

DRAFT Minutes of the Advisory Committee on Plants and Animals
February 15, 2023, Meeting
Hawaii Department of Agriculture (HDOA)

I. CALL TO ORDER

Chairperson Darcy Oishi called the Advisory Committee on Plants and Animals (Committee) to order on Wednesday, February 15 at 9:03 AM. He introduced himself as the designated alternate since Dr. Helmuth Rogg was not available to chair.

Members Virtually Present:

Darcy Oishi, Committee Chairperson, HDOA
Pamela Mizuno, Director of Panaewa Zoo, County of Hawaii, Retired
Robert Hauff, State Protection Forester, Division of Forestry & Wildlife,
Hawaii Department of Land & Natural Resources (DLNR), Ex Officio
Member Designated Representative
Gracelda Simmons, Environmental Management Program Manager, Hawaii
Department of Health, Ex Officio Member Designated Representative
Thomas Eisen, Planner, Environmental Review Program,
Department of Business, Economic Development and Tourism, Ex Officio
Member Designated Representative
Dr. Samuel Ohu Gon III, Senior Scientist and Cultural Advisor, The Nature
Conversancy – Hawaii

Others Virtually Present:¹

Jodi Yi, Deputy Attorney General (DAG)
Jonathan Ho, Acting Manager, PQB, HDOA
Chris Kishimoto, Entomologist, PQB, HDOA
Stephen Dalton, IT Specialist, HDOA
Noni Putnam, Land Vertebrate Specialist, PQB, HDOA
Stephanie Easley, Legal Fellow, Coordinating Group on Alien Pest Species
(CGAPS)
Chelsea Arnott, Hawaii Invasive Species Counsel
Leyla Kaufman
Josiah Marquez, HDOA
Christy Martin, CGAPS
Kimberly Johnson

Others Virtually Present (cont'd):

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

Trenton Yasui, Invertebrate & Aquatic Biota Specialist, PQB, HDOA
Deborah Safarik, Secretary, PQB, HDOA
Sherylyne Namahoe, Secretary, Plant Industry Division, HDOA

II. INTRODUCTION AND COMMENTS

Chairperson Oishi briefly covered general housekeeping regarding how the meeting will be conducted. He asked each Committee member to introduce themselves and identify if anyone was in the room with them. Committee Members Robert Hauff, Gracelda Simmons, Thomas Eisen, Dr. Samuel Gon, and Pamela Mizuno introduced themselves and all indicated they were alone.

III. REQUEST(S) TO BE REVIEWED BY COMMITTEE

1. Request for Review and Recommendation of the Proposed Changes to Hawaii Administrative Rules, Chapter 4-71, to Place the Unlisted Northern Largemouth Bass, *Micropterus salmoides salmoides*, on the List of Restricted Animals (Part A) for ecosystem and fishery impact research for the Wahiawa Public Fishing Area by the Hawaii Department of Land and Natural Resources, Division of Aquatic Resources.

Acting PQB Manager Jonathan Ho provided a synopsis of the request.

Committee Member Hauff said that the approved purposes for List of Restricted Animals Part A (RA List) organisms appear to require containment. Because this request is for eventual release, is there a conflict with the purpose and the rules? Mr. Ho said that it is PQB's understanding that DLNR Division of Aquatic Resources (DAR) would like to do research first, which would be in containment. Because DAR is the primary agency responsible for fisheries stocking, they want to ensure that the introduction is safe before release. Mr. Hauff asked once the research was completed, would another rule change be needed for the release? Mr. Ho said yes.

Committee Chairperson Darcy Oishi asked what list would it need to be placed on, the Conditionally Approved List or the Restricted B List? Mr. Ho said that it could be on either list, provided there were conditions that allowed the release. Mr. Ho noted he thought about Mr. Hauff's question about the requirement for a list change for release. He said Government use is allowed for RA Listed organisms and if DAR, being the agency responsible for fish stocking, would be the only entity to possess and release the bass, it could be done while on the RA List. However, if DAR were to want to distribute it to other organizations, it would likely require a list change.

Chairperson Oishi asked if this request was only for list placement and the import request would come at a later date? Mr. Ho said that was correct.

Chairperson Oishi asked if there were additional questions. Hearing none, he asked for a motion to approve. Committee member Gon made a motion to approve. Committee Member Mizuno seconded the motion. Chairperson Oishi asked if there were any public comments. Hearing none, he asked if there were additional questions from the Committee members. Hearing none, he called for a vote.

