

Ho, Jonathan K

From: Cindi <cgpunihaole@gmail.com>
Sent: Wednesday, February 25, 2026 2:00 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Urgent Support for Agenda Item III-B: 1-3

To: Advisory Committee on Plants and Animals, State of Hawai'i, Department of Agriculture and Biosecurity, Plant Quarantine Branch

1849 Auiki Street, Honolulu, HI 96819-3100

The Coconut Rhinoceros Beetle (CRB) is an **emergency situation** on Hawai'i Island. If we do not put enforceable rules in place now, we will lose this battle. It is that simple.

For too long, we have relied on voluntary compliance to restrict CRB movement. While many residents and businesses are trying to do the right thing, voluntary measures are not enough to stop a pest of this magnitude. The primary way CRB spreads is through the human movement of green waste, mulch, compost, and host materials. Without a rule restricting that movement, we are unintentionally helping the beetle expand its reach.

West Hawai'i still has a fighting chance. Containment is still possible — but only if we act swiftly and decisively. Every truckload of unregulated green waste moved outside of containment zones increases the likelihood that CRB will spread across the island, threatening our coconut trees, our shorelines, our cultural landscapes, and our agricultural future.

The niu is not just a tree. It is a vital Polynesian "canoe plant" and "tree of life" in Hawai'i. It is food, shelter, protection, and part of the identity of our coastal communities. Allowing this beetle to spread unchecked would be a preventable loss — and one future generations will not forgive us for.

This is the moment for leadership. We must move beyond voluntary guidance and adopt clear, enforceable rules to restrict human-assisted movement of CRB. Swift action now is our best and perhaps only opportunity to contain this pest in West Hawai'i.

Please act with urgency. Our island depends on it.

Mahalo for your courage and commitment.

Cynthia Punihaole Kennedy

Kalaoa, North Kona, Hawai'i Island.

Ho, Jonathan K

From: Alexis Kerver <alexis.hwf@gmail.com>
Sent: Wednesday, February 25, 2026 9:01 AM
To: DAB.PQ.TESTIMONY
Cc: Jodie Rosam
Subject: [EXTERNAL] Support for Agenda Item III-B: 1-3

Dear Members of the Advisory Committee on Plants and Animals,

I am writing in strong support of adopting an interim rule to prevent the spread of CRB. This pest poses an urgent threat to Hawai'i Island's ecological health, agriculture, and public safety. Without enforceable rules restricting human-assisted movement, containment efforts will not succeed.

Voluntary compliance alone is not enough. A formal rule is essential to strengthen prevention, protect our ecosystems, and ensure West Hawai'i still has a fighting chance at containment.

Mahalo for your consideration and for your service in protecting Hawai'i's natural resources.

Sincerely,
Alexis Kerver, MEM

Toni "Makani" Gregg
Resident and Native Hawaiian practitioner of Puna, Hawai'i
Program Coordinator, Pōhaku Pelemaka

February 25, 2026

Re: Support for Agenda Item III-B: 1-3

To:
Advisory Committee on Plants and Animals
State of Hawai'i, Department of Agriculture and Biosecurity
Plant Quarantine Branch
1849 Auiki Street
Honolulu, HI 96819-3100

Submitted via: DAB.PQ.TESTIMONY@HAWAII.GOV

Agenda Item B

Petition to Initiate Administrative Rulemaking — Interim Rule to Restrict Transportation of CRB Host Material, Hawai'i Island

Individually:

