

Effective biosecurity aims to prevent the introduction and/or spread of harmful organisms. We know that when we invest in biosecurity, we spend less overall to manage invasive species because spread prevention costs less than the management of established pests. Whether preventing the introduction of a new species or limiting its spread within an island, curtailing

### PACIFIC REGION 1

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IDAHO, OREGON\*, WASHINGTON,  
AMERICAN SĀMOA, GUAM, HAWAI'I, NORTHERN MARIANA ISLANDS

\*PARTIAL



invasive species movement and establishment is the best use of limited financial resources. By strengthening biosecurity measures and limiting the establishment of new species introductions, we are supporting more protections for threatened and endangered species and may stop the need to add more native species to the endangered list. There are important, simple, and practical measures that can and should be incorporated by the State that are a benefit to the local control of invasive species within and across Hawai'i. PIFWO is striving to protect and restore federally listed species and trust resources for future generations and the abatement of invasive species threats will greatly contribute to that goal.

We greatly appreciate the Hawaii Department of Agriculture's partnership, leadership, and ongoing commitment to bolster biosecurity in Hawai'i. Invasive species will continue to be a critical conservation challenge and increased biosecurity measures to curtail their movement and provide additional options for their management are important steps. If you have any questions regarding this letter or how strengthening biosecurity within the state of Hawai'i align with the PIFWO's conservation strategy, please contact me by email at [MaryJo\\_Mazurek@fws.gov](mailto:MaryJo_Mazurek@fws.gov) or telephone at 808-210-6283.

Sincerely,

*MJ Mazurek*

MJ Mazurek  
Invasive Species Team Manager  
Pacific Islands Fish and Wildlife Office



**Ho, Jonathan K**

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**From:** Kimberly De Souza <kimskiln808@gmail.com>  
**Sent:** Tuesday, January 30, 2024 3:43 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony - Ch. 72

Aloha,

My name is Kimberly De Souza and I reside on Hawai'i island in Kailua Kona. I am writing to support the stand that more action needs to be taken to prevent the spread of invasive species being brought into the Hawaiian islands.

Being in the conservation industry, it is evident that not enough is being done to stop the spread of well known invasive species, especially in the nursery and garden stores. Plants such as lantana, bromeliads, monstera, asperagus fern, and more invasives (too many to name) are being sold freely without any warning to homeowners to prevent their spread. In fact, I have seen ginger rhizomes being sold at the Kona airport gift shop! How can we allow such invasive plants to be associated with our islands while conservationists are constantly battling them. With all the data and knowledge available of how invasive some of these plants are to our dwindling native forests - there should be more restrictions/inspections imposed on nurseries and garden stores from importing and selling these invasive plants that are so damaging to our native environment.

There are also invasive pests such as the rhinoceros beetle, little red fire ants, jackson chameleons, etc which hitchhike on imported plants or are brought in as pets (jackson chameleon). Overall, stricter inspections and restrictions are needed to prevent such disastrous spreads.

On top of that, more public education in nurseries and garden stores would be helpful to encourage the eradication of invasive plants and pests. Plantpono.org is a great resource on what plants are invasive!

I am glad this topic is being addressed finally! I really hope some better restrictions are imposed so that we can one day feel that we are winning the battle against invasives in Hawaii and not just always finding out new invasives that are out of control and that we now have to consider and battle them along with all of the others. We need to **prevent** the spread!

Mahalo nui loa for your consideration.

Kimberly

# 2.26

January 30, 2024

Re: January 30, 2024 Public Hearing for Hawaii Department of Agriculture Plant Quarantine Branch Proposed Amendments to "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Hawaii Department of Agriculture Plant Quarantine Branch,

My name is Destiny Apilado. I am an indigenous agriculture advocate and aspiring cultural practitioner from Waipi'o ahupua'a. I want to comment on the proposed amendments to Title 4, Subtitle 6, Chapter 72, HAR.

1. Section 4-72-9 wrongfully states that The State shall not be responsible for any economic loss or damages.

It is the State's responsibility to protect the spread of invasive pests in Hawai'i in the first place. As CRB was introduced to O'ahu over 10 years ago and the State has failed to mitigate the spread and prevent spread to outer islands, it should not be the farmers' or resource providers' responsibility to take an economic hit from what the State has failed to protect them from. Our farmers are already struggling to access the resources they need to farm. With the increased restrictions that are much needed, it is not them who should have to go through the hurdles on top of eating up any economic loss associated with going through increased restrictions. The State should reimburse any economic losses associated with combating the spread of invasive pests as these losses could have been avoided if the State did their due diligence in preventing and mitigating the spread.

2. Section 4-72-23 highlights the threat of CRB to horticultural and agricultural industries, but does not acknowledge the threat to Native Hawaiian culture and traditional food systems.

Part of the challenge in getting people to understand the severity of invasive species is the stories shared about them. Too often people are told that the threat is to economic industries, keeping cultural practitioners and social groups out of the loop of concern. When the story behind CRB threat identifies the threat to traditional crops such as niu, mai'a, kalo, loulou, kō, and kī (all of which CRB feed on), it is more effective at bringing the community together for a collective purpose. For Section 4-72-23 to be effective, the impact on Hawaiian cultural practitioners must be acknowledged alongside the affected economic industries.

Mahalo for your time in considering these comments on the proposed amendments.

Mahalo piha,  
Destiny Apilado



# 227

**Ho, Jonathan K**

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**From:** kimeona kane <kimeonakane@gmail.com>  
**Sent:** Tuesday, January 30, 2024 3:45 PM  
**To:** HDOA,PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for Public Hearing on Amendments to HAR 4-72

Aloha mai,

Kimeona Kane of Waimānalo, one who has been living with invasive species in the community and seeing firsthand the negative impacts that results.

I am submitting my strong support of the amendments to HAR 4-72, urging that they be recognized and implemented to truly allow the actions necessary to make the changes we so desperately need to see.

These invasive species as you know, are changing the way of life for many and I applaud the efforts to make these changes another tool to support the work being done to combat these pests.

Industries and businesses that are and have been laxed in their care and attention to these pests should also be held accountable to their negligence.

I also wish to testify orally at the meeting today, Tuesday January 30, 2024 at 6pm.

‘O wau nō me ka ha‘aha‘a a me ka mahalo,

Kimeona Kane (he/him)

808 398 8989

[kimeonakane@gmail.com](mailto:kimeonakane@gmail.com)

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#228

**Ho, Jonathan K**

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**From:** Ulu Knecht <uluwehi.knecht@gmail.com>  
**Sent:** Tuesday, January 30, 2024 3:47 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"  
Proposed Amendments to Title 4, Subtitle 6, Chapter 72, HAR

Aloha,

I am a resident of Hawai'i County and I am deeply concerned about the spread of Coconut Rhinoceros Beetles to my island. Not only is the Hawaiian archipelago home to 24 endemic Pritchardia palm species, Hawai'i is also a center of conservation for rare and endangered palm species from around the world. There are many dedicated volunteers on my island who work intensely on raising rare palms as their habitats are extinguished on other oceanic islands like Madagascar, New Caledonia, Fiji and beyond. I am also involved in this work and feel very passionately about it. Palms are also a critical part of sustainable agriculture here as well as core to indigenous Hawaiian culture. Palms are iconic parts of our natural beauty and very important in Hawai'i's image to tourism.

We must prevent the establishment of CRB outside of O'ahu and to this end, movement of all CRB host material must be very carefully regulated. I beg you to please pass these rule amendments to give HDOA the legal power and funding to protect our 'āina against this plague.

Mahalo,

Uluwehi Knecht

# 229

**Ho, Jonathan K**

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**From:** kimeona kane <kimeonakane@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:00 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for Public Hearing on Amendments to HAR 4-72

Aloha nui Chair Hurd and Members,

Kimeona Kane, Chair of the Waimānalo Neighborhood Board submitting our strong support for the amendments to HAR 4-72, as it supports the intention of reducing harmful and dangerous impacts due to invasive species.

Our Board has gone at great length to engage with those working on invasive species, including the Oahu Invasive Species Committee, Hawai'i Ant Lab, Coconut Rhinoceros Beetle Response Team, and more recently the Department of Land and Natural Resources as well as the Hawai'i Department of Agriculture. Our efforts have been focused on reaching transparency with information about invasive species impacting and potentially threatening our community, resources, economy and way of life. We have listened to report after report, many, reducing the true impacts of these species in our community. We were disheartened to learn that these impacts were much greater than previously shared and it has made us question the integrity of the agencies as well as the systems in place to protect the public trust.

We have urge our elected officials at all levels, City and County, State and Federal to push the respective agencies towards more collaboration and action. We have expressed deep disappointment as well as urgency in the way that invasive species have been managed, and have committed what we can in the support of responsible agencies to address the species we see impacting our community and state as a whole.

As an Agriculture and Native Hawaiian community, we recognize the threat and expect to meet it head on. We look to you to ensure that we too, are supported in the ways necessary to be a part of the solution. We strongly urge that the amendments to HAR 4-72 be implemented, ensuring that the responsibility of the agency can be fully realized and strengthened.