Vote: 6/0 recommend approval (Hauff, Oishi, Mizuno, Gon, Eisen, Simmons).

Motion Carries.

2. Request to: (1) Allow the Importation of Maize chlorotic mottle virus (MCMV), a virus on the List of Restricted Microorganisms Part A, by Permit, for Laboratory Work and Shade House Inoculations by Pioneer Hi-Bred International, Inc.; and (2) Establish Permit Conditions for the Importation of Maize chlorotic mottle virus (MCMV), a Virus on the List of Restricted Microorganisms Part A, for Laboratory Work and Shade House Inoculations by Pioneer Hi-Bred International, Inc.

PQB Acting Manager Jonathan Ho provided a synopsis of the request. Mr. Ho noted that the applicant was available for questions.

Committee Member Hauff said that the Committee normally receives background on the facility, and other information that is usually provided, such as certification. He asked how the Committee could review the request if the information is not provided. Mr. Ho said the applicant has provided the site and facility to PQB and their processes are laid out in the submittal, which are things that PQB agrees with, such as containment and destruction. He noted their claims of confidential business information (CBI), which PQB respects. However, he noted that if there were a challenge, the applicant would have to defend those claims. He understood that the Committee's recommendations would need to be based heavily on PQB's recommendations through what PQB staff have seen. He said PQB sees no major issues or concerns based on the particular use of this microorganism and the facility in conjunction with the practices that they will be using.

Committee member Eisen asked if there was any history that demonstrates the applicant is complying with basic procedures and safeguards. Mr. Ho said he was not aware of any issues with regards to any of the work they have done and PQB has not seen anything that would raise significant concerns or flags with regards to this particular work.

Committee member Gon noted that the Advisory Subcommittee on Viruses took a look at the request and most of them approved it without any comments. He noted the comments that were made did not seem to reveal any underlying hesitations or

concerns. He said based on that and what Mr. Ho told the Committee, in his opinion, it appeared good to move forward at this stage.

Committee Chairperson Oishi asked the applicant, Ms. Kimberly Johnson, who rendered the identification of the virus and what methodology did you use. Ms. Johnson introduced herself and noted that Dr. Scott Heuchelin and Dr. Mark Jung were in the room with her and would be answering the questions. Dr. Heuchelin said they have one diagnostic lab in Waialua, another on Kauai, and the main diagnostic lab in Johnston, Iowa. The diagnostic lab in Waialua sent a sample of suspected MCMV to the Johnston diagnostic lab using their 526 permit (PPQ permit) for diagnostics which include MCMV. Once in the lab, confirmation was made through both serological technique and MCMV PCR primers. He said they confirmed that the sample did not contain any of the other common viruses that are found on the island. He said it was then moved to a BSL2 level facility where the virus was maintained on susceptible material for mechanical inoculations and then used that leaf material for further investigations for MCMV within the BSL2 facility. He noted the need for pure inoculum that is confirmed to not be cross contaminated with other viruses. The purpose was to move this inoculum from the lab in the Johnston BSL2 facility to Waialua for these experiments. He said that would be done by taking leaf material, packing it with buffer, and send it in Falcon tubes with appropriate boxing and protection to the Waialua location where it would then be used for inoculations.

Chairperson Oishi noted in the application and in comments that the applicant has a permit from the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service, Plant Protection and Quarantine for interstate movement. He asked if the permit was just for diagnostics or did it include movement and release or was that a separate permit. Ms. Johnson responded the federal permit is for both interstate transport and use and is valid until July of 2024. Chairperson Oishi asked if the permit can be provided to the Committee and the Board of Agriculture. Ms. Johnson responded, "absolutely."

