

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

**MINUTES OF THE PUBLIC HEARING
On Proposed Amendments to Chapter 4-72
Hawaii Administrative Rules (HAR), Plant and Non-Domestic Animal Quarantine
Plant Intrastate Rules**

January 30, 2024

Present:

Misty McElyea, Hawaii Department of Agriculture (HDOA) Plant Quarantine Branch (PQB)
Tara Yamashita, HDOA Plant Industry Division (PI)
Sharon Hurd, HDOA Office of the Chairperson
Carol Okada, HDOA PI
Dexter Kishida, HDOA Office of the Chairperson
Stephen Dalton, HDOA
Carol Kwan, Carol Kwan Consulting
Michael Shiroma
Francis Empeno Jr.
Wayne Tanaka, Sierra Club of Hawaii
Thomas Heaton, Honolulu Civil Beat
Nate Dube, Oahu Invasive Species Committee (OISC)
Kevin J. Mulkern, Mulkern Landscaping and Nursery
George Atta
Christy Martin, Coordinating Group on Alien Pest Species (CGAPS)
Kimeona Kane, Waimanalo Neighborhood Board
John L. Reppun, KEY Project
Devon Casem, 808 Clean Up
Sunday Hussey, 808 Clean up
Stephanie Easley, CGAPS
Adrienne Antonsen, Bishop Museum
Joe Wat, Hui Ulu Me Ai
Alfred Keaka Hiona Medeiros
Jarrett Keohokalole, Hawaii State Senate

Others Virtually Present:¹

Jenny Allen
Lisa lai
JT
Kailee Lefebvre
Helene Jo
Thomas Grande
Sen. Gabbard Office
Chelsea Arnott
Glenn Sako
Chuck Chimera
Ellie Montgomery
ethanromanchak
Jessica Leong
Howard Dashefsky
Keani Rawlins-Fernandez
Leyla Kaufman
Keoni Shizuma
UOH - Keith Weiser
18Mahalo@
Kawehi Young
Lorraine
Molly Murphy
Napua Casson
iPad (6)
ariel
Keomailani Hanapi Hirata
Andrew Phomsouvanh
Jade Miyashiro
Nani Parker
Keahiolalo
Larry
Franny Brewer, BIISC
EB
Alberto Ricordi
Sharde
Tiffani Keanini, KISC
Janet
Johnny Gordines
Nancy Redfeather
Dexter
Mark Ladao

¹ The identification of the public members is based on their sign-in name but are not verified.

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Brendon Lau
Aubrey
Darcy Yogi
aileenye
Choon James
Hānai Kaiāulu
Cameran M
Elizabeth Speith
Nani
Cailey Etherington
Ambyr Miyake
Jamie Miller
Glenn Sako, COH R&D
Kahla
Anita Manning
Shaileyah Amolsch
TARA
Miki
Dori's iPad
KHON2 News
Mike Kasper
Dr. Michelle Nuijen
Kevin Faccenda
Kailee Lefebvre – CGAPS
Jonathan Ho

Call to Order

Mrs. Carol Okada, hearing officer for this public hearing, called the hybrid meeting to order at 6:04 PM on January 30, 2024, in person at PQB Conference Room located at 1849 Auiki Street, Honolulu, Hawaii 96819 and simultaneously via Zoom virtual meeting, to accept public comments on the proposed rule amendments.

PQB Notes: *Acting Administrator Okada's 89-day appointment was completed in June. As a result, Plant Quarantine Branch Manager Jonathan Ho was appointed as the Hearing Officer to complete the rulemaking process.*

Introductions

Mrs. Okada introduced herself then announced that this was a public hearing to receive testimony on the proposed amendments to Hawaii Administrative Rules, Title 4, Subtitle 6, Chapter 72 –“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.

She stated the proposed amendments to the administrative rules were advertised in a Notice of Public Hearing on December 27th, 2023, in the Honolulu Star-Advertiser, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers. She asked Mr. Stephen Dalton to explain how to testify virtually.