Lastly, I wish to testify orally at the meeting scheduled for Tuesday January 30, 2024 at 6pm.

‘O wau nō me ka ha‘aha‘a a me ka mahalo,

Kimeona Kane (he/him)

Chair- Waimānalo Neighborhood Board

808 398 8989

[kimeonakane@gmail.com](mailto:kimeonakane@gmail.com)

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7370 Kuamo'o Road • Kapa'a • Hawaii • 96746 • 808-821-1490 • www.kauaiisc.org

January 30, 2024  
Hawaii Department of Agriculture  
6 p.m. Plant Quarantine Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

**Testimony in Support of the Proposed Amendments to Hawaii Administrative Rules,  
Chapter 4-72**

Aloha Chair Hurd,

The Kauai Invasive Species Committee (KISC) **strongly supports the proposed amendments to Chapter 4-72, Hawaii Administrative Rules (HAR)**. The amendments proposed by the Hawaii Department of Agriculture (HDOA) to Chapter 4-72 HAR provide necessary authorities for HDOA to prevent the spread and island-wide establishment of high-impact invasive pests within Hawaii.

The proposed amendments are needed to match the stated Objective in section 4-72-1 for Chapter 72 HAR: restricting or prohibiting the **interisland and inraisland** transportation of pest species to prevent the spread and establishment of plant pests detrimental to agriculture, horticultural industries, and forest lands on uninfested islands and in uninfested localities of the State.

The proposed section 4-72-5, *Prohibition on the movement of infested material*, is an important step towards HDOA better addressing the **inraisland** movement of pests that have evaded interisland prevention measures. The language proposed in this section will enable HDOA to quarantine pest-infested plants or other merchandise sold to our local community members, preventing the unsuspecting consumer from spreading detrimental pests island-wide. As the only regulatory authority for the movement of pests within the State, it is necessary for HDOA to have rules in place to be able to quarantine and prevent the **inraisland** movement of pest-infested plants or other merchandise.

There is an urgent need to establish rules to reduce the spread of CRB from Oahu to other island and around Oahu as included in the proposed section 4-72-2, *Quarantine restrictions on coconut rhinoceros beetle and host material*. When the Board approved these proposed amendments on February 29, 2023, CRB was only on the island of Oahu. While these proposed amendments were stalled and there was a lapse in interim CRB administrative rules, CRB spread from Oahu and has now been detected on Kauai, Maui, and Hawaii Island. Kauai is in the early stages of the invasion, a crucial time period for successful containment or eradication. Additional introductions during this time period would be devastating for the future of Kauai. Kauai does not have the response capacity to successfully control continued introductions. Additionally, the impacts of CRB on Oahu and across the state will be exponential in 10 years compared to today if CRB infested material is transported around unrestricted.



We support HDOA in moving forward with these amendments as proposed and if needed making additional amendments to Chapter 4-72 HAR in a future rulemaking process. Any further delay in adopting rules to prevent and slow the spread of high-impact species would be contrary to the Objective of Chapter 4-72 HAR. High-risk pests have already evaded previous interisland prevention measures, as seen with the detections of CRB, coqui, and little fire ants across the state. Some of these pests are in the early stages of invasion, a crucial time period for successful eradication or containment. Eradication and containment will not be successful if the intransland movement of these pests is not mitigated.

The proposed amendments will strengthen the Department's ability to successfully "grow Hawaii's future" and work to support, enhance, and protect Hawaii's agriculture by preventing the spread of detrimental pests. We urge HDOA to continue to advance these proposed amendments moving forward as quickly as possible.

Mahalo for the opportunity to comment on this measure,



Tiffani Keanini  
Manager - Kauai Invasive Species Committee

# 231

**Ho, Jonathan K**

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**From:** Chris f <chrisdfrohlich@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:03 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in STRONG SUPPORT - Amendments to HAR Chapter 4-72

Dear Chair Hurd and Members of the Board of Agriculture,

I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.

As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

I have interacted personally with little fire ants for years and have seen their devastating impact on Big Island, and more and more on O'ahu. We cannot continue to allow the hemorrhaging of this injurious pest into our community. We must have a long term vision of the impacts of LFA in our islands. Stopping the flow of LFA and other invasive species like the coconut rhinoceros beetle at single points of introduction now is crucial. If infested materials are allowed to be sold around the islands to thousands of private landowners, the problem is much more difficult to control. Passing the amendments to Chapter 4-72 is by far the best course of action to protect our environment, our economy and our way of life in the islands.

With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

Please pass these common sense amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.

Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.

Sincerely,

Chris Frohlich

# 232

**Ho, Jonathan K**

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**From:** heidi bornhorst <heidibornhorst@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:03 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** Re: [EXTERNAL] testimony LFAs

Thank you! one more thing is that infested nurseries should be ID'd and then ASSISTED by state D Ag to eliminate the infestations, and then monitored and retreated for at least 5 years

we do not want LFAs to become established anywhere in Hawaii

Mahalo

On Tue, Jan 30, 2024 at 8:49 AM HDOA.PQ.TESTIMONY <[hdoa.pq.testimony@hawaii.gov](mailto:hdoa.pq.testimony@hawaii.gov)> wrote:

Thank you for your testimony. It will be presented for consideration.

Jonathan K. Ho

Acting Manager

Hawaii Department of Agriculture

Plant Quarantine Branch

1849 Auiki Street

Honolulu, Hawaii 96819

Phone: (808) 832-0566

Fax: (808) 832-0584

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**From:** heidi bornhorst <[heidibornhorst@gmail.com](mailto:heidibornhorst@gmail.com)>  
**Sent:** Tuesday, January 23, 2024 9:22 AM  
**To:** HDOA.PQ.TESTIMONY <[hdoa.pq.testimony@hawaii.gov](mailto:hdoa.pq.testimony@hawaii.gov)>  
**Subject:** [EXTERNAL] testimony LFAs



# 232

Yes we want you, Department of Ag, State of Hawaii to name the infested nurseries. If you don't name them, all the responsible plant nurseries suffer.

We also want every eradication treatment deployed ASAP. Do not let Oahu become infested. control them on every island.

This is a quality of life issue for all of us and tourists too.

CRBs are horrid. Little fire ants are worse for us, our pets and the green industry.

Mahalo,

Heidi Bornhorst

Horticulturist, Landscape Designer, Arborist

**Ho, Jonathan K**

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**From:** Julie Gaertner <JGaertner@swca.com>  
**Sent:** Tuesday, January 30, 2024 4:06 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Hello,

I am emailing in support of the proposed changes to HAR chapter 72. This is important for ensuring regulatory compliance and preventing the spread of pest infestations.

Thank you,  
Julie Gaertner  
808.339.1695

#234

**Ho, Jonathan K**

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**From:** jme kawai <jmekawai@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:16 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72- Testimony for HDOA Invasive Species rule amendment

Chairperson Sharon Hurd,

I support the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

Please please ban all peoples and businesses from selling invasive species. This includes plant species, insects species and anything else. I am a botanist and full time Molokai resident specializing in restoring Hawaiian plant species for the last 28 years. I currently work saving the rares of Hawaiian plant species from extinction. I have seen first hand the extinction of unique Hawaiian plant species only found in Hawaii go extinct due to invasive animal, insect and plant species.

In the last 15 years, HDOA has not protected Hawaii from invasive insects that have forever changed our precious islands. We can no longer roam free in our wet forests on Hawaii Island without being stung by little red fire ants. We can not sleep to the sound of the falling rain in Hilo or Puna or Waimea on Hawaii Island as Koqi frogs blast us with their calls all night long. Will we have fresh water to drink with the Ohia lehua in our watersheds that die from the ROD fungus.

These examples are just a few of animals, insects, and fungus brought in by the agriculture and nursery plant industries in Hawaii. They were most likely unintentional arrivals BUT HDOA has NOT done its job, they were not checking incoming product to the islands. They are not checking every shipping container (simply fogging every shipping container or Airplane upon arrival at the Port of Honolulu, as they do in Tahiti, Cook Islands and in New Zealand). They continue to allow product to be shipped by boat and air unchecked/uninspected between islands. HDOA inspectors are not at ports or airports checking cargo.

Now we are faced with losing our most valued tree, the coconut. Not only is it a tourism icon for the Hawaiian Islands, every part of the trees has a cultural use and spiritual significance to our people, to Hawaiians.

If HDOA continues to blame others for not having enough support or staff, we will lose all we hold dear in Hawaii and then can we actually call ourselves Hawaiian without the plants and animals that make us unique?

I support the efforts BUT emplore the HDOA to take more action. Push to create more laws to protect us and our environment from future invasions. Lets create a model for protecting our borders similar to that of New Zealand's Biosecurity <https://www.mpi.govt.nz/biosecurity/>. The functional templates for protecting islands are available to us and are proven to work. Let us follow these resources.

For these reasons, I ask that you please enact these changes to chapter 72.