Chairperson Oishi noted there were some comments from the advisory subcommittee members indicating that they were supportive of this work because it was a local isolate. He asked what is the typical chain of custody that is followed to ensure that this is the local isolate that was collected in Waialua as it went through all the processes in the Iowa lab. Dr. Heuchelin said the sample went directly from the Waialua diagnostic lab to the Johnston diagnostic lab through overnight express. Per protocol, upon receipt in the diagnostic lab, the package is opened in a type 2 bio containment hood and the material is examined to determine what type of analysis needs to occur. He said at that point, it was determined that the leaf samples showed viral symptoms and was then prepared for both serological and PCR analysis to confirm that it was indeed MCMV. He said it is tested against the other common viruses such as Maize Mosaic Virus, which is also endemic on the island, to ensure that it was pure and that there were no other viruses in that material. From that point, he said it was transferred in a cart with double containment, about probably 50 yards, to the BSL2 containment facility where it went through the vestibule and into a conviron growth chamber with material that is known to be susceptible to MCMV and then the inoculation is done with mechanical

inoculation using carborundum and buffer. He said collection of that material occurred in the BSL2 facility, where it was again transported in a cart with double containment to the diagnostic lab and placed in a freezer in the diagnostic lab. The sample was brought out periodically to ensure that good infections could be maintained with frozen MCMV material from the BSL2 containment room. He said they were able to get good infectivity, confirming it will work well for this particular use as far as shipping it back to the Waialua facility.

Chairperson Oishi asked if PQB received a copy of the Federal permit. Mr. Ho said he did not believe it was received, but would have to confirm with Mr. Wil Leon Guerrero, Microorganism specialist.

Chairperson Oishi asked Ms. Johnson if there are conditions in the federal permit related to the release and use of MCMV in shade houses. Ms. Johnson confirmed that the federal permit is for release in shade houses. Chairperson Oishi asked if there are specific permit conditions attached to that. Ms. Johnson responded "Yes."

Chairperson Oishi asked if there were any other questions from the Committee.

Committee Member Mizuno asked if we would be issuing permit conditions that are similar to the USDA permit. Chairperson Oishi said he could not answer because he did not see the USDA permit conditions. Mr. Ho said that the proposed permit conditions contain a requirement that the permittee must comply with all state and federal and other regulations. He noted the conditions that PQB would be obligated to enforce are the ones contained within the submittal, however, the applicant is still mandated to comply with whatever federal regulations there are regardless of what the state permit requires. He said the federal permit may exceed the scope of PQB's authority and there is an assumption that by having the federal permit, the applicant is in compliance. He noted that if PQB came across a federal violation, it would be referred to USDA because PQB does not have jurisdiction. He reiterated that there is a built-in assumption that applicants will be in complying with all other regulations, not just PQB's.

Committee member Mizuno asked if PQB would be conducting a site inspection. Mr. Ho said it would be done prior to the issuance of the permit. Chairperson Oishi asked if it would be done in conjunction with USDA. Mr. Ho said it could be done.

Chairperson Oishi asked if there were any other questions or concerns from the Committee. Committee member Gon asked if there was an upcoming federal inspection scheduled. Ms. Johnson said there was not one to her knowledge. Committee member Gon said he liked the idea that there is an opportunity to coordinate a concurrent state and federal inspection.

Chairperson Oishi said that he would like to see the USDA permit. He then made a motion to recommend approval of the request contingent upon the applicant providing the USDA permit to PQB prior to the Board's review. Committee member Hauff seconded the motion. Chairperson Oishi asked if there was further discussion.

Committee member Gracelda Simmons asked if there was a timeframe for the federal permit to be submitted to ensure that things continue forward. Ms. Johnson said that she would email the federal permit to PQB at the conclusion of the meeting. Chairperson Oishi asked Mr. Ho if he had questions on the motion. Mr. Ho responded that he understood. Chairperson Oishi asked if there were questions or comments from members of the public. Hearing none, Chairperson Oishi called for the vote.

Vote: 6/0 recommend approval (Hauff, Oishi, Mizuno, Gon, Eisen, Simmons).

Motion Carries.

3. Request for view and Recommendation on the Proposed Changes to Hawaii Administrative Rules, Chapter 4-72, entitled “Plant and Non- Domestic Animal Quarantine Plant Intrastate Rules” to among other things:
 - A. Implement Plant Quarantine Interim Rule 22-1, Regarding Quarantine Restrictions on the Coconut Rhinoceros Beetle (CRB) and CRB host materials.
 - B. Implement Fees for Inspections and the Processing and Issuance of Permits.
 - C. Establish Authority to Prohibit the Movement of Infested Materials Within the State.
 - D. Include Penalties for Non-Compliance; and
 - E. Make Other Changes for Clarity or Simplification and Other Non-substantive Changes Correcting Grammar, Punctuation, or Typeface.

