



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

October 22, 2024

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

**RE: Testimony on Proposed Amendments Chapter 4-72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules"**

Aloha Chair Hurd and Members of the Board:

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.

If the proposed amendments are approved, we request that the HDOA commit to issuing a **Guidance Document** for clarity. This guidance document should contain explanations on the following:

- A clear explanation on the impacts of harboring pests and any repercussions.
- An explanation of fees and how they will be implemented.
- How a quarantine would be enacted, administrated, and the steps to end the quarantine with a timeline.
- An updated list of regulated pests, with their status being vetted, and the suggested actions by the HDOA.

As agricultural producers, we would like to better understand the reasons for, and the implications for, some of the proposed amendments. The following are some of our concerns that we provided to the HDOA during the January 30, 2024, Public Hearing on proposed amendments to Title 4, Subtitle 6, Chapter 72, HAR, entitled “Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules:

- 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 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. These proposed amendments 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.



**Aloha Board of Agriculture,**

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 350 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Proposed Amendments to 4-72, Hawaii Administrative Rules (HAR), entitled “Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules”

We understand the need to update the amendments yet we still have large concerns on the changes being implemented.

To put it simply the Language in the proposal is confusing. We would like to easily share with our membership/growers what we are being asked to do. So, if these changes go forward, we find it of importance to have a **Guidance Document** for clarity.

This guidance document should contain explanations on the following:

- A clear explanation on the impacts of harboring pests and any repercussions.
- An explanation of fees and how they will be implemented
- How a quarantine would be in-acted, administrated, the steps to end the quarantine with a timeline of the steps needed.
- A current list of regulated pests, with their status being vetted, and the Suggested actions by the Department.

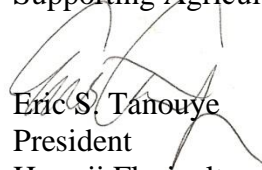


This information delivered in an easy to digest format will allow our grower/producers to have trust in the system the Department of agriculture is putting forth and the system is in place not to jeopardize their livelihoods with complicated requirements but to help assist them in production.

Then with this information gathered it would be good to meet with Stake holders to explain the changes.

Thank you for your consideration of our review and suggestions on the changes to Chapter 4-72 and if you have any questions, we can be reached by phone at 808-959-3535 ext. 2627, cell 808 960-1433 and email [eric@greenpointnursery.com](mailto:eric@greenpointnursery.com).

Supporting Agriculture and Hawaii,



Eric S. Tanouye  
President  
Hawaii Floriculture and Nursery Association



Aloha Chair Hurd and Board of Agriculture,

10-22-24

My name is John Gordines, owner of Tropical Flowers Express and president of "Hawaii Tropical Flowers & Foliage Association-Kauai Chapter.

I am submitting testimony in regards to Proposed Amendments to Title 4, subtitle 6, Chapter 72, Hawaii Administrative Rules (HAR), entitled "Plant and Non-Domestic Animal Quarantine Plant Intrastate Rules".

Industry wants to comply with proposed changes but there is language and rules that are very confusing and not clear. HDOA should make the proposed rules easier to understand how one complies with the law. Plant Quarantine needs to issue a "Guidance Document" for clarification and meet with stakeholders to explain and clarify the impacts of harboring and quarantine.

Does Jonathan Ho agree with the list of regulated pests, or should the list be amended?

Respectfully submitted,

John Gordines

[gordines@kauaiflowers.com](mailto:gordines@kauaiflowers.com) / 808 651-9711