Submitted by: Toni "Makani" Gregg

Affiliation: Resident and Native Hawaiian practitioner of Puna, Hawai'i Island

My name is Makani Gregg and I live and farm down Pohoiki, Puna Hawai'i. I am an aloha 'āina practitioner, marine ecologist, botanist and conservation biologist, and a program coordinator with Pōhaku Pelemaka with over a decade of field experience in native plant management and restoration on Hawai'i Island, including seven years as a botanical field technician with PCSU and the National Park Service at Hawai'i Volcanoes National Park. I write in strong support of the petition to initiate interim rulemaking to restrict the transportation of CRB host material from infested areas on Hawai'i Island. Through our Hi'i Ka Malu Niu program at Pōhaku Pelemaka, I have personally observed the spread of CRB damage to coconut trees in Waialua and Waimanalo, O'ahu. I have seen the characteristic V-shaped feeding damage on fronds, I have seen infested trees, and I have watched healthy groves that our community depends on become increasingly vulnerable. This is all happening right when the people of Hawai'i are re-establishing their spiritual connection to niu or coconut. As someone trained in invasive species response including decontamination protocols for Rapid 'Ōhi'a Death, I understand how critical early and decisive regulatory action is in preventing the establishment and spread of a devastating pest. The window to meaningfully slow CRB's spread on Hawai'i Island is narrowing. Every month of delay increases the risk of introduction to other islands, a scenario that would be catastrophic for the entire state. The existing rules under HAR Chapter 4-72 do not adequately address the movement of the full range of CRB host materials — particularly compost, mulch, wood chips, and landscaping material that pose significant risk of transporting CRB egg masses and larvae. An interim rule is both legally justified and practically necessary. I urge the Committee to support this petition without delay. The niu must be protected.

Submitted by: Toni "Makani" Gregg, Program Coordinator of Pōhaku Pelemaka

Affiliation: Pōhaku Pelemaka, 501(c)(3) Native Hawaiian Nonprofit, Co-Petitioner, Puna, Hawai'i Island

E kūkū ana i ka pono o ka 'āina a me nā kānaka o Puna — we speak for the land and the people of Puna. Pōhaku Pelemaka is a 501(c)(3) Native Hawaiian nonprofit organization based along the coast of Puna, Hawai'i Island, and a co-petitioner on this petition alongside Megan Lamson of Hawai'i Wildlife Fund and our Executive Director, Leila Kealoha. We submit this testimony in strong support of all three findings requested in the petition: (1) authorization to initiate administrative rulemaking for an interim rule restricting transportation of CRB host material from designated infested areas on Hawai'i Island; (2) a finding that existing regulations under HAR Chapter 4-72 are insufficient to contain or slow the spread of CRB; and (3) a finding that the adoption of an interim rule is required to prevent further spread. The Coconut Rhinoceros Beetle represents one of the most serious biosecurity threats Hawai'i Island has faced in modern times. For our Puna community, this is not an abstract regulatory matter — it is a direct threat to our cultural identity, our food systems, and our 'āina. Through our Hi'i Ka Malu Niu program and 1st annual Niu Fest, Pōhaku Pelemaka has been actively documenting coconut trees across Puna — mapping groves and rare Hawaiian varieties, monitoring tree health, and engaging our 'ohana in coconut grove restoration. We have witnessed firsthand the devastating impact CRB is already having on palms on O'au and Kaua'i, and we are deeply alarmed by the pace of spread. The coconut or niu is one of the most significant plants in Native Hawaiian culture. It provides food, water, medicine, shelter, tools, spirituality and cordage. Coconut groves or uluniu are living libraries of Native Hawaiian knowledge and practice. The potential loss of Puna's uluniu to CRB would be an irreplaceable cultural loss on top of an ecological one. Existing rules have proven insufficient. The movement of infested host material including compost, mulch, wood chips, landscaping material, and live palms is accelerating the spread of CRB across the island and risks introduction to currently uninfested islands. An interim rule is not just warranted — it is urgent. We urge the Committee to support the petition in full and to recommend that the Department of Agriculture and Biosecurity move forward swiftly with the interim rulemaking process. The people and 'āina of Puna are counting on decisive action.

Me ke aloha ha'aha'a
Toni "Makani" Gregg
Resident of Puna, Hawai'i
Program Coordinator
Pōhaku Pelemaka

February 24, 2025

Subject: Support for Agenda Item III-B: 1-3

Advisory Committee on Plants and Animals
State of Hawai'i, Department of Agriculture and Biosecurity
Plant Quarantine Branch

Aloha e Members of the Advisory Committee,

My name is Misty Carter, President of Hui 'Oihana – Hawai'i Island Native Hawaiian Chamber of Commerce. I write in strong support of Agenda Item III-B: 1-3 and the adoption of an Interim Rule to prevent the spread of the coconut rhinoceros beetle (CRB) on Hawai'i Island.