Acting PQB Manager Jonathan Ho provided a synopsis of the request. During the synopsis, the Committee took a brief recess from 9:37 AM to 9:45 AM. He noted that there were some Subcommittee responses that were received after the request was sent to the Committee and read those recommendations. He noted that there were comments provided by Subcommittee Member Janis Matsunaga to delete the reference to fruit and vegetable scraps in the definition of pest host material; to include diagnostics as an allowable purpose in HAR section 4-72-5; and to make corrections to nomenclature and also include additional species to HAR section 4-72-15, all of which were relevant for change.

Mr. Ho noted that the definition of “pest” created some issues with regards to taking actions on infested materials, due to the fact that there can be times that what is found is not a pest that is determined by the Board. He noted that the testimony provided by the CGAPS provided a reasonable solution to cover that gap. He also noted that the additional proposed changes indicated by CGAPS fit the intent of the rules, but the actual language that was provided would be up for discussion. DAG Yi emphasized that the term pest is defined in section 150A-2, Hawaii Revised Statutes (HRS), therefore the definition in the HAR cannot be broader than the statutory definition.

Committee Chairperson Oishi asked DAG Yi if CGAPS proposed definition exceeds the HRS definition. DAG Yi said if the definition does not include the Board designation, to include it in the HAR would require a change to the HRS. Chair Oishi clarified that 4-68 and 4-69 contain the lists of pests. Mr. Ho added that proposed section 4-72-15 also contains examples of pests.

Chairperson Oishi asked if animals on the List of Prohibited Animals are considered pests. Mr. Ho said that an animal can be deemed a pest, referencing the coqui frog. However, he noted that just being listed on the List of Prohibited Animals would not necessarily make that animal a pest. He said the best way to deal with non-domestic animals would be to make a separate set of rules to manage them, specifically. He said that 4-72 is designed to manage the intrastate movement of plants. Chair Oishi asked if that only meant vertebrates. Committee member Hauff said the definition of pest includes plants and animals. Mr. Ho said that these rules are set up to restrict the commodities or hosts of pests to prevent their movement or spread, not necessarily to prevent the movement of the pest itself. Mr. Ho said that there is some inconsistency, referring to the CRB amendments that prevent the movement of CRB itself, but said in the long-term, it would be best to create a new section to manage the movement of an organism itself, as opposed to a commodity or host material that could be infested, because there are different risks to manage.

Mr. Ho suggested that instead of changing the definition of pest, adding “insect” and “disease” prior to “pest” would provide for the authority to stop the sale or movement of infested commodities. He noted that HRS section 150A-5 already has similar language referring to insects and diseases. Committee member Hauff noted that the invasive species community considers many invasive plant species to be pests, so would it be helpful to use a term such as “non-plant pest” because things could be infested with invasive plant seeds. Chairperson Oishi noted that federal partners would consider that term to include things like frogs or mosquitoes. Mr. Ho said he understood where Mr. Hauff was coming from and noted that creating a section in the rules to manage noxious weeds could be done. Committee member Gon noted that in HAR section 4-72-15, plants on the noxious weed list would be considered pests and prohibited movement. Committee member Hauff was glad to see that plants are being considered as pests, however he was troubled by the need for multiple lists and the amount of work it takes for HDOA staff to manage the bureaucracy.

Committee member Hauff asked what the procedure was for adding an organism to the pest list. He said he understood how the noxious weeds are listed, but how is it done here. Mr. Ho said in HAR Chapter 4-71, the Board has the authority to add or delete things from the list by a Board Order. In this chapter, there are examples, but no actual list. Mr. Ho said a new section could be added which would create a list and it would then be amended through the rulemaking process. He noted that he was basing his response on how the regulations currently exist and was not aware if the list could be maintained outside of the rules and if it would have the same authority. He noted the idea may be outside the overall scope of the rules as presented.

Committee member Hauff said the definition of a pest is “as approved by the Board”, so could the process be where PQB staff go before the Board and then the Board make a pest determination. He noted many of the pests on the list are very old, so he suspected there is a process and the process itself is likely part of the problem based on how the list really has not changed. Mr. Ho said he believed the rules were created in 1981 and to his knowledge, the pests listed had not changed. He said that Committee member Hauff was likely correct that a process existed, but he did not know what it was. Mr. Ho said because the examples are in the rules, changing them would require a rule change. He noted that there are likely other ways to handle this, but it would require additional research by PQB to determine what that would be. He recognized that whatever the process is, it should have some flexibility to deal with outbreaks, similar to the ability to make interim rules.