Sincerely,  
Jamie Makasobe

Sent from my iPhone



#235

Ho, Jonathan K

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**From:** Paul McDonald <pmcdee3@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:18 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HDOA Invasive Species rule amendment testimony

I am emailing in support of the proposed changes to HAR chapter 72. These changes would grant the HDOA the authority to address issues with repeat offender nursery and garden shop owners, as well as to promptly respond to situations where infested merchandise is discovered. This is important for ensuring regulatory compliance and preventing the spread of pest infestations.

Thank you,

Paul J. McDonald

Ho, Jonathan K

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**From:** Paula Phillips <paulalee@hawaii.rr.com>  
**Sent:** Tuesday, January 30, 2024 4:21 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

*Dear Chair Hurd and Members of the Board of Agriculture,*

*I support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide much needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain.*

*As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.*

*With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.*

*Please pass these amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. These amendments would enable the Department of Agriculture to act much faster to legally prevent the sale and movement of certain invasive species and infested items between and within islands. This would be critical to stopping non compliant nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests.*

*I urge the Board to PASS the proposed rule amendments.*

*Mahalo piha,*

*Paula Phillips  
Haiku, Maui*

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#236



Virus-free [www.avast.com](http://www.avast.com)



# 237

**Ho, Jonathan K**

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**From:** Molokai Chapter <molokai@hfuu.org>  
**Sent:** Tuesday, January 30, 2024 4:22 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Aloha Chairperson Sharon Hurd,

The Hawaii Farmers Union United, Molokai Chapter support(s) the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

We are Molokai farmers trying to restore our soil health and grow more healthy food. We already deal with forces of nature that are out of our human control. We can, however, try to control the spread of invasive by enacting these proposed changes. Our way of life must be protected, these are sensible regulations, we must be able to stop pests sooner, before they become widespread.

For these reasons, I ask that you please enact these changes to chapter 72.

Sincerely,  
Hawaii Farmers Union United, Molokai Chapter  
Sent from my iPhone

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Email: [hdoa.pg.testimony@hawaii.gov](mailto:hdoa.pg.testimony@hawaii.gov).

Department of Agriculture

Plant Quarantine Conference Room

1849 Auiki Street, Honolulu, Hawaii

Subject line: Testimony in support of proposed amendments HAR Chapter 72

To whom it may concern,

I strongly support the proposed amendments to Chapter 72. Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules" to, Among Other Things: Implement Quarantine Restrictions on the Coconut Rhinoceros Beetle (CRB) and CRB host materials; Implement Fees for Inspections and the Processing and Issuance of Permits; Establish Authority to Prohibit the Movement of Infested Materials Within the State; Include Penalties for Non-compliance; and Make Other Changes for Clarity or Simplification and Other Non-substantive Changes Correcting Grammar, Punctuation, or Typeface.

As a private citizen and agriculturist, importing infested materials such as bags of compost, mulch, potting soil, potted plants, is an extremely high-risk pathway of spreading invasive species to other islands. Due to a shortage of locally produced compost in Maui, people frequently import compost and potting materials from Oahu that may be knowingly or unknowingly infested with CRB and LFA. In November 2023, CRB was recently detected in Maui, however, there is still hope of eradicating this devastating pest only if we act now and approve the HAR Chapter 72 amendments. Without regulation or restriction, invasive species such as Coconut Rhinoceros Beetle (CRB) and Little Fire Ant (LFA) outbreaks will continue.

The proposed rule amendments to HAR Chapter 72 are extremely imperative. These amendments will directly help prevent the spread of CRB, and LFA to other islands that don't have these invasive pests yet. In addition, these rules will protect the agricultural, subsistence farmers, and the landscape industry from serious pests that threaten food and ornamental crops. In addition, these rules will help protect our native Hawaiian Loulu palms (*Prichardia* sp.) ecosystems, as CRB is a detrimental pest and prefers to feed on Loulu palms and are also known to feed on Hala (*Pandanus tectorius*) and banana plants.

HAR Chapter 72 amendments also protect human health and communities. LFA is a serious pest that can cause painful stings to humans, children, and even cause blindness in animals. We need to safeguard our people from these harmful pests. CRB infestations significantly weakens or kill palm trees, which is a major safety hazard. These large trees may snap or fail potentially killing or seriously injuring people or visitors underneath.

I understand some business owners may oppose these rules. However, granting HDOA the authority to work with businesses to use best management practices will only strengthen their business reputation

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and may increase their product value. End consumers are likely willing to pay more for clean, non-infested materials that were inspected by HDOA.

Without intervention, our food supply, security, and human health are at high risk. Invasive pests will continue to spread throughout the state costing millions of dollars in damages and management. Please consider approving the HAR Chapter 72 proposed rules to protect our people, agriculture, economy, and precious environment of Hawaii.

Mahalo for your time and consideration,

Hannah Lutgen

*Hannah Lutgen*

[wanderintheforest@gmail.com](mailto:wanderintheforest@gmail.com)



#239

**Ho, Jonathan K**

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**From:** Daniel Rubinoff <rubinoff@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 4:28 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony

I am writing to URGE the HDOA to stop the sale of infested plants. It's completely irresponsible for nurseries to sell plants that are infested with invasive species and it's unreasonable to expect this process to be voluntary because that would effectively punish the ethical, responsible nurseries who do remove infested plants by raising their costs disproportionately (they will lose money destroying infested plants while their unethical competitors profit from the sale of infestations) . Eliminating invasive pests costs homeowners and the State millions of dollars each year, anything we can do to lower these costs should be done, ethics aside, this makes financial sense. It only takes one nursery to ignore this voluntary guidance to make it ultimately ineffective because eventually pests like little fire ants will spread, and that's not fair to the public, it's bad for the environment and it also punishes competing nurseries who are behaving responsibly. There's no good reason not to mandate and empower HDOA to stop the spread of invasive species, for the good of everyone.

Thank you for your time,  
  
Dan Rubinoff

#240

Ho, Jonathan K

**From:** Choon James <choonjameshawaii@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:32 PM  
**Cc:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Re: Testimony for Public Hearing on Amendments to HAR 4-72

Aloha,

I would like the opportunity to provide oral testimony.

Recently, we discovered that there are coconut trees in our neighbor's farms that are infested with CRB. That's so alarming. Farmers in Punalu'u, Waialua and else are saying that they have been told "they're on their own" since it's so out of control.

Our islands are beyond the education stage. **We must be on a warpath. We have to win this war.** Otherwise, we will lose our quality of life and natural resources. Coconut trees, palms, our farms, open space and even animals will be severely impacted by these invasive species. What is Hawaii without coconut trees?

Mahalo.

Choon James  
Kahuku

On Tue, Jan 30, 2024 at 2:58 PM Wayne Tanaka <[wayne.tanaka@sierraclub.org](mailto:wayne.tanaka@sierraclub.org)> wrote:

Aloha,  
Please find attached the Sierra Club of Hawai'i's testimony on the proposed amendments to HAR Chapter 4-72. I would also like to request to testify orally at the public hearing tonight.  
Mahalo nui,  
Wayne

--  
Wayne Chung Tanaka, Director (he/him/'oia)



[sierraclubhawaii.org](http://sierraclubhawaii.org) | 808-538-6616

**The Sierra Club of Hawai'i only exists because of the support of people like you! Make a [donation today](#) and 100% of your contributions will go to the Hawai'i Chapter. Mahalo nui!**

# 241

**Ho, Jonathan K**

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**From:** Tiana Kamen <tiana.kamen@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:33 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony HAR 72

Aloha members of the committee,

I was born and raised on Kauai. I have a degree in Environmental Studies and have worked in conservation, food and sustainability for the past 14 years. Stopping invasive species that cause a detriment to our delicate native and modern landscape should be top priority. The more barriers these pests cause to growing food and mālama 'āina, the less resilient and sustainable we become. While I would never want to damage any landscaper or nursery business, I believe that the mandated extra steps outlined in the new HAR 72 are crucial to stopping these threats from spreading. Im also a wife of a landscaper on Kaua'i and I also help preschools here garden. We would both be more comfortable purchasing from nurseries and retail sellers if they were mandated to destroy infected material and clean their facilities. We would pay more for products knowing they are safe and we would not be putting our customers and our 'āina in jeopardy as Kauai is one of the last "safer" havens of many noxious pests... Our entire island and economy and sustainability is threatened by HDOA not prioritizing the safety of items tht enter our ports. Please hear our sincere kahea, our call, our plea to do the right thing to mandate measures that protect everyone.

Mahalo,  
Tiana Kamen  
Kauai resident, farm to early care specialist and landscaper's wife



# 242

**Ho, Jonathan K**

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**From:** Kim Rogers <kimsrogers@mac.com>  
**Sent:** Tuesday, January 30, 2024 4:33 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] TESTIMONY: Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules 4-72, HAR

Aloha e Chair and Staff,

Yes, please immediately enact the rule that was unanimously approved by the Board of Agriculture on February 28, 2023. We must stop the movement of infected materials by preventing the sale of plants or other merchandise that is infested with invasive pests such as coconut rhinoceros beetles, coqui frogs, little fire ants. Businesses *must* be required to treat such infestations. This is only ethical. Too, the previous quarantine restriction on Coconut Rhinoceros Beetle and host materials from and within Oahu must be made permanent. It's critical to do absolutely everything we can to protect Hawaii's fragile natural resources, as well as, human and animal health.