CRB is an emergency situation. Without enforceable rules in place, Hawai'i Island will clearly lose the battle against its establishment. To date, there has been nothing greater than voluntary compliance to restrict the movement of CRB host material. That is not enough. A rule is urgently needed to restrict the movement of CRB by human activity and commerce.

This past weekend, our Niu Festival in Hilo brought together keiki, kūpuna, growers, cultural practitioners, small businesses, and educators around one unifying truth: niu is foundational to Hawai'i's food security, cultural practice, coastal resilience, and economic vitality. The response was overwhelming, and our community demonstrated how deeply niu is woven into our identity and well-being.

CRB threatens not only coconut palms, but the broader kinolau connected to them, agriculture, cultural continuity, coastal ecosystems, and local enterprise. Stopping the spread now is imminent and necessary. Containment in West Hawai'i is still possible, but only with an enforceable policy.

This Interim Rule is modest, reasonable, and necessary to prevent long-term, irreversible impacts to Hawai'i Island's ecological and economic health.

Mahalo for your leadership and for taking action while containment is still within reach.

Me ka mahalo,

Misty Carter
President, Hui 'Oihana – Hawai'i Island Native Hawaiian Chamber of Commerce

Ho, Jonathan K

From: Josephine Smith <smithjos@hawaii.edu>
Sent: Wednesday, February 25, 2026 11:02 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Testimony in Strong Support of Interim Rules Restricting Transport of CRB Host Material

As a retired CTAHR agricultural professional, I strongly support the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

CRB presents an active emergency for Hawai'i Island. The continued discovery of beetles and breeding sites in North Kona makes clear that movement of untreated mulch and other host materials from infested areas poses an immediate risk of island-wide establishment. Voluntary compliance is insufficient to prevent human-assisted spread. Containment in West Hawai'i remains possible—but only with prompt, enforceable action.

The proposed interim rules are practical and proportional. They require basic training, treatment, and best management practices before transporting high-risk materials—steps that are reasonable for industry and essential for biosecurity. Acting now will help safeguard food security, native ecosystems, cultural resources, and the local economy. Inaction risks repeating the severe impacts already experienced on O'ahu and Kaua'i.

I urge the committee to recommend adoption of these interim rules by the Board of Agriculture and Biosecurity.

Jody Smith
East Honolulu 96825



501(C)(3) NONPROFIT ORGANIZATION
WWW.KUAMOOLEGACY.ORG

February 25, 2026

Advisory Committee on Plants and Animals

State of Hawai'i, Department of Agriculture and Biosecurity

Plant Quarantine Branch

1849 Auiki Street

Honolulu, HI 96819-3100

Aloha e Advisory Committee on Plants and Animals,

Subject: Support for Agenda Item III-B: 1-3

CRB is an *emergency situation* and without any rules in place, Hawai'i Island will clearly lose the battle against CRB.

There has been nothing greater than voluntary compliance to restrict the movement of CRB, and there needs to be a rule in place to restrict the movement of CRB by humans. Containment is still possible in West Hawai'i.

Please, it is imperative you support this initiative today.

Me ka 'oia'i'o,

A handwritten signature in black ink, appearing to read "Johnson Keonelehua Kalawe".

Johnson Keonelehua Kalawe
Executive Director
Kuamo'o Legacy Foundation
kuamoolegacy@gmail.com

Ho, Jonathan K

From: Pete Wilson <perhansahi@gmail.com>
Sent: Wednesday, February 25, 2026 11:37 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.HWF@gmail.com
Subject: [EXTERNAL] Agenda III.B - Adoption of Interim Rules to Further Restrict the Transportation of CRB Host Material

Aloha Advisory Committee on Plants and Animals,

My name is Peter Wilson from Pahoa, and I **strongly support** the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

CRB is a true emergency situation for Hawai'i Island. As more beetles and breeding sites are discovered in north Kona, the continued movement of untreated mulch and other host materials from infested areas threatens the entire island with the permanent establishment of this devastating pest. Without enforceable rules in place, voluntary compliance alone will not be enough to stop the human-assisted spread of CRB. Containment in West Hawai'i is still possible, but only if action is taken now.