Chairperson Oishi asked DAG Yi if she had comments. DAG Yi asked Mr. Ho if there was a requirement that a pest be listed in the rules. Mr. Ho said there is no requirement. Using Committee member Hauff’s example of PQB staff bringing a prospective pest before the Board, if it is determined by the Board to be a pest, he said it would meet the statutory definition. He said it would allow action to be taken to prevent movement but was concerned that it may not have the same force of law to enact penalties or sanctions. He said if it was in the rules, it would be clear.

Chairperson Oishi said the pests referenced in HAR chapters 4-68 and 4-69 are by rule amendment, but in HAR chapter 4-72, it was not clear, and a Board Action could suffice. Mr. Ho said that the processes of dealing with the issue of pest designation can be further researched outside this meeting. He noted codifying the CRB interim rule is what precipitated the overall rule amendment and suggested keeping the pest list as is, in the interest of amending the rules before the interim rule lapses. He said PQB can look into the matter, and if the Board’s determination is all that is needed, then no further action is required. However, if it is not sufficient, PQB can come up with a proposal to address the issue because it is necessary.

Committee member Hauff said he understood but noted that this review exists to help with the rules, and noted rulemaking is time intensive and does not happen often. He said this could be a major gap in the State’s biosecurity and possibly a statutory change is needed to address this. Chairperson Oishi agreed with Committee member Hauff that statutory changes may be needed and the discussion, while important, may be better suited if it is determined statutory changes are required to resolve the issue. He noted the discussion was important but did not want to forget the main reason, currently, was for CRB.

Chairperson Oishi asked if there are substantive changes made to the rules, could that affect the ability to implement the CRB rule in a timely fashion? Mr. Ho said “yes” and noted there was still a lot of other steps that need to be completed before the rule is enacted. He noted that the next Board Meeting is on February 28th, which is confirmed, and if PQB was to miss that, then it would be another month until the next meeting in March. Should there be no March meeting, the rule would likely not make it in time. Mr. Ho said if this was just to add the CRB portion, this would have been much simpler. He

said PQB used the opportunity with CRB to try and do an overall update to the rules, yet provide for enough time to get this done before the CRB interim rule expires on June 30.

Chairperson Oishi asked DAG Yi if Mr. Ho's assessment on the timeline was accurate. DAG Yi said "yes" and noted that rulemaking is extremely complicated and achieving it in time would be challenging.

Chairperson Oishi asked Mr. Ho if he agreed with CGAPS's testimony regarding CRB movement. After looking at the rule, Mr. Ho said he did agree that the rule as presented was incorrect because it prevented all interisland movement with only limited exceptions. Mr. Ho said that sections (d) and (e) appear to overlap, which is creating the issue, but he didn't have an exact solution at this time. Chairperson Oishi noted that CGAPS has identified an issue with the language, but in the interest of time, will move the discussion to other sections and specific language that can be drafted later.

Chairperson Oishi said *Fusarium tropical race 4 (tr4)* does not exist in the state, but is very bad, so the restriction should be in place if it does show up. Mr. Ho said that the rule section would be relatively simple to incorporate, restricting banana plants from an infested area to a non-infested one. He noted he was unsure if fruit would also need to be restricted. Chairperson Oishi said fruit would not be restricted. Mr. Ho said it could be easily incorporated into the existing banana regulations.

Chairperson Oishi asked if there were additional questions or comments from the Committee. Committee member Hauff asked if a specific pest was cryptic and there was a need to restrict the hosts, would that be a rule amendment, referencing the restrictions for Rapid Ohia Death, or were there other methods? Mr. Ho said it would depend on the host material. If the pest was only on propagative plant material, because all propagative plant material requires inspection, staff could be notified and immediate action could be taken to detect the pest and then take appropriate action. For cryptic pests, it is best to enact a rule because PQB then has the ability to compel additional requirements such as treatment or other mitigation measures prior to movement.