Mahalo,

Kim Rogers  
Resident of Kauai

# 243

Ho, Jonathan K

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**From:** Kaulana Gouveia <logan.gouveia@halaukumana.org>  
**Sent:** Tuesday, January 30, 2024 4:34 PM  
**To:** HDOA,PQ,TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 Rule Amendments

Dear Chair Hurd and Members of the Board of Agriculture,  
I strongly support the proposed amendments to Hawai'i Administrative Rules Chapter 4-72, which would provide desperately needed regulatory tools to ensure that current and future community efforts to combat invasive pests are not in vain. As we have seen on Hawai'i Island, invasive pests like the little fire ant (LFA) may not only be devastating to our agriculture and local food security, but to our ecological and cultural integrity, quality of life, public health, and overall economy, potentially for generations.

Our Aina/resources are hugely important in our culture, sending invasive species is bad for our resources, here are the reasons why. The Coconut Rhinoceros beetle is killing our coconuts and coconuts is a big part of our culture, practices and food. Also the Coconut Rhinoceros beetle already ate one of our Coconut trees and it was hollow inside. Sending these invasive species would lead to no native resources on Hawaii and we wouldn't be able to eat or do cultural practices, if they keep sending invasive species that kill our native plants and aina. We Hawaiians wouldn't have resources to eat or practice, our culture that was practiced many years ago. With the little fire ant and coconut rhinoceros beetle now being found throughout the islands, we need to utilize every tool available as soon as possible, to support the all-hands-on-deck fight against these and other emerging pest threats.

Please pass these amendments that would give the Department of Agriculture the tools it needs to do its part in the control and eradication of invasive species. Notably, these amendments would enable the Department of Agriculture to act much more quickly to legally prevent the sale and movement of certain invasive species and infested commodities between and within islands. This would be particularly critical to stopping "bad actor" nurseries and other businesses from knowingly selling infested plants and other items, confounding the work of agencies and community organizations to protect our islands and our future from the impacts of invasive pests. Accordingly, I respectfully and strongly urge the Board to PASS the proposed rule amendments. Mahalo nui for the opportunity to testify.

[Kaulana Gouveia]

# 244

**Ho, Jonathan K**

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**From:** Haley Miyaoka <haley@ahikiacres.com>  
**Sent:** Tuesday, January 30, 2024 4:37 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony Regarding Title 4, Subtitle 6, Chapter 72, HAR

Hawaii Department of Agriculture

Plant Quarantine Branch

1849 Auiki Street

Honolulu, HI 96819

RE: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Aloha Chair Hurd and staff:

I am concerned about the spread of invasive species and the destruction they have on the islands. I understand that the Department of Agriculture must have the resources to stop the spread of these pests before they are everywhere.

At the same time, the proposed rules are confusing. I want to comply with all the rules but I'm not sure exactly what I am required to do, when I have to do it, and who is going to be making decisions that impact me.

As a producer, I know how much damage pests and diseases can do and how much they can affect agriculture. I would like to see more pests stopped before they even enter the state and I'd like to have help dealing with pests when my area is affected by them.

These rules should be clear about what we are required to do and how we should do it.

Thank you,  
Haley McKinnon  
Co-Owner Ahiki Acres LLC



#245

**Ho, Jonathan K**

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**From:** The Wildlife Society - Hawaii Chapter <tws.hi.cac@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:43 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of the Proposed Changes to HAR chapter 4-72

Aloha Chairperson Sharon Hurd,

The Wildlife Society - Hawaii Chapter supports the proposed changes to chapter 4-72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

Reducing and preventing the spread of invasive species not only into Hawaii but also within the State of Hawaii important to protect our native species, and ourselves from the harms these invasive pests can pose.

Please act now to enable the Hawaii Department of Agriculture to mandate and stop the sale of goods that are infested with harmful invasive species like Little Fire Ants and Coconut Rhinoceros Beetles.

The harms to animals, plants, and people could potentially be irreversible and drive some wildlife even further towards extinction. For example, invasive pests such as Little Fire Ant (LFA) has already negatively impacted agricultural and nursery interests on Hawaii Island and the impact has already spread to residential and nursery interests on Oahu as well. Their painful stings can cause significant suffering to wildlife, plants, agricultural workers, adults, children, and pets as well. Without the necessary ability to stop the sale of these infested goods, LFA could spread to even more areas around the state.

For these reasons, the members of The Wildlife Society asks that you please enact these changes to chapter 72.

Sincerely,

The Wildlife Society - Hawaii Chapter

#246

**Ho, Jonathan K**

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**From:** Taylor Maruno <marunota@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 4:45 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony - Amendments to HAR Chapter 72

Aloha,

I would like to share my support for the proposed amendments to the HAR chapter 72 rules that would allow HDOA to stop the sale of plants with invasive pests. Working in natural resources and conservation, I've seen how infuriatingly devastating invasive pests can be to our native species, ecosystems, local communities, and livelihoods. Like with CRB, once a highly invasive pest spreads, it becomes nearly impossible to eradicate or even control. One of the most important things we can do when an invasive species arrives is to contain it and prevent it from dispersing. We can save an enormous amount of resources (time, money, and effort) by responding to threats before they establish, rather than waiting to mitigate damage after the fact. Please consider how crucial this type of prevention is to preserving the islands we all love.

Best,  
Taylor

--

Taylor Maruno (she/her)  
*Snail Conservation Biologist*  
*Army Natural Resources Program on O'ahu*  
[marunota@hawaii.edu](mailto:marunota@hawaii.edu)

#247

**Ho, Jonathan K**

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**From:** clarice shimomura <clarice.shimo@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:46 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Aloha,

I highly urge the Hawaii Department of Agriculture to take immediate action in preventing, stopping and eradicating invasive species from establishing a foothold in our Hawaii islands. The Hawaii State Legislature must provide increased funding and amend ineffectual laws to help combat invasive species, damaging pests and diseases. I am kamaaina, born and raised on Oahu island. Many of our beautiful parks were once landscaped with decades old coconut palm trees. Today many of these palms have been cut down or are dying - decimated by the Coconut Rhinoceros Beetle. It is frightening to see that this devastation has happened in a few short years. Hawaii is now facing another ecological crisis, the infamous Little Fire Ant. I lived in the "South", where a similar invasive ant species, the Red Fire Ant spread like wildfire throughout the region. Imagine not being able to let your children or pets play in your yard for fear of getting stung. In Mississippi you have to always be mindful when working or playing in your yard. The sting of these ants are extremely painful causing a shock like sensation. Stings on the skin swell, fester and itch for weeks after. The Little Fire Ants now found on parts of Oahu holds similar characteristics and is a clear and present danger that we must stop now.

We must provide the means to combat the spread of these invasive species today! I am avid gardener but I don't purchase plants like I used to, especially if they come from vendors from the Windward side. This hurts local businesses, even though they may be responsible nurserymen and nursery media businesses, without routine inspection and monitoring, irresponsible vendors can spread infested plants throughout the state.

Additionally, inform the public of unethical and non-compliant nurseries so that they can be red flagged like local eateries. HDOA and state legislators we need immediate action now. Tomorrow will be too late!

Thank you for the opportunity to voice our concerns.

Mahalo kakou,  
Concerned citizen



#248

**Ho, Jonathan K**

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**From:** Springer Kaye <lycheefarmhawaii@gmail.com>  
**Sent:** Tuesday, January 30, 2024 4:50 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in Support of proposed amendments to Ch. 72 Rules

Aloha,

I am a commercial lychee farmer in East Hawaii. During the 20 years I have farmed here, I experienced the arrival of coqui frogs in our area, then little fire ants, and we are now bracing for the Queensland Longhorn Beetle and Coconut Rhinoceros Beetle...which will probably arrive right as our breadfruit orchard matures. After years of careful self-quarantine of plants, avoiding mulch, and testing my borders, LFA got to my farm, I believe, on pallets used to transport some construction material. I now spend hundreds of dollars each year treating the orchard for little fire ants, and have added washing and blow-drying protocols to ensure that we can safely harvest and sell our lychee without spreading invasive ants. This is in addition to the long-established, harmful pests that have to be controlled on a regular basis, like fruit flies, rats, feral pigs, and weeds; or that have stopped us from growing produce we really had enjoyed, e.g. Kabocha squash was profitable before pickle worm got to our area; lemon and lime sales were doing great before citrus tristeza virus caught up to my orchard.

As bad as all these pests are, many are not yet found everywhere in Hawaii. And, there are worse pests out in the world! The state legislature wisely granted the Hawaii Department of Agriculture the authority to regulate their spread within the state.