Mr. Dalton provided directions on how to testify virtually. He noted that in-person then virtual testifiers would be alternated.

Public Testimony

1. Carol Kwan, Carol Kwan Consulting

Ms. Kwan said she was a certified arborist on Oahu but worked statewide. She said she has been stung by Little Fire Ants (LFA) and has reported them to OISC. She said she was concerned about the movement of the pest and the failure to do what needs to be done to eradicate. She said she wished this had been done ten years ago and had also submitted written testimony.

2. Dr. Michelle Nuijen, private citizen

Dr. Nuijen said she is an environmental program specialist for Maui County but was testifying as a private citizen. She was strong support of the proposed amendments to 4-72, HAR because they were critical to protecting our communities, agriculture and environment from invasive pests. She said the current rules are unnecessarily limited and therefore ineffective, despite the economic, environmental and cultural risks. She said businesses are only asked to voluntarily stop selling pest infested merchandise and it isn't working. She said we've seen infestations spread by businesses and consumers noting the CRB findings on Maui. She said the amendments give HDOA the necessary authority to stop the sale of infested goods and require businesses to treat contaminated areas. She said this approach aligns with common sense practices in other States, protects consumers, and ensures cultural and ecological safety. It also levels the playing field for responsible businesses, ensuring everyone adheres to the same standards and bears equal responsibility. She said the amendments address the CRB spread on Oahu, and the expansion to other islands. By enforcing best management practices for relevant businesses, we can better curb existing populations and prevent further spread. She urged HDOA to see the immense value in these amendments. She said they are not just reactive

measures, but proactive steps to preserve Hawaii's unique biodiversity as well as its agricultural cultural and economic integrity.

3. Michael Shiroma

Mr. Shiroma said he was a concerned citizen from Palolo Valley and was in support of the amendments. He said he's seen a lot of change as far as invasive species and lives right next to a nursery that has coqui frogs. He did not want to see continued proliferation of different invasive species and was concerned that Oahu would be come like Hawaii Island with coqui. He said lots of change was needed to be done and wished things were done decades ago but was in support of the changes to the rules to get the problem under control.

4. Thomas Grande

Mr. Grande said he and his wife own a small farm in Waimanalo and was in support of the proposed amendment to 4-72. He's lived in Waimanalo for 47 years and are facing an invasion of coqui frogs, LFA, and CRB. He said Waimanalo is home to many plant nurseries and is the epicenter of invasives coming from other islands and locations and as a result, has become the source for the spread of invasives to other parts of Oahu. In 2014, he experienced the first major outbreak of LFA, and with the help of CGAPS, local residents focused on the area of infestation. At Kakaina and Waikupanaha Street they surveyed the entire area to make sure they were free of LFA and followed up in subsequent years with the Waimanalo Agricultural Association to make sure that the nurseries were fully informed. He said early containment is the best solution to stop the spread of invasives. Given the current state of invasives in the community, voluntary compliance by some local nurseries is not working. In the last decade, he believed HDOA was actively and aggressively working to contain the spread of invasives but now understands that HDOA's hands were tied, and efforts stymied by the lack of common sense, enforcement, procedures, and penalties. He asked that these amendments be passed to give HDOA the power to investigate and enforce the rule to curb the tide of invasive pests.

5. Wayne Tanaka, Sierra Club of Hawaii

Mr. Tanaka said he was in strong support of the proposed rule amendments and wanted to highlight that everyone is stepping up to take on this biosecurity crisis. He said the City Council, Legislature, and community groups, organizations, and leaders are taking action. He had a letter from November, where over two dozen community organizations signed on decrying the future that we are potentially passing on to our kids and our grandkids because of the lack of biosecurity controls, including what's in this rule package. He said it's not just environmentalists, but teachers, doctors, farmers, everyone recognizes how transformative and negative and impact that LFA and CRB can have on the

landscape. He encouraged looking at the Advisory Committee on Plants and Animals at most testimonies that were submitted last year. You have doctors talking about how much more concerned they are about kupuna that are presenting themselves with fire ant bites, and if you know how fire ant bites work, they erupt, and then increase risk of infection, which increases risk sepsis and serious illness and death. He said they surveyed a number of nurseries to see what their position was on the rules and 11 out of 12 that took the survey were in support of these rules, therefore the nurseries themselves don't want to be contributing to this ongoing crisis.