These interim rules are a modest and practical step, requiring training, treatment, and best management practices before high-risk materials are transported. Taking action now will help protect our food security, native ecosystems, cultural resources, and local economy for generations to come. Not taking action, on the other hand, may lead to the same devastating impacts we have seen in too many other places, including across O'ahu and Kaua'i.

I urge the committee to make the recommendation to the Board of Agriculture and Biosecurity for the adoption of interim rules to further restrict the transportation of CRB host material.

Mahalo nui for your time and consideration.

Sincerely,
Peter Wilson

--

Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778
808-557-8108

Ho, Jonathan K

From: Nanea Lo <naneaclo@gmail.com>
Sent: Wednesday, February 25, 2026 11:37 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Agenda III.B - Adoption of Interim Rules to Further Restrict the Transportation of CRB Host Material

Hello Advisory Committee on Plants and Animals,

My name is Nanea Lo from Papakōlea, O'ahu currently residing in Mō'ili'ili, and I **strongly support** the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

CRB is a true emergency situation for Hawai'i Island. As more beetles and breeding sites are discovered in north Kona, the continued movement of untreated mulch and other host materials from infested areas threatens the entire island with the permanent establishment of this devastating pest. Without enforceable rules in place, voluntary compliance alone will not be enough to stop the human-assisted spread of CRB. Containment in West Hawai'i is still possible, but only if action is taken now.

These interim rules are a modest and practical step, requiring training, treatment, and best management practices before high-risk materials are transported. Taking action now will help protect our food security, native ecosystems, cultural resources, and local economy for generations to come. Not taking action, on the other hand, may lead to the same devastating impacts we have seen in too many other places, including across O'ahu and Kaua'i.

I urge the committee to make the recommendation to the Board of Agriculture and Biosecurity for the adoption of interim rules to further restrict the transportation of CRB host material.

me ke aloha 'āina,

--

Nanea Lo (*she/they/'o ia*) | Micro-influencer

Board Member | [Hawai'i Workers Center](#)

Board Member | [Circular Fashion Hawai'i](#)

Granter | [Hawai'i People's Fund](#)

Pod | [Naughty + Native](#)

(808)444-1229

[LinkedIn](#)

"'A'ole 'ulu i loa'a i ka pōkole o ka lou" - 'Ōlelo No'eau

No breadfruit can be reached when the picking stick is too short.

There can be no success without preparation.



Testimony Before The
Hawai'i Department of Agriculture and Biosecurity
Advisory Committee on Plants and Animals
IN SUPPORT OF Agenda Items III-B(1) to (3)
Rulemaking to Regulate the Transportation of CRB Host Material on Hawai'i Island
February 27, 2026, 1:00 p.m., Plant Quarantine Branch, Honolulu

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMOMA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA strongly supports Agenda Items III-B(1) to (3) as necessary, proactive defenses against CRB as called for by Hawai'i Island community leaders, and an essential safeguard to ensure 'āina momona on Hawai'i Island for future generations.

Communities we work with are intimately familiar with the impacts of invasive species on every aspect of life in Hawai'i — jeopardizing native ecosystems, food security, traditional and cultural practices, public health, fire safety, climate resiliency, our economy, and the overall quality of life for residents and visitors alike. Pōhaku Pelemaka is a beloved and active member in our E Alu Pū network. Their mission focuses on preservation and protection of biocultural resources, Native Hawaiian wellbeing, and intergenerational knowledge exchange. Part of their work includes caring for an ancient uluniu (coconut grove) with over 1,400 niu trees in Puna; they also help organize the Hawai'i Island Hala Festival. Invasion of Coconut Rhinoceros Beetle (CRB) on their traditional and cultural practices is imminent, representing just one example of many on Hawai'i Island.