I am so glad to see that enforcement power being taken up by the Hawaii Department of Agriculture through these rule amendments. I hope they wield that power effectively.

Thank you for your consideration,

Springer Kaye

# 249

**Ho, Jonathan K**

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**From:** Erik Tamura <tracknute@yahoo.com>  
**Sent:** Tuesday, January 30, 2024 4:51 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Hi,  
As a resident of Hawaii all my life, I've seen invasive species of all sorts destroy so much of what makes Hawaii special. The efforts of our conservation organizations will be moot if we don't get legislative help in PREVENTING these invasive species from doing more damage to our lands. Too many of our native species, including our birds, snails, and plants are going extinct at an alarming rate and we need to take immediate and perhaps drastic measures to stop this. Even invasive species like feral cats & ungulates must be dealt with quickly, otherwise, everything that makes Hawaii, Hawaii will soon disappear.

As a regular participant in conservation efforts and an avid outdoor enthusiast, I am in support of the Hawaii Dept of Agriculture receiving the authority to require businesses to be held accountable and responsible for their business practices. I would also like to see the state adopt some of the practices of New Zealand, who has done a tremendous job protecting their unique ecosystems.

Mahalo!  
Erik Tamura

# 250

**Ho, Jonathan K**

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**From:** Karen <islandket@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:00 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony - Coqui frogs

Yes. I strongly believe that nurseries must protect consumers much better about their Distribution of coqui frogs from their products.

This also applies to other invasive species like the rhinoceros coconut beetle a little fire ants.  
Thank you so much for your time.

Karen Tilley  
Kauai



#251

**Ho, Jonathan K**

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**From:** Jake Merkel <merkelj808@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:13 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Chapter 72

Aloha,

I'm reaching out about our Hawai'i biosecurity. Hawai'i needs to be much better about controlling the import of invasive species, and the spread of invasive species between islands. It is time to revise the Hawaii Administrative Rules Ch.72.

Mahalo,  
Jacob Merkel

# 252

**Ho, Jonathan K**

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**From:** Michelle <shinmich@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:19 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony: No Fire Ants!

Hello,

**I am writing because fire ants are becoming a pervasive and worrisome problem in the State of Hawaii.** Under their existing HAR chapter 72 rules, if HDOA is aware that a business (such as a nursery or garden shop) is selling merchandise to the public that is infested with a particularly harmful pest, all they can do is ask the business to stop selling it on a voluntary basis. While the vast majority of nurseries and garden shops use best management practices and are incredibly responsive and responsible, some are not. This has created situations where consumers are unknowingly buying pest-infested merchandise and spreading the pest infestations to their homes and communities.

HDOA needs to hear the public's thoughts on proposed rule amendments that would enable HDOA to stop the sale to the public of plants and other merchandise that are infested with invasive pests such as plants infested with Little Fire Ants (LFA) or bags of compost containing Coconut Rhinoceros Beetle (CRB). Also, if the merchandise is stored in an area that is also found to be infested with an invasive pest, HDOA needs rule amendments to provide HDOA the authority to require the business to treat the area before the merchandise is sold to the public. The horticultural trade (nurseries and garden centers) is one of the primary ways that invasive pests and plant diseases arrive in Hawaii and these rule amendments empower HDOA to prevent the spread of those pests.

These proposed amendments to chapter 72 were unanimously approved by the Board of Agriculture on February 28, 2023. The rulemaking process was stalled during the last year, in part because of a perceived lack of support for the amendments. Therefore hopefully testimony will factor into HDOA's decision to move these amendments forward.

The authority to stop a business from selling pest-infested merchandise and to require the business to treat infested areas of their stores is a basic, common-sense authority regularly used by other States to protect consumers, agriculture, and the environment. These rule amendments would provide both the incentive for nurseries and garden centers to be part of the solution and also the potential for consequences for not taking responsibility for addressing known infestations. **Hawaii is in a unique place and situation where we can easily stop the spread of these invasive species and pests, so we should enact these simple and logical measures in order to do so.**

This rule is needed both to ensure that HDOA can take action on the small number of nursery and garden shop business owners that are known, on-going "bad actors" and to immediately address other situations where some specific merchandise is discovered to have a pest infestation. Stopping pests early and at critical control points protects other nurseries, garden shops, the entire agricultural industry, the environment, and the public.

These rule amendments also include sensible measures to reduce the spread of CRB around Oahu in greenwaste, palms, and other products that serve as "host material" for CRB adults or larvae and to prevent CRB from further spreading from Oahu to other islands. The amendments require businesses that transport or process CRB host material on Oahu to use best management practices to prevent further spread of CRB and suppress existing populations. The amendments provide HDOA the flexibility to modify those best management practices and restrictions on host material movement to address the changing CRB infested areas.

**Please support these new rules and amendments.**

Sincerely,  
Michelle Shin  
Born and raised local.



# 253

**Ho, Jonathan K**

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**From:** Angela Rouhier <angelarouhier@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:20 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony on the Proposed Amendments to Title 4, Subtitle 6, Chapter 72

To whom it may concern,

I strongly support the proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules" to, Among Other Things: Implement Quarantine Restrictions on the Coconut Rhinoceros Beetle (CRB) and CRB host materials; Implement Fees for Inspections and the Processing and Issuance of Permits; Establish Authority to Prohibit the Movement of Infested Materials Within the State; Include Penalties for Non-compliance; and Make Other Changes for Clarity or Simplification and Other Non-substantive Changes Correcting Grammar, Punctuation, or Typeface.

As a citizen and landscape professional I see the importance of these amendments to protect Maui from unintentional spread of adults or larvae CRB.

No one wants unnecessary regulation or to impede business - but that's not what these measures will do. These are NECESSARY, reasonable and rational measures that should be taken to protect Maui from CRB.

Without these proposed amendments it's only a matter of time before Maui finds more imported CRB. With no substantial locally produced compost and the amounts of organic material being imported to Maui from Oahu these proposed amendments are the only common sense safeguard we can put in place.

Without intervention the potential cost of damage and management of CRB is exorbitant, an expense the taxpayers should not have to take on because we neglected to take action when we had the chance.

Please consider approving the HAR Chapter 72 rules to protect the special environment of Hawaii.

Mahalo,

Angela Rouhier



Testimony  
Hawaii Administrative Rules  
Proposed Amendments to Title 4, Subtitle 6, Chapter 72

January 30, 2024  
Page 1 of 2

As one of the state's new farmers I'm finding how hard it is to answer the call for diversified agriculture and food security. Recently at an annual meeting of the Farm Bureau, I believe Larry Jeffs was introduced as a descendant whose family farmed when the pilgrims arrived at Plymouth. The point made by the moderator was that most of us are doing our best to ensure our children will continue to have food to eat and a healthy environment.

Despite having an inflated ego and believing I know more than anyone else, I asked the department of AG to inspect my properties. I had just planted 100 coconuts and about half as many bananas and was concerned about the coconut rhinoceros beetle.

We use wood chips to reduce water, improve soil texture and fertility, and suppress weeds. A field agent arrived within days. He suggested I spread the mulch thinner and offered to schedule the canine team.

It was a very positive experience; **your first step should be education.** Regrettably the canine program was discontinued. I didn't realize that the state and federal government had given up on Oahu and decided to focus its energy on our ports.

I've brought props to help you understand my frustration. We have been misled to believe that the state had the problem in control. \$1,000.00 has been added to my annual expenses not including the cost of labor.

Regarding amendment 10 to clarify the state is not responsible for economic loss or damage; when we hold government responsible, ultimately the result is higher taxes and fees to compensate an injured party that had unrealistic expectations, such as myself expecting the canine unit to come to my property.

There should be a way to hold individuals and department heads responsible much like was done with the late Honolulu police chief. If the state and federal government have given up on Oahu, how can we hold individuals responsible.

The state has an obligation to inform the public of potential problems. We shouldn't have to get this information through the Freedom of Information Act and the courts.

Once a business has been educated, **I believe in enforcement by instituting deadlines to complete best management practices.** A non-compliant business could be issued a placard like the health department puts on restaurants.

#254

Testimony  
Hawaii Administrative Rules  
Proposed Amendments to Title 4, Subtitle 6, Chapter 72

January 30, 2024  
Page 2 of 2

I mention this example because I find it odd - the University of Hawaii has deep mulch around many of its trees. Their grounds crews should be better educated than the public, so I find this a very unusual situation.

Regarding Amendment 9 establishing fees for inspections permits and mileage reimbursements. I don't believe this is warranted as I'm concerned our state is not spending our tax money wisely.

Examples are:

Near my home \$3,000,000 was spent to remove invasive seaweed in Maunalua Bay only to have a new set of invasives establish themselves. The Oio population is decimated.

At Makapuu the naturalized plants have reestablished themselves where 90% of the natives we planted died.

At the University of Hawaii Kapiolani Culinary School, the same scenario played out - we paid a \$1,000,000 for dead plants.