6. Nancy Redfeather, Private Citizen

Ms. Red Feather said she has a small farm in Kona and does some experimental agriculture right now, working on table grapes for Hawaii, and also working with agricultural education. She was in strong support of the changes to chapter 72. She said reports to the State Legislature each year on invasive species have suggested that there needs to be an authority to oversee the rules and regulations around invasive species, and this is one thing that has not happened. She applauded Chair Heard and all colleagues for helping to create this authority that is so needed here. She said she has been hunting coqui frogs here for 20 years, LFA have now moved down on the street, her avocado trees are now defoliated, and so on. She said this is needed not just to stop the spread of invasive species, but to preserve our community food system.

7. Nate Dube, OISC

Mr. Dube said he is the manager of OISC and submitted written testimony, but came to submit some oral testimony and strong support for the proposed changes. He said OISC is one of the lead agencies on Oahu dealing with LFA and coqui and is assisting with CRB. He said the treatments that we do on the ground and a lot of the work that we're putting in can work to address the issue, but the biggest missing piece in our response is regulatory authority to stop the movement of infested materials that continue to spread. Some of these pathways could spread other high impact invasive species around the island and potentially to other islands. We've seen regional eradications in the past work for LFA in Mililani, and even in Waimanalo, but when they continue to get infested nursery stock from elsewhere and there's no regulations to stop the movement of those products without proper treatment, we're going to be continuing to fight a losing battle, and costs will continue to rise. He said treatment costs aren't going away and one of the best ways to add a tool to our toolkit right now is to enforce these proposed changes. He said HDOA goes good work and that HDOA can help stop the spread of LFA and other high impact invasive species. LFA is one of the 100 worst invasive species in the world, and he really encouraged HDOA to pass these proposed changes. He said it will really help our multi-agency effort to

control these species and thanked HDOA for the hard work and really appreciated everything that they do.

8. David Shizuma, Private Citizen

Mr. Shizuma was in strong support of the amendments. He a little bit concerned with 4-72-4(b) and 4-72-5(b)(3)(b) which authorize the transportation of untreated infested commodity or pest host material to an island or location, where the insect, disease or pest is known to be established. He was concerned that even though an area may have invasive species established, moving additional populations to the same area would be beneficial. as it is possible to increase the size and strength of the population, allowing them to continue growing or prospering or spreading, but was otherwise in support of the rest of the amendments.

9. Kevin Mulkern, Mulkern Landscaping and Nursery

Before testifying, Mr. Mulkern asked if his submitted written testimony be available for people to read. Mrs. Okada said it would be once the hearing was over and all testimony was processed.

Mr. Mulkern said as a new farmer, he is finding it hard to answer the call for diversified agriculture and food security. Recently, at an annual meeting of the Farm Bureau, he believed Larry Jeffs was introduced as a descendant of those who farmed when the Pilgrims arrived at Plymouth. The point made by the moderator was that most of us are doing the best to ensure our children will continue to have food to eat and have a healthy environment. He asked HDOA to inspect his properties and had just planted 100 coconuts, about half as many bananas, and was concerned about the coconut. He uses wood chips to reduce water, improve salt, texture, fertility, and suppress weeds. He said a field agent arrived within days and suggested we spread mulch thinner and offer to schedule an inspection with a canine team. He said it was a very positive experience. He believes the first step should be education and regrettably the canine program was discontinued. He said he didn't realize that the State and Federal Government had given up on Oahu and decided to focus on the ports. He showed two products that he brought, one \$450.00, the other \$600.00, to control CRB. He was frustrated is controlling CRB added about a thousand dollars of cost to annual expenses, plus 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 the injured party. He said there should be a way to hold individuals and department heads responsible, much like what was done with the Honolulu Police chief. If the State and Federal Government have gone given up on Oahu, how can we hold individuals responsible? He said enforcement is important, but you need to give farmers or the person a chance to implement best management practices, and

the public should know what farms are not actually following best management practices.

