Listed below is a summary of the specific proposed changes to Chapter 4-72, Hawaii Administrative Rules.

1. Chapter 4-72 is amended by adding headings for "Subchapter 1 General Provisions” and “Subchapter 2 Intrastate Restrictions”.

2. Amending Section 4-72-1, Objective by clarifying that Chapter 4-72 is implementing Chapter 141, Hawaii Revised Statutes (HRS).

3. Amending Section 4-72-2 Definitions as follows:

a. The definition "Board" is corrected.

b. The definition “Department" is moved to appear in alphabetical order.

c. The definition "Infested" is added.

d. The definition "Person” is added.

e. The definition "Pest" is added.

f. The definition "Restricted area" is corrected.

g. The definition “Soil” is added.

h. The definition “State " is added.

4. Amending Section 4-72-3 Inspectional requirements. Adds “soil” to items required to be inspected by the Hawaii Department of Agriculture (HDOA) prior to being transported between the islands of the State, unless authorized by section 4-72-4(c). Clarifies that non-propagative plant parts may be inspected, at HDOA’s discretion, when being transported between the islands of the State.

5. Amending Section 4-72-4 Prohibited transportations to:

a. Clarify that plants, propagative plant parts, and soil not inspected as required by section 4-72-3 may not be transported between islands of the State.

b. Add that a commodity that is infested or infected with a pest or that is itself a pest may not be transported between islands of the State unless it has been treated as approved by the chief or the transportation is authorized by the chief.

c. Add subsection (c) that the inspectional requirements and prohibitions on transportation do not apply to HDOA moving items for research, testing, or educational purposes or to items moved pursuant to a permit approved by the chief and issued to an institution approved by the Board, a government agency, or a university for research, testing, or educational purposes.

6. Amending and renumbering Section 4-72-4.5 Designation of infested areas; expansion as section 4-72-10 (see below for proposed changes).

7. Amending and renumbering Section 4-72-8 Restrictions on transport, harboring, rearing, or breeding of pests as Section 4-72-5. Amendments allow the harboring, rearing, or breeding of a pest in the following instances:

a. For research, testing, or educational purposes by HDOA, or for a government agency, or a university under safeguards at sites approved by the chief.

b. By an institution approved by the Board, pursuant to a permit approved by the chief.

8. Adds new Section 4-72-6, Permit and inspection fees to establish fees as follows:

a. The fee for a permit under chapter 4-72 is $20 per permit for a single shipment within one year and $100 per permit for unlimited shipments within one year.

b. The fee for a site inspection is $25 per site inspected, plus mileage reimbursement.

9. Adds new Section 4-72-7, Inspection fees to set fees plus mileage reimbursement pursuant to Act 173, SLH 2010 for:

a. Inspections and other actions by HDOA carried out beyond regular work hours at $50.00 per inspection, including applicable charges for overtime, fixed charges, and meals, as appropriate.

b. Inspections conducted away from a port or HDOA office at $50.00 per hour.

10. Adds new Section 4-72-8, Economic loss or damage to clarify that the State is not responsible for economic loss or damages related to actions by HDOA in carrying out Chapter 4-72.

11. Amending and renumbering Section 4-72-4.5 Designation of infested areas; expansion as section 4-72-9 to:

a. Make technical amendments regarding press releases and written notices.

c. Removes the requirement that the Board’s action to expand an infested area occur on the island where a new infestation has occurred, following written notice to industry groups likely to be affected.

12. Adds new Section 4-72-11, Penalties to clarify that violations of Chapter 4-72 are subject to penalties pursuant to Chapters 150A-14 and 141-7, HRS.

13. Adds new Section 4-72-12, Scientific and common names to clarify that if a scientific or common name set out in Chapter 4-72 is changed to a new scientific or common name the reference in the chapter shall be construed to refer to the new name.

14. Adds new Section 4-72-13, Severability to clarify that if a provision of Chapter 4-72 is found to be unconstitutional or invalid, the other provisions of the chapter are not affected.

15. Amending and renumbering Section 4-72-5 Examples of regulated pests as Section 4-72-14. Amendments are proposed to make technical changes, including updating scientific and common names, and to add new examples of regulated pests.

16. Amending and renumbering Section 4-72-6 Restrictions on sugarcane as Section 4-72-15. Amendments are proposed to make technical changes and add that a university or government agency may conduct research on sugarcane, pursuant to a permit.

17. Amending and renumbering Section 4-72-7 Restrictions on soil, sand, and animal manure as Section 4-72-16. Amendments are proposed to make technical changes, delete “artificial” and add “soil-less”, and add that a business or institution approved by the chief, a university, or a government agency is eligible for a permit for diagnostic purposes.

18. Amending and renumbering Section 4-72-9 Restrictions on dasheen and taro as Section 4-72-17. Deletes “corms” from the heading and throughout the section.

19. Amending and renumbering Section 4-72-10 Restrictions on papaya and cucurbit as Section 4-72-18. Amendments make technical changes to scientific and common names.

20. Amending and renumbering Section 4-72-11 Restrictions on banana as Section 4-72-19. Amendments make technical changes for clarity.

21. Amending and renumbering Section 4-72-12 Restrictions on coffee as Section 4-72-20. Amendments make technical changes for clarity and allow coffee plants and plant parts for propagation to be quarantined at a facility approved by the board.

22. Amending and renumbering Section 4-72-13 Quarantine restrictions on ohia and soil from rapid ohia death infested areas as Section 4-72-21. Amendments make technical changes, including updating scientific names.

23. Adds new Section 4-72-22, Quarantine restrictions on Coconut Rhinoceros Beetle (CRB) and host material to make permanent Plant Quarantine Interim Rule 23-1. The proposed Section:

a. Defines specific materials that are hosts for the CRB.

1. Prohibits the interisland movement of CRB host material except by permit.
2. Designates the entire island of Oahu as the CRB infested area.

24. Other changes are proposed throughout Chapter 4-72 for clarity, simplification, or to correct format, grammar, punctuation, and typeface.