Fining farmers, creating more rules, adding to our cost of doing business and therefore our cost of living is going in wrong direction. The state, city and federal governments need to start looking at the results of the "feel-good" projects I used as examples above and correct their ways.

One would think that the Hawaii Visitors Bureau that is selling white sand beaches and coconut trees might repurpose it's \$60 million to protect our environment and provide amenities such as functioning bathrooms and showers for our visitors at our public parks.

A new environmental tax? We should be asking ourselves why our existing laws and procedures are not functioning. I suspect it's because we're not using the tools we have in place, instead finding reasons for why the state cannot do their jobs.



Kevin Mulkern

808 396 6595



#255

**Ho, Jonathan K**

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**From:** Jennifer Allen <jrallen.ak@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:26 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

Aloha,

I am writing in strong support of the proposed amendments to Title 4, Subtitle 6, Chapter 72, HAR: "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules." I support implementing these rules to enable the Hawaii Department of Agriculture (HDOA) to fulfill its essential duty of protecting Hawaii by curtailing inter- and intra-island movement of invasive pests that threaten our communities, agriculture, and ecosystems.

I feel that it defies common sense to not already have such rules, at a minimum, in place. For example, many people are shocked to learn that Hawaii currently has no mechanism to stop the open public sale of plants infested with little fire ants (LFA). How can this be? The recent spread of coconut rhinoceros beetle (CRB) to Kauai, and the expansion of multiple infestation populations of LFA on Kauai, are potentially calamitous events that have occurred despite the best efforts of communities and most vendors to implement voluntary best practices, sharply highlighting the need for help from regulatory authorities.

The risk to our islands is exponentially growing with each day of delay. I strongly urge approval and speedy implementation of the proposed amendments.

Thank you for the opportunity to comment.

J.R. Allen  
Kauai



# 256

**Ho, Jonathan K**

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**From:** Dale Kanehisa <dalekanehisa@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:27 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for Proposed Amendment to Chapter 72

Aloha,

I am writing to express my opinion in favor of the proposed amendments to HAR chapter 72 rules that would enable HDOA to stop a business from selling plants and other products that are infested with invasive pests. The spread of invasive species is a major threat to Hawaii's native species, ecosystems and Hawaii communities.

I was appalled to read an article a month or so ago regarding nursery(s) known to be selling plants infested with little fire ants, but no one would release the nursery name. As a consumer, I would have been horrified to have purchased plants from the "bad actors" and unknowingly introduced something like the little fire ants into my yard and neighborhood. Action must be taken now while there is still a chance to control the spread of invasive species. This amendment would enable the HDOA to hold nurseries and garden shops to run their businesses responsibly. If there are tools available to help control the spread, it only makes common sense to employ them now. To do nothing and allow invasive species to spread will only lead to more costly controls later and significant adverse impacts to the environment and economy.

I appreciate your consideration.

Mahalo,  
Dale Kanehisa

#257

**Ho, Jonathan K**

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**From:** Alyssa Johnson <aodom@hawaii.edu>  
**Sent:** Tuesday, January 30, 2024 5:30 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony

My name is Alyssa Johnson and I am a 2L at William S. Richardson School of Law. I support the proposed amendments to HAR Chap. 72 allowing HDOA to stop the sale of products with invasive pests.

The current rules are a good start, but they lack strength without enforcement power. Invasive species pose serious threats, and quick action is needed to prevent their spread on the island. The proposed amendments are crucial for addressing this urgent issue.

Thank you for considering my testimony.

Best,

--

Alyssa Johnson  
JD Candidate, Class of 2025 | William S. Richardson School of Law  
(808) 404-4253 | [aodom@hawaii.edu](mailto:aodom@hawaii.edu)

**Ho, Jonathan K**

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**From:** Tyler Dail <tdail33@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:31 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony on the Proposed Amendments to Title 4, Subtitle 6, Chapter 72

To whom it may concern,

I support the proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules" to, Among Other Things: Implement Quarantine Restrictions on the Coconut Rhinoceros Beetle (CRB) and CRB host materials; Implement Fees for Inspections and the Processing and Issuance of Permits; Establish Authority to Prohibit the Movement of Infested Materials Within the State; Include Penalties for Non-compliance; and Make Other Changes for Clarity or Simplification and Other Non-substantive Changes Correcting Grammar, Punctuation, or Typeface.

Even as a private citizen with not much ecological background I see the importance of these amendments to protect Maui from spread of CRB.

These are necessary and reasonable measures that should be taken to protect Hawaii from CRB.

With no viable locally produced compost options and the amount of material being imported to Maui from Oahu it is truly only a matter of time before more CRB makes its way to Maui.

The taxpayers should not have to invest millions of dollars more into resources to mitigate CRB spread when we could take actions like the proposed HAR Chapter 72 rule amendments, to help prevent the inevitable future spread in the first place.

Please consider approving the HAR Chapter 72 rules to protect Hawaii, its palms and its people.

Mahalo,

--  
Tyler Dail  
[tdail33@gmail.com](mailto:tdail33@gmail.com)  
"Don't give up"



**Ho, Jonathan K**

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**From:** Sarah Overvoll <sovervol@asu.edu>  
**Sent:** Tuesday, January 30, 2024 5:31 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony-Proposed amendments to Title 4, Subtitle 6, Chapter 72 HAR

Sarah Overvoll  
534 Ka Awakea Rd, Kailua  
[Sovervol@asu.edu](mailto:sovervol@asu.edu)  
219-928-6175  
01-30-2024

To whom it may concern,

I am writing to express my strong support for the proposed amendments to Title 4, Subtitle 6, Chapter 72, Hawai'i Administrative Rules, entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules." These amendments, aimed at implementing crucial quarantine restrictions and enhanced treatment protocol on the Coconut Rhinoceros Beetle (CRB) and Little Fire Ant (LFA) and enhancing the overall framework for plant quarantine in the state, represent a significant step toward safeguarding Hawai'i's unique biodiversity and agricultural resources.

The inclusion of quarantine restrictions on CRB host materials is a proactive measure that aligns with our responsibility to safeguard our unique ecosystem and care for all creatures that seek to thrive within it. The CRB poses a significant threat to our coconut palms and other plant species, and swift action is necessary to prevent further spread and damage. Plants infested with LFA pose additional threats to the ecosystem that must be addressed with haste. These infested plants offer the invasive LFA the perfect opportunity to spread and colonize new areas throughout the islands. LFAs are a serious threat to the flourishing of Hawai'i's tropical ecosystems, native species of plants and animals, human health, and the economic future of Hawai'i (Lowe et al., 2000; Lee et al., 2015).

Enhancing definitions and refining key terms will contribute to a more precise and sound regulatory framework. Clarity in terminology is fundamental for effective communication and success of all stakeholders. The quarantine and compulsory treatment measures, penalties for non-compliance, and clarification that violations are pursuant to chapters 150A-14 and 141-7, HRS, are grounded in risk mitigation practice. Swift, decisive actions are imperative to prevent the inadvertent spread of these harmful invasive species. Additionally, enhanced inspection protocol, such as the discretion to inspect non-propagative plant parts, aligns with the best practice of comprehensive inspection and is essential in the detection and mitigation of invasive species and the threats they pose.

As a concerned member of our community, I am deeply invested in the well-being of Hawai'i's ecosystems, agriculture, and the health of those who live here. Invasive species, such as the Coconut Rhinoceros Beetle and Little Fire Ant, have the potential to inflict irreparable harm on our delicate environment. These amendments reflect a commitment to proactive measures, demonstrating the Department's dedication to preserving the unique biodiversity that defines our beloved state.

#260

**Ho, Jonathan K**

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**From:** Kiana Otsuka <kiana.otsuka@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:33 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for Proposed Revisions to Chapter 4-72 of HAR

Aloha,

My name is Kiana Otsuka and I am an O'ahu resident that cares a lot about limiting the spread of invasive species.

Thus, I am writing in support of the proposed revisions to Chapter 4-72 HAR. Specifically, I feel the revision made to stop the movement of nursery plants and other merchandise for sale outside of an infested site, until properly treated, is particularly important to stop the spread of invasive species, like the little fire ant.

Thank you for the opportunity to provide testimony in support of such an important administrative rule. I hope that DOA considers adopting the revisions.

Mahalo,

## **Kiana Otsuka**

*MSc Regional & Urban Planning Studies '16*

**London School of Economics and Political Science**

*BA Political Science, Urban Studies & Environmental Studies '14*

**Loyola Marymount University**

Pi Beta Phi, California Nu

[linkedin.com/pub/kiana-otsuka/43/b50/986](https://www.linkedin.com/pub/kiana-otsuka/43/b50/986)

Pronouns: She/Her/Hers

**Ho, Jonathan K**

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**From:** Nathan Keanini <kaainalandscaping@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:43 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony for HAR Chapter 4-72 amendments

Aloha Chair Hurd and members of the Board of Agriculture,

As an owner of a landscaping business on Kauai, I support the proposed amendments to Hawaii Administrative Rules Chapter 4-72.