10. Chelsea Arnott, HISC

Ms. Arnott said she is the HISC Coordinator and was here on behalf of the Department of Land and Natural Resources (DLNR). She said there was written testimony, but wanted to highlight that DLNR is one of the lead agencies tasked with implementation of the Hawaii Inter-Agency Biosecurity plan and that DLNR works to carry out their designated actions, but also to support the other Departments and agencies being successful at carrying out their own actions. She said the Inter-Agency Biosecurity plan was endorsed by all Departments represented by HISC, and that includes HDOA and DLNR. She said the plan was developed in 2016 and it specifically calls out the need to update chapter 72 in these actions. She said this chapter is referenced four times within the Inter-Agency Biosecurity plan, and it was highlighted as one of the main priorities to come out of the plan. She said DLNR leadership greatly appreciates HDOA moving these rules forward and the opportunity to provide our support.

11. Christy Martin, CGAPS

Ms. Martin said you have our written testimony, and her colleague Stephanie Easley will also be testifying. She said what's addressed in this rule has been a priority since 2016 it was also selected as a priority, by the HISC and CGAPS, and it is in our five-year strategy. She said they took the 147 actions from the Hawaii Inter-Agency Biosecurity plan, and prioritized what can we get done in five years and this encompasses a few of those action items. She said this is such a high priority and we don't have a chance to stop the spread of invasive species if it gets into a nursery if it spreads around the island, then we've lost all of the islands. We've seen that happen again and again, and so we need that authority to be able find a way to quarantine the area and treat it before it spreads before it is sold to the public and spreads around the island. She said she knows HDOA regulates interisland and we need to close down that circle and focus within an island as well, and your statutes allow you to do that.

12. Glen Sako, Private Citizen

Mr. Sako said he had a small landscape nursery as is testifying as a nurseryman. He said he agreed with the intent of this rule but had some concerns about it. He said the SPRO is no longer the chief of plant quarantine and asked if it will be a political appointment? If so, and if this person does not have any connection to agriculture, there's a concern that the decisions the position would take could adversely affect nurserymen. He had concerns about 4-72-6 on the restrictions on the transport, harboring, rearing and breeding of the pest of pests. He referred to the pest list in 4-72-15 that contained pests such as the giant African snail,

which is widespread along the Hamakua coast of Hawaii Island, and he had them on his property, so if he did not kill every single snail would he be charged with a misdemeanor for harboring a pest? He also mentioned a similar situation with papaya that were infected with the papaya ring spot virus, and someone happens to pass on to another person. Would that person be accused of transporting a pest?

13. Kimeona Kane, Private Citizen and President, Waimanalo Neighborhood Board

Mr. Kane said he is testifying as Waimanalo resident and also submitting testimony on behalf of the Waimanalo Neighborhood Board. He thanked HDOA for having the hearing 6:00 PM, making it available to the community at large to be present without having to decide whether or not to go to work for that afternoon. He said he was here as a community member living with invasive species in his community. He's heard stories of communities abroad on how invasive species have been a tremendous negative impact to a community's way of life; the cultural engage with our spaces; and economic drivers. He said Waimanalo is an agricultural community heavily populated with beautiful people that are wonderful at feeding our communities and beyond. He said they're having a hard time and they really need support and the help. He said he was personally affected by a nursery knowingly selling infested material and was disappointed to discover that HDOA was not equipped with the right tools and systems to take direct actions to resolve the situation. He said he was present to support these amendments. As a native Hawaiian in his community who is involved in the forested nature of the community, it was important to ensure that the community always has access free of the invasive species that threaten the way they live in that community.