Committee Member Hauff noticed that the HAR section 4-72-4.5, designating infested areas, is proposed for deletion and asked how that affected the ability to implement quarantines. Mr. Ho said that the deletion was made to move it to HAR section 4-72-10 in the rules, effectively just moving it further down. Mr. Hauff asked if there were any changes. Mr. Ho said that there was a requirement to provide written notice to affected industry members, which was removed. He said the requirements for public notices still exist, just not to the affected industry groups. Mr. Hauff said there was a provision that the expansion of a quarantine needed to occur on the island where the quarantine was being implemented. With virtual meetings, he asked if that was necessary. Mr. Ho said the regulation was made prior to virtual meetings and the spirit was to ensure that those on that island had an opportunity to have their voices heard. He agreed that technology now actually creates more opportunities and still meet the spirit of the law, so that requirement is also removed.

Committee Member Hauff asked why the pest list references examples, as opposed to just being a list. Mr. Ho said he was unsure why, but making a change to the title could be a solution. He said that it was clear that if a particular pest is listed, action can be taken, so only additions were made. Mr. Hauff said the idea of examples, which meant there was likely a process that didn't involve rulemaking. Committee member Gon said that he agreed with the use of examples because it suggests there are more species besides those in the rules. He felt that the list should be shortened, but that was with the idea that a list of pests existed. Committee member Gon said that he is ok with the proposal as it is now, knowing that changes can still be made, such as including categories to organize the species and shortening with two examples per category, through the public hearing process. However, he was not proposing that it be done now.

Committee Member Hauff asked if this was something that could be done before it gets to the Board, or would that be asking too much? Mr. Ho said that it could be done and that what is presented to the Board would be extremely similar to what the Committee already has before them. He said that any proposed changes would be color coded to make them easy to identify and noted that PQB understands the changes that the Committee would like to see based on the discussions. Mr. Ho said whatever the Board approves, including any changes made after the Committee's review would then need to be finalized for the public hearing process and the Governor's signature, which is where the work would really be. He said that the public hearing process still allows for changes and the Department of Land and Natural Resources can submit additional changes for the Board's consideration at that time. Committee member Gon said he agreed with Committee member Hauff that completing this is an important step towards generalizing the list, which is important for the State's biosecurity.

Committee member Hauff asked if the definition of restricted area could be amended to allow more flexibility to allow partners or cooperators to be more involved with control efforts because that is more and more the case, as opposed to limiting it only to the department. Mr. Ho said that the definition could be amended to make it as "as determined by the Department", which still gives the Department control over specific projects, but creates flexibility for others. He said the rule was designed for the Department's Plant Pest Control Branch (PPC), but if deemed necessary, a change to that definition would be easy to accommodate. Committee member Gon said that he has seen language in other sections of law that allow for something to the effect of "the department, its assignees, or designees."

Chairperson Oishi asked for additional questions or comments. Committee member Tom Eisen asked how the CRB interim rule has been going, since the proposal is to make the rule permanent. Chairperson Oishi said the interim rule has not worked as well as hoped in preventing spread within the island of O'ahu, but it was likely due to the timing of outreach regarding the implementation of the interim rule. He said that interisland movement appears to be effective, and noted that there have been some challenges, but deemed the implementation successful, overall. Chairperson Oishi thanked the CRB Response Team and PQB for addressing gaps as they arose.

Chairperson Oishi said if there were no additional questions or comments from the Committee, he would like to hear from the public, noting that a testifier had their hand raised. Ms. Stephanie Easley, a legal fellow with CGAPS, introduced herself and thanked the Committee for the opportunity to testify, and thanked the Plant Industry Division, PQB, and Attorney General's office (AG), for the months of hard work that have gone in, resulting in the proposed rules getting to this point. She noted that as support staff to CGAPS and being on the Early Detection and Rapid Response group, she had worked on prior iterations of these rules and was very familiar with them.

Ms. Easley had testimony prepared, but in the interest of time, said she would abbreviate it. She addressed Committee member Hauff's question on the definition of restricted area, to propose the change be "as approved by the SPRO". With regards to the definition of pest as proposed by CGAPS, knowing the AG interpretation, would there be another way to address it, such as using another term. As she understood the current operational processes, using hay as an example, if it was found to be infested with two-lined spittlebug, PQB would not allow it to move. She noted the idea was to codify what PQB is already doing into the rules. Mr. Ho said Ms. Easley was correct in her explanation of how PQB would act. He said he understood the statutory definition of pest cannot be exceeded but noted that the statute regulating import also refers to insects and diseases, as well as pests. For the sake of this rule, he said everyone was trying to "streamline" the idea of what is actionable by using a single term that everyone could agree upon. Mr. Ho suggested that adding the terms "insect" and "disease" in front of the references to pest would create a similar authority to import regulations, while ensuring the statutory definition of pest was not compromised. He noted the definition of pest host material would also need this change and a more detailed analysis of each reference to pest in the rules would also be needed to see if the addition of insect and disease would be warranted. DAG Yi said that there were other authorities that could prohibit the movement of two-lined spittlebug, such as the need for a permit or prohibition because it was unlisted. Mr. Ho said that could work but felt the intent of the rule is to let people know that infested material cannot move, and we could act, such as compelling treatment. Chairperson Oishi asked if hay would require inspection. Mr. Ho said the proposed rules do not require an inspection in that instance. Chair Oishi said the discussion highlights there are multiple ways to address pests should they be found during an inspection. Mr. Ho said, yes.