In the horticultural field, we expect to have to regularly deal with and manage a certain amount of invasive pests. I incorporated best management practices into my business model to try to reduce the risk of spreading any invasive pests. But I also expect the Hawaii Department of Agriculture to regulate particularly harmful pests. If/when a nursery or store attempts to sell plants infested with little fire ants or compost packed with coconut rhinoceros beetle grubs, it is the Department of Agriculture's responsibility to prevent it. I should not have to worry about purchasing little fire ant infested plants and transporting them from client to client across Kauai.

It is the horticultural and agricultural workers that will have to deal with the consequences of widespread little fire ants, not only homeowners. These proposed changes seem like a start to help prevent the spreading of a terrible pest that no one is prepared to deal with.

I respectfully urge the Board to pass the proposed rule amendments.

Mahalo,

Nathan Keanini  
**Ka'aina Landscaping & Home Improvement**  
[kaainalandscaping@gmail.com](mailto:kaainalandscaping@gmail.com)



#.262

**Ho, Jonathan K**

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**From:** a\_duncan\_c@outlook.com  
**Sent:** Tuesday, January 30, 2024 5:51 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony in support of proposed changes to HI Adm Rules, Ch4-72

To whom it may concern-

It is of vital importance that the legislature increase funding and oversight of the Dept of Agriculture in order to more fully attempt to fight to ongoing scourge of invasive species (plants, insects, diseases, etc etc etc) that threatens our state and our way of life on a daily basis. These pest threaten our culture, our crops, our trees and forests, and our personal health. DoA must have the tools necessary to inspect and control dangerous invasive species. Please protect our special and unique state from this ongoing and increasing threat. Mahalo

Andrew Christie  
Hawai'i Island

# 263

**Ho, Jonathan K**

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**From:** michelle montgomery <mpaulimonte@yahoo.com>  
**Sent:** Tuesday, January 30, 2024 5:51 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] TESTIMONY for HAR Ch 4-72

Hawaii Department of Agriculture  
6 p.m. January 30, 2024  
Plant Quarantine Branch Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

Testimony in Support of the Proposed Changes to Hawaii Administrative Rules, Ch 4-72

Chairperson Sharon Hurd,  
I, Michelle Montgomery, strongly support the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

I've spent my career striving to help protect Hawaii from invasive species and this issue is very important to me. Time and time again I see first hand the damage they cause, the lives they impact, and the businesses they impact. Time and time again I've also seen a "willy nilly" approach taken to address invasive species once they arrive in Hawaii. I understand the Department is short funded, short staffed, while also being the target of increasing demands. I support the mission of HDOA and value the work they do. I also hold the Department to high expectations. I want to see HDOA grow to meet the needs and demands but if that's to happen, there can be no more excuses. No more loop holes allowing for inaction. The Ch 4-72 revisions being heard not only help protect Hawaii from irresponsible people in the ag sector, but (and most importantly to HDOA) it protects Hawaii agriculture from the few "bad actors".

I won't drone on because I've submitted testimony on this in the past, which I'm sure you've read. So please, adopt the rule changes and let's move forward in a positive light.

Sincerely,  
  
Michelle Montgomery (she/her)

# 264

**Ho, Jonathan K**

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**From:** Wahliya Kessell-Fay <wahliyak@gmail.com>  
**Sent:** Tuesday, January 30, 2024 5:52 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] HAR chapter 72 rules

January, 30 2024

Aloha,

My name is Wahliya Kessell-Fay, I am a student at the University of Hawaii- West O'ahu studying Sustainable Community Food Systems and Political Science. I am also a full-time organic farmer and have worked in the sector for the past six years. My occupation requires careful monitoring and mitigation of pests. Introduced pests such as the tiny fire ant and Coconut Rhinoceros Beetle have greatly impacted farming in Hawai'i. Other introduced pests wreak havoc on our ecosystems and native wildlife populations. The regulation of infected merchandise at nurseries and plant shops could help mitigate the potential spreading of harmful organisms that can destroy ecosystems and livelihoods. Stopping pests early and at critical control points protects other nurseries, garden shops, the entire agricultural industry, the environment, and the public. Please take action, for the future of public safety and continued ecosystem resilience in Hawai'i.

Mahalo,  
Wahliya Kessell-Fay



#265

**Ho, Jonathan K**

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**From:** Cameran McCoppin <mccameran@gmail.com>  
**Sent:** Tuesday, January 30, 2024 6:02 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] testimony

To whom it concern:

I strongly support the proposed amendments to chapter 4-72, Hawaii Administrative Rules.

I was shocked and disappointed to find that rules regarding the deliberate movement and sale of infested material have not been made or enforced by the Hawaii Department of Agriculture. I can not think of a single reason why the department of agriculture would be okay with protecting bad-faith actors who knowingly distribute material which is infested with pests such as Little Fire Ant, Coconut Rhinoceros Beetle, and Coqui frogs, all of which would have profound and enduring negative state-wide impacts. These impacts would affect every single sector that is important to the Hawaii economy including: tourism, agriculture, and property values, as well as the day-to-day life styles of all community members and visitors.

HDOA should be protecting and supporting the agriculture industry by implementing and enforcing rules which limit the chances of spread of highly invasive pest species that make it physically painful to harvest crop and reduce the quality and yield of their crops.

HDOA should implement and enforce rules which protect the consumer and the public from unwittingly offering their land and their home to highly invasive stinging insects which can blind their beloved pets, make living their day-to-day lives difficult, and contribute to long-term health problems.

HDOA should protect the increasing number of nurseries who will be eventually forced into a position to make decisions weighing the value of their business against revenue required to survive. As other states and nations around us continue to ramp up bio-security, Hawaii must do the same or risk being pushed out of the export market entirely.

Failure to implement and enforce these rules would only benefit bad-faith actors and would pose a serious risk of deteriorating the public image of the Hawaii Department of Agriculture. This would make it increasingly difficult for HDOA to fulfill its mission as an organization by bringing into question the capacity of the department to serve its purpose.

I urge you to pass the proposed amendments to chapter 4-72 to make right the delay of the HDOA to do what was common sense a decade ago. The implementation of this rule can only be understood as a basic and urgent necessity, without which the efforts of the HDOA to manage the spread of invasive species will matter little.

Sincerely,  
Cameran McCoppin



# 266

## Ho, Jonathan K

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**From:** Jamie Tanino <jamietanino@gmail.com>  
**Sent:** Tuesday, January 30, 2024 6:24 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony - HAR Chapter 4-72

Born and raised and still residing in Kaneohe, I grew up watching the yellow crazy ants (*Anoplolepis gracilipes*) march on the sidewalk and into my rockwall. I'd tap on them and watch them run around in crazy lines like a gazelle zigzagging away from a lion. I'd catch the green anoles (*Anolis carolinensis*) and put them in an aquarium to keep as 'pets'. In the canals, I'd catch swordtails (*Xiphophorus hellerii*) and crayfish (*Procambarus clarkii*).

Each and everyone of these I just listed are non-native and invasive species that managed to come to our beautiful island home. Due to lax in biosecurity, lack of funding, short staff, weak laws, loopholes, benefits outweighing the costs, and/or negligence, they've all managed to invade and still persist here today.

The yellow crazy ants can now be found up in the summits of the Waianae Mountains and are a detrimental threat to the Hawaiian tree snails. The same Hawaiian tree snails we celebrated in the Year of the Kahuli in 2023. The green anoles have now been taken over by the much faster and aggressive brown anoles (*Anolis sagrei*) that I no longer see the green guys in my yard. And the swordtails and crayfish compete for food and resources with our Hawaiian freshwater gobies and prey on the naiads of the Hawaiian damselflies.

Hawaii is already the endangered species capital of the world. It's not a good thing, it's not. It's not something to brag about. And it's getting worse. So let's stop this madness of trying to control invasive species when we can eradicate them and put a stop to it.

Honestly, I was dumbfounded, flabbergasted, appalled and very very disappointed to learn that our Hawaii Department of Agriculture does not have the power or the means to do what they need to do to protect our environment, the public, our agriculture from pests that could damage or hamper our way of living, our economy, our environment, and especially our endemic species that are found nowhere else in the world.

We live on an island. It's few and far between for pests to come and survive their journey here on their own. And I know we don't have the resources to check every plant, fruit, vegetable, vehicle, and shipment container that is brought in via ships and planes. It would be amazing and wonderful if we could but since we can't, the least we can do is control and eradicate to the best of our ability and resources once they do.

I work in the conservation field and have dedicated my life to restoring our forests, protecting our native species and caring for our watershed. At home, I also love to garden. I know it's a constant battle against the bugs, the birds, ungulates, weeds, various pathogens, and fungus. But we need to try. This is our home.

When I first heard about little fire ants (*Wasmannia auropunctata*) on Hawaii Island, my immediate thought was if it's not eradicated and it makes its way to Oahu into our forests I might not be able to do what I love. And that would devastate me.