Mr. Kane then testified on behalf of the Waimanalo Neighborhood Board. He said the Board have been at the forefront of this discussion for some time, calling attention to this to various entities and agencies, including HDOA. The Board stands in strong support of the amendments, and is in strong support of being a community advocate to HDOA in necessary ways to achieve progressively movement to rid the community of these impacts and to work toward sustainable solutions. He said the Board works closely with OISC, Hawaii Ant Lab (HAL), and the CRB response team, with all presenting to the community at regular intervals. He said the Board was disappointed in being informed, probably not in the most transparent way, that there were no impacts that they needed to be aware of and later learned that that was not true. The Board urges transparency to support farmers in the community, and is ready to support HDOA to bring this to an end.

14. Choon James, Private Citizen

Ms. James said she is a farmer and just found out a couple of days ago that her neighbors coconut trees showed signs of CRB damage. She said farm is very hard work and it was very disappointing to see that invasive species including coqui frogs and LFA are winning. She personally felt this is a war and we should be fighting. She said we should be fighting like what the Ukrainians, fighting with their hearts and souls to protect their own turf families. She asked everyone to help. She understood things being in theory and talking about it in committees but is another thing to get on the front line and treat this like a war because we are an island. She asked "what is Hawaii without coconuts?" She said we need to treat this as a war; put our heart, soul, and passion into this; and that meetings and committees are not going to conquer this losing battle that we're going through.

15. John Reppun, Private Citizen

Mr. Reppun said many of others have been eloquent about this issue and said HDOA, like all other departments in the State and all other departments in the county, needs the tools to be able to help with this crisis. He said we are at a tipping point with LFA, and with CRB we may be beyond that, and it is much more difficult challenge. He absolutely supported the proposed amendments. He said even as we come up with good tool and good policies, the weather is conspiring against us. He said we've just been pounded by winds in the last several weeks, and wakes up at 3 o'clock in the morning, thinking LFA are blowing all over the place, so all the work that is done is threatened by the weather conditions and will probably increase with climate change. He said he and his brothers have been farming in Waihole valley since the seventies and have been paranoid about this this crisis coming at us for a long time. He also works at Key Project as others do, and as a community is working very hard to do what we can. He also sits on a private foundation trying to help with filling in the gaps as well. He said this is an all-hands-on deck kind of an effort, and encouraged this to go through for HDOA to be able to do what it can do to help.

16. Ariel Imoto, Private Citizen

Ms. Imoto said she is a student studying biosecurity at UH Manoa. She said she submitted a written testimony but wanted to voice support for these new for these changes as well. She was glad that these changes are finally happening as they are very needed. She said she's from the big island, and where she lives there's always LFA and coqui frogs. Being on Oahu for school, has seen CRB firsthand. She had reservations about 4-72-4(b) and didn't think we should be able to transport invasive species from one section to another section even if it's already established there. Coming from the Big Island, she said it's hard to treat LFA and with all the rain, even if you treat, could be back in two months. She said you have to wait for the pesticide reapplication time and LFA could still come back really quickly and felt it's a big issue when it comes to home ownership. She said

it was important to make sure that you're not over applying, especially when some of these pests can easily come back really quick. She said those were her concerns, but otherwise fully supported the changes.