Chairperson Oishi asked Ms. Easley if she had additional comments. She said she wanted to emphasize strong support for proposed HAR section 4-72-5, giving HDOA authority to stop the sale of infested merchandise and emphasized proposed changes providing additional clarity, which were covered in their written testimony. She noted a technical change involving HDOA's statutory authority for biosecurity being referenced in proposed HAR section 4-72-6, and suggested it be also added to HAR sections 4-72-1, -2, -3, -4, -5, -9, -10, -15, -22, and -23. She said HDOA has 3 statutory sections covering biosecurity and inclusion would make it clearer of what is intended. She said she was available for questions.

Chairperson Oishi asked if there were questions for Ms. Easley. Hearing none, he asked if there were additional testifiers. None responded. He asked if the Committee

members had additional questions or comments. Committee member Gon asked if the changes that have been discussed throughout the meeting would be incorporated, provided the rules move forward. He noted it was understood that what is being presented today would not be the same as what would be presented to the Board. Committee member Hauff asked if the motion would need to cover all the points of discussion. Chairperson Oishi deferred to DAG Yi. DAG Yi said it could be very specific, such as referencing individual parts of the rules, or could be general, such as all proposed changes by CGAPS. She said as long as the motion was clear, it would not be a problem. Chairperson Oishi took a brief recess at 11:03 AM.

Upon reconvening at 11:15 AM, Chairperson Oishi made a motion to approve the rule amendment with the following changes: revising the proposed section on CRB following the recommendations from CGAPS making changes to sections (d) and (e) to address the issues brought forth by CGAPS; to include language regarding Fusarium tropical race 4 as it relates to the banana industry; include all proposed additions and corrections to the examples of pests; and to address the definition of pest to include references to insects, diseases, or pests, as warranted by the PQB. Advisory Committee Member Pam Mizuno seconded the motion.

Chairperson Oishi asked if there was additional discussion. Committee member Hauff, referring to the examples of pests, asked if the additions would only be limited to the comments provided by Subcommittee Member Matsunaga or would it include CGAPS. Chairperson Oishi said it would cover both. Committee member Hauff said there was discussion about keeping all examples and would that occur. Chairperson Oishi said the motion did not involve any deletions. Chairperson Oishi asked Mr. Ho if he understood it was only additions and not deletions. Mr. Ho said he understood. Chairperson Oishi also noted that CGAPS' proposed additions would be reviewed by PPC staff to ensure they are correct.

Chairperson Oishi asked for additional comments or questions from the Committee members. DAG Yi asked if the examples were already determined as pests by the Board. Chairperson Oishi said it was understood that by approving the rules, they would be designated. DAG Yi affirmed that was acceptable. Committee member Hauff asked if there was an opportunity at the Board meeting to add additional pest species. Mr. Ho said he did not see why it could not occur.

Chairperson Oishi asked if there were additional questions or comments. He asked Ms. Easley if she had any. She responded in the negative. Hearing no other comments, he called for the vote.

Vote: 6/0 recommend approval. (Oishi, Hauff, Gon, Simmons, Eisen, Mizuno)

Motion Carries.

IV. ADJOURNMENT

Chairperson Oishi asked if there was further discussion. Hearing none, he asked for a motion to adjourn. Committee member Gon made a motion to adjourn. Committee Member Eisen seconded.

Vote: Approved 6/0. (Oishi, Hauff, Gon, Simmons, Eisen, Mizuno)

Motion carries. Meeting was adjourned at 11:20 AM

Respectfully submitted,

Jonathan Ho
PQB Inspection and Compliance Section Chief