Recent headlines are about the coconut rhinoceros beetle (*Oryctes rhinoceros*) that has now been found breeding on neighbor islands. On social media, I constantly encounter people showing photos of the larvae that they've found in 'new' bags of soil that they recently purchased or dug up from their garden beds. I've driven past coconut trees with signs of beetle damage. They're marching down the windward coast from the north towards my hometown. I have enough pests in my own yard to deal with, I sure don't need another. And my conservation colleagues are trying their best to save the endangered Hawaiian fan palm (*Pritchardia kaalae*) as the beetles have found a population of these endangered palms that were flourishing through

decades of management of rats, ungulates and fire mitigation. Will *P. kaalae* become extinct due to poor control and eradication efforts? I hope not.

So please, support the Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules". Businesses shouldn't be allowed to help the spread of invasive species. Patrons shouldn't be allowed to purchase goods that contain pests, unknowingly or otherwise. If we can contain these pests to a nursery or garden shop, the better chance we'll have to eradicate them.

Thank you for your time and all that you do.

Sincerely,  
Jamie Tanino

"In every walk with nature one receives far more than he seeks." John Muir, 1877

Laugh. Love. Live.



**Ho, Jonathan K**

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**From:** Kawaila Purdy <kawailahia.aloha@gmail.com>  
**Sent:** Tuesday, January 30, 2024 6:53 PM  
**To:** HDOA.PQ.TESTIMONY  
**Subject:** [EXTERNAL] Testimony\_Chapter\_72

Chairperson Sharon Hurd,

I, Kawaila Purdy, support the proposed changes to chapter 72, Hawaii Administrative Rules which are necessary to prevent the spread of particularly harmful invasive pests within Hawaii.

I am a Native Hawaiian from the Island of Molokai. Here we already deal with many different invasive species that threaten our native ecosystems and our cultural lifestyles. I am thankful that we don't have LFA, coqui frogs, and Coconut rhinoceros beetles here on Molokai, but we are at high risk. We are susceptible and threatened by not only those three species but many others that we don't know of and wanna know about.

HDOA has NOT done its job, they were not checking incoming product to the islands. They are not checking every shipping container.

I often wonder, Why didn't we have stricter laws on quarantine and decontaminating freight? Like, fogging every shipping container or Airplane upon arrival at the Port of Honolulu, as they do in Tahiti, Cook Islands and in New Zealand.

They continue to allow products to be shipped by boat and air unchecked/uninspected between islands. HDOA inspectors are not at ports or airports checking cargo. Why?

Over the years we've seen the devastating impacts that invasive species have caused in Hawai'i. This was an issue for decades, OUR Kupuna and others before us have spoken and fought about this very issue we speak of today.

They observed and recognized these issues long ago and feared these issues we deal with today would come. Now here We are in 2024 with the bigger issue. Don't you think We should have listened and put strict laws down before it got out of hand? There is things you can't fix but I am here to support any further spread of any invasive species.

So yes, I beg and plead to ban all peoples and businesses from selling invasive species. This includes plant species, insects species and anything else that is unknown to Hawai'i. I have studied Hawaiian Culture and Natural resource management and currently work with the Molokai Plant Extinction Prevention Program.

It's a rewarding but yet a depressing Job since we see first hand a decline and extinction of unique Hawaiian plant species due to invasive species. Not only plants, insects, and animals our threatened, but our WATERS, our main source of LIFE is also high at risk. OUR WAI DEPENDS on our main Hawaiian tree 'ŌHI'A which is threteaned by 'ōhi'a Rapid Death.

We can't afford to lose anything else.

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If HDOA continues to blame others for not having enough support or staff, we will lose all we hold dear in Hawaii. Than can We actually call ourselves Hawaiian without the plants and animals that make us unique? I think Not.

I support the efforts BUT emlore the HDOA to take more action. Push to create more laws to protect us and our envrionment from future invasions. Lets create a model for protecting our borders similar to that of New Zealand's Biosecurity <https://www.mpi.govt.nz/biosecurity/>. The functional templates for protecting islands are available to us and are proven to work. Let us follow these resources.

For these reasons, I ask that you please enact these changes to chapter4-72.

Sincerly,  
Kawaila Purdy



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e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

Submitted via email to: [hdoa.pqtestimony@hawaii.gov](mailto:hdoa.pqtestimony@hawaii.gov)

January 30, 2024

Hawaii Department of Agriculture  
Plant Quarantine Branch  
1849 Auiki Street  
Honolulu, HI 96819

**RE: Testimony on Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"**

Aloha Chair Hurd and staff:

I am Darren Strand, President of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

HFB acknowledges the enormity of the task of preventing destructive invasive species from entering the State and managing those that become established in our islands. We appreciate the difficult work of HDOA and its partners in preventing entry and their efforts to eradicate or control these detrimental animals, insects, weeds, plant diseases, and other pests.

We certainly understand the need for policies and procedures to prevent the spread of these species and as farmers and ranchers, we would clearly benefit from an environment free from devastating pests. However, the regulated community, including agricultural producers, must be able to understand and comply with the regulations that apply to their businesses. HFB and its members are not opposed to updated regulations in this area. We want and need regulation of invasive species that are profoundly threatening and impacting the environment, public and animal health, and our unique way of life here in Hawai'i.

However, for regulations to be effective, industry, as well as the public, must be able to understand in plain language what is required, for example; are these rules equally applicable to the general public, what exactly can and can't be moved within a community or a particular island or interisland, who is required to be inspected and how, who must obtain a permit and under what circumstances, who makes the decisions regarding whether a material is able to be moved between neighborhoods or further, how treatments will be mandated, if there will be financial



and other assistance for treatments and for whom, and where all of this information can easily be found and understood.

As agricultural producers, we would like to better understand the reasons for, and the implications of, some of the proposed amendments. The following are some of our concerns.

- The term "Pest" and "Pest host material" are now defined. It appears that just about everything can be deemed to be one or both of these terms. Without further clarification and a means to easily identify whether something is regulated, commercial producers may find themselves out of compliance with the regulations and subject to onerous measures including costly penalties, quarantine, and further detriment to their business. For example, Subchapter 2, Intrastate Restrictions §4-72-15 "Examples of regulated pests" provides just that; *examples* of pests, but the list is not limited to these. Will the Board be determining each specific organism to be declared a pest, and will the list be published and easy to access?
- The term "SPRO" has been added to Chapter 4-72. It is defined as "the State Plant Regulatory Official for Hawaii or a designee of the SPRO". This seems to be a circular and obscure definition. Because it replaces the term "Chief", which is defined as the chief of the plant quarantine branch, a known and professionally qualified and vetted administrator who is given broad powers and authority over many critical decisions throughout the chapter that will impact production agriculture, we would like to know the reason for the amendment, who will decide the entity chosen for that position, what the qualifications for the position are, whether it can be any State employee or designee of that person, etc. Without further understanding of the reason for the amendment and the process, or why that particular term is necessary, the change should not be made, or, if necessary, the definition should be clarified to identify the SPRO as the HDOA Plant Industry Division Administrator or designated Division personnel.
- The proposed HAR 4-72-6 "Restrictions on transport, harboring, rearing, or breeding of pests" would appear to cause every person, including homeowners, to be in violation of this rule and subject to penalties if that person, even unwittingly, has a single pest (defined very broadly) on his property.

We know that Department funding and staffing has long been an obstacle in adequately preventing the entry and establishment of dangerous and damaging invasive species. This proposed rule will require extensive resources and personnel to assure public and industry compliance, starting with clear rules, effective outreach and education for the public and commercial producers. HFB would like to work with the Department to help make this possible.

Thank you for your support of Hawaii's agricultural producers.

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Hawaii Cattlemen's Council, Inc.

Tuesday, January 30, 2024, 6:00 PM

Submitted via email to: [hdoa.pqtestimony@hawaii.gov](mailto:hdoa.pqtestimony@hawaii.gov)

RE: Proposed Amendments to Title 4, Subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"

Chair Hurd,

Preventing the spread of invasive species in Hawaii is a top concern of the Hawaii Cattlemen's Council. It takes a concerted effort to manage established species and prevent new invasives from entering the state. We support more funding and resources to support the implementation of policies and procedures, especially in light of the threat of Twolined Spittlebug.

As agricultural producers, it is important to understand the implications of some of the proposed amendments and we are asking for attention to the following concerns, which we share with the Farm Bureau:

- The term "Pest" and "Pest host material" are now defined. It appears that just about everything can be deemed to be one or both of these terms. Without further clarification and a means to easily identify whether something is regulated, commercial producers may find themselves out of compliance with the regulations and subject to onerous measures including costly penalties, quarantine, and further detriment to their business. For example, Subchapter 2, Intrastate Restrictions §4-72-15 "Examples of regulated pests" provides just that; *examples* of pests, but the list is not limited to these. Will the Board be determining each specific organism to be declared a pest, and will the list be published and easy to access?
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We support the efforts of the Department of Agriculture to control invasive species in the state and appreciate proposed rules that are both effective and reasonably implementable.

Thank you for the opportunity to testify on this matter. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director