17. Stephanie Easley, CGAPS

Ms. Easley said she was with CGAPS and if CGAPS can't testify twice, this would be her personal testimony. She was super excited that the public hearing is finally here and moving forward. She addressed a prior comment about transporting in state, which is currently 4-72-6. She said that section was in the rules prior to these amendments and are just renumbered. She said it's confusing because it's all underlined, so it appears like a new requirement but the same provision on rearing, transporting, and harboring pests is in the rules. It's just renumbered part of the restructuring of the whole section. Her understanding is HDOA interpreted that provision as intentional harboring, rearing, or transporting pests, and felt it will be the same. She said there are two things you need to do to control an invasive species, one, treat existing infestations and two, stop the movement of the pest and materials infested in the with the pest. She said various agencies including the invasive species committees, HDOA itself, the College of Tropical Agriculture and Human Resources, HAL and many others who can treat and put chemicals on invasive species infestations. But, HDOA has the sole responsibility to regulate the movement of pests and material infested with those pests. She said this is the first time HDOA is regulating materials infested with the pests for sale to the public and was thankful for it. She said the timing couldn't be better, because, as the rebuilding in West Maui goes on, people who have not historically been suppliers or contractors are going to become suppliers or contractors, and these rules will incentivize these new players, as well as existing businesses, to get pest free material, inspect those materials when they arrive, and store them so they don't spread pests in West Maui and the rest of the State.

18. Regina Peterson, Private Individual

Ms. Peterson said her commerce name is Regina Peterson but went by Nani. She was disturbed that it took so long to do something. She said bought a bag of soil from Home Depot and it had 25+ CRB larvae in it. She called the pest control number but did not receive a call back. She said that it showed HDOA was unable to connect with the community and wanted HDOA to step it up. She said she is a Hawaiian language teacher and encouraged learning of the language because it is the language of life and the land. As a Kumu, she shares stories with students in Waianae and CRB are a big problem there. She its about time this is done and the stores she shares are about coconut trees from Tahiti and to see them being destroyed is unfortunate. She encouraged HDOA to build a relationship with the Aina to connect and feel the pain the plants and Aina are

feeling right now. She asked for more to be done and that this is one step forward.

19. Adrienne Antonsen, Bishop Museum

Ms. Antonsen said she is currently with the Bishop Museum but worked for the CRB response for three years as a crew lead. She said she was in support of this and its desperately needed. It's definitely high time. She said it was frustrating to work on the team, trying to respond to community concerns and help zero regulatory authority on our behalf, or from HDOA. She said they would be working at lots where concerned coconut farmers would have infestations and small piles, we would clear it out for them, but across the street the roadsides had illegally dumped mulch teeming with larvae, and the property next door would be teeming with larvae. Without regulatory ability to stop the bad actors, knew it was kind of a lost cause. She said they did what they could, removing lots from concerned citizens, but without taking care of the bad actors felt it was kind of all in vain. She said regulation is very much needed and it's probably too late to control CRB on Oahu. She saw it first-hand go from an issue concentrated in Central Oahu, around the Pearl Harbor area where it first landed on Hickam Airforce Base, then saw it explode all of a sudden onto the west side and across the north shore. She said it was heartbreaking because the problem was human vectors, especially through landscaping nursery trades and illegal dumping. She said she worked with many groups, nurseries and landscape workers who were wonderful and who worked with us, implemented best management strategies, and got rid of infestations. She said she also worked with some where we repeatedly provided guidance on what they needed to do to move on. She said she would just hear excuses about things being broken or piles would just sit and it was frustrating. She said with regulations it would force them to take care of these issues would be really, really helpful, and hoped it would prevent CRB from spreading to the other islands where they're not completely infested yet.

20. Michelle Piper, Private Citizen,

Ms. Piper said she is a resident of Waianae Moku, in the Waianae district, and is in strong support of the proposed amendments to Chapter 72. She said they are essential for the combating the spread of CRB and LDA that are also packed in mulch and soil. She said that like Nani, is a Kumu and our state is in a midst of an ecological crisis. She said the infestations are widespread and severely impacting native Hawaiian life systems and food systems. Given our reliance on imported food, addressing this issue is urgent. She said the amendments will empower HDOA to enforce measures against the sale of contaminated mulch and it's critical for the safeguarding of the environment and food security. As a native Hawaiian Kanaka Maoli to the aina, she wanted to emphasize the cultural significance of the niu, or the coconut tree, as it is often overlooked in discussions about CRB. To Hawaiians the coconut is not just a decorative burden or an ornamental liability and not for tourists, and that's why all the nuts

were cut down. She said now we have no seeds, because the trees are getting infested. She said the coconut is a symbol of life and resilience and that planting coconut trees is a powerful act that aligns with ancestral values and represents our commitment to healing the land and traditions. She said she also teaches Hawaiian culture and I went to harvest some leaves to teach weaving, and there was no leaves on her side of the island. With no leaves how does she continue teaching this culture? We're going to lose that action of leaving. She said CRB is in hala and in other native foods like banana. She urged the passing of these amendments. She said we need to stand against ecological threats, to work proactively, and to preserve the natural and agricultural resources with respect to the deep cultural connections that bind us to the land and each other.

21. Joe Wat, Key Project & Hui Ulu Mea Wai

Mr. Wat said he was representing Key Project and Hui Ulu Mea Wai. He said he and a bunch of people from the Kahaluu community are chasing LFA throughout the community. While doing that he often gets a lot of different questions such as how did we get LFA? What are we doing about this? He said a lot of these regulatory possibilities are really underfunded and we all recognize this, but none of the effort that is being put into any of this stuff will be effective if the only boundary that is maintained is the port. If something gets through the port and we need to make sure that we have the follow through to do eradications, both in people's houses when it gets there, but understanding that nurseries are a significant vector among others. He said that tackling the nursery situation will provide insight to the other places that will also need focus and regulation to successfully manage their spread. He said there has been a lot of conversation about CRB and what to do in infested areas but emphasized that same should be done for LFA. He said LFA don't fly away, are very treatable with the correct chemicals and things like that, and long term is so much better to get rid of these things now, while we have the chance. He said we are not beyond LFA control on Oahu. He said it's going to be a huge lift but for it to be successful, we need to make sure that we are working together. He said it may seem overwhelming to HDOA to have all of the responsibility on your shoulders, but wanted to thank everyone from every agency, from Department of Health (DOH), DLNR, OISC and HAL. He said this is really important and the community will support HDOA in getting the resources and HDOA needs to make this an impactful regulation. He said nobody can believe it when they hear that it is not actually illegal to sell a plant that has LFA in it.

22. Cailey Etherington, Private Citizen

Ms. Etherington said she works with a couple conservation groups but is testifying as a private individual. She said she is a resident in Kalihi and has LFA right on our front doorstep with our plants. She noted that others have already stated reasons to make these amendments but was personally worried about like

the safety of her animals. She said she is pregnant and about to have a baby crawling around. She said we should stop this sinking ship of species attacking our biodiversity, our people, and our animals while we can, when it's somewhat manageable versus later down the line.

23. Alfred Keaka Hiona Medeiros, Private Citizen

Mr. Medeiros said he is from Waianae, is a Mahiai, and is a steward for three parcels of aina in Wahiawa, Waimanalo and Waianae. He said many of his family members been farmers, and seeing how the invasive mongoose to the coqui frogs and everything coming. He said initially, coqui was the biggest concern. He said LFA in Waimanalo and Wahiawa are pretty bad. He said he's been trying to help out with chickens and that the oriental flower beetle is also a big concern besides CRB. He is in full support of these amendments as a farmer. He said as somebody who tries to influence the future generations of malama, aina, and understanding aina, and how we can be sustainable. He asked if people had heard in the news, but Peterson Farm was going to be shutting down Wahiawa, so there should be a bigger push about sustainability and local farming. He said he tries to help the keiki to understand like that a piece of lettuce that might be thrown to the side can be grown and can be reused again. He said he is an organic farmer and was against any effort to require spraying poison. He said that he is working on a fermentation process with the exoskeletons of insects as a possible treatment. He said things are getting worse. He said you don't find things in local mulch but go to Home Depot or Lowes and buy bagged amendments, you find things all the time. He said he is a cannabis farmer, so DOH sends the Honolulu Police Department to look at the farms. He believed there's something in the criteria of HRS 329 to send people to check farms, especially landscapers, because a lot of them don't support local farmers and actually just outsource and buy everything in bulk. He said containers need to be checked not only at the ports, but everywhere else. He said the military should not be exempt from this, because from what he's known, nobody searches their containers. He said it's going to get worse unless you do something now. He thanked everybody in this room for showing up from the community members to one senator being present. He said everyone should take a trip to Waianae. He said from Kahe all the way down is getting demolished by CRB. He said community members came out, even Senator Awa from the East Side came onto the west side and to plant niu. He said it's very important that we do something now, because, as a kalo farmer, he uses the niu as the border of the mala and sometimes they're in there. He said they're attacking everything including kalo. He said this is a very important issue, you and food sustainability is key to Hawaii. If the ports shut down, we need to depend on ourselves, nobody else. He said we should be implementing more sustainability and farming practices.

He thanked HDOA for doing what you need to do, but more should have been done. He said these types of meetings are needed in every single community. He said the East Side have been doing this regularly and the West Side needs to step up with more education about it. He said teaching keiki in schools about what to look for because you don't notice what it is as a baby until it's until it's big and taking apart trees. He said it looks crazy coming down West Side because all you see is mowhaks on the powerplant side. He again thanked everybody in the room because it's going to take a community to tackle to problem. He referenced his shirt which said, "It's all our kuleana". He said it's not just Kanaka, but they feel it a lot more because as they see it, that's the downfall of the food supply. He said CRB is not only going after coconuts, but also kalo and once that's gone, it's going to eradicate everything else like every invasive does.

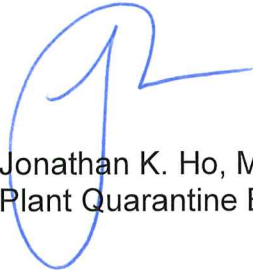
24. Jarrett Keohokalole, Hawaii State Senate

Senator Keohokalole said this was only second time he's testified as a sitting legislator before another decision-making body and was kind of nervous. He said regulatory capture is an economic theory where regulatory agencies charged with acting in the public interest instead, act in ways that benefit the industry they are supposed to be regulating. HRS 141-2, which was passed in 1903 mandates HDOA adopt rules concerning the quarantine of plants and plant products likely to cause harm to the agriculture industry, or the forests of the State. In July of this year, HDOA told the Kahaluu community that they did not currently have the authority to quarantine infested plant products presented for sale to the public without these rules being passed to grant that authority. In August, HDOA indicated to a community group meeting in Waimanalo, that HDOA did not like the rules, that they needed to undergo a review by HDOA's Deputy Attorney General, and that would likely restart the process and take another year before they could be finalized. Later in August, he and that community met with that Deputy Attorney General, who confirmed that the rules were actually appropriate, and that there was no legal issue. After that, HDOA committed to move forward subject to industry consultation with the nursery industry, which is appropriate according to the rulemaking process. In October, HDOA indicated by letter that at the industry consultation, nursery industry representatives conveyed to the Department that the quarantine of commercial products was "a deal breaker" and as a result, HDOA would be reconsidering this rules package and starting over again. He said HDOA maintained this position until the end of November, a day before a public briefing in the State Senate, where HDOA admitted that they were aware of five commercial operators in the State knowingly selling commercial products to the public that were infested with LFA and confirmed that they would proceed with the rules as approved by the Board of Agriculture in February of last year. He thanked HDOA for consideration and reconsideration of this rules package and asked HDOA to move expeditiously to finalize the rules as they are currently presented and drafted to give HDOA the tools to take action to

hold everyone in the community accountable and that the current efforts of the of the community to get a handle on this situation are not in vain.

Mrs. Okada asked all in attendance if there were any other persons present or online if they would like to testify. Seeing no other persons present in person or online wanting to testify, Mrs. Okada closed the public hearing at 7:04 PM on January 30, 2024.

Respectfully submitted,



Jonathan K. Ho, Manager
Plant Quarantine Branch