The overall devastation caused by CRB on five of the main Hawaiian Islands is hard to ignore, and the impacts can also be irreversible once CRB are established. **Loss of significant cultural and food resources like niu (coconut), ulu (breadfruit), mai'a (banana), kalo (taro), hala (pandanus), and others would erode cultural practices and resources that Native Hawaiian and local communities cherish, perpetuate, and regenerate in furtherance of cultural integrity, food self-sufficiency, and connections to 'āina and each other.** For these reasons KUA also supported the interim rulemaking last year to help prevent CRB from moving on to Molokai, and we acknowledge and mahalo the BAB for your swift approval of that necessary community effort. CRB was initially detected on Hawai'i Island in October 2023 in Waikōloa Village, and since at least March 2025 they have already been found in multiple West Hawai'i areas. Although Hawai'i County has a Voluntary Compliance Order in effect, this was always intended as a precursor to a mandatory compliance structure to be implemented by BAB. With movement already occurring on the island, *now* is the time for stronger protections against these invasive pests.

Organizations and initiatives in our networks have long dedicated considerable energy and resources to educate the public to act in defense of our islands from invasive species. Several leading Molokai and Hawai'i Island voices among them. Despite community efforts to raise awareness, centralized policy (or lack of policy) which fails to consider the voices of communities closest to the impact *themselves* overlooks the power of a collaborative citizenry and community. People "on the ground" are not only the most knowledgeable about what they actually need, but are also the most impacted by the active *mistakes* of others (i.e. gorilla ogo invasion all over O'ahu and the recent introduction of CRB on Lāna'i). **We implore you to listen to the Hawai'i Island locals and take *real action* to support our biosecurity systems by supporting this interim rule *before it is too late*.** 'Āina Momona is not achievable without prioritizing the urgent protection from these invasive pests to protect our precious biocultural resources and those that intimately love and care for them.

Mahalo nui loa for considering our testimony in support. Please **APPROVE** Agenda Items III-B(1) to (3) for rulemaking on CRB for Hawai'i Island before you today.

Aloha 'Āina Momona no nā kau ā kau.

Ho, Jonathan K

From: Jim Medeiros Sr. <kahunaiwi@icloud.com>
Sent: Wednesday, February 25, 2026 1:38 PM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] FORMAL LEGISLATIVE TESTIMONY on behalf of Protect Keopuka Ohana

In Strong Support of Agenda Items III-B(1) to (3) Relating to Biosecurity and the Protection of Hawai'i's Biocultural Resources Submitted by: Protect Ke'opuka 'Ohana On behalf of Jim Medeiros Sr., Lineal Descendant

Aloha Chair, Vice Chair, and Honorable Members of the Committee,

My name is Jim Medeiros Sr., a lineal descendant submitting testimony on behalf of Protect Ke'opuka 'Ohana in strong support of Agenda Items III-B(1) to (3), which strengthen Hawai'i's biosecurity protections and safeguard our island's essential food plants, natural resources and cultural landscapes

I. The Urgent Need for Strong Biosecurity Measures

The spread of invasive species—especially the Coconut Rhinoceros Beetle (CRB)—poses a direct and immediate threat to Hawai'i Island. CRB endangers the plants that sustain our communities, our food systems, and our cultural practices, including:

- Niu (coconut)
- 'Ulu (breadfruit)
- Mai'a (banana)
- Kalo (taro)
- Hala (pandanus)

These plants are not only agricultural resources—they hold deep spiritual significance to Kānaka 'Ōiwi and to the 'āina itself. They embody genealogy, ceremony, and identity:

- Kalo connects us to Hāloa, our ancestor, grounding our relationship to land and to one another.
- Niu symbolizes chiefly lineage, resilience, and sustenance.
- 'Ulu represents abundance, growth, and the thriving of families and communities.
- Mai'a is tied to healing, protocol, and generational continuity.
- Hala carries the spiritual threads of weaving, memory, and the passing of knowledge.

The loss of these plants would cause not only ecological harm but a profound spiritual and cultural rupture for the people of Hawai'i.

II. Protection of Kona's Sacred and Historic Areas

Kona is home to some of Hawai'i's most significant cultural and historical sites, including Pu'uuhonua o Hōnaunau, a place of refuge, healing, and deep ancestral importance. Protecting the surrounding landscape from invasive species is essential to preserving the integrity, safety, and sanctity of these wahi pana.

Strong biosecurity is a practical and necessary step to ensure these areas remain healthy and intact.

III. Community Support for Legislative Action

Protect Ke'opuka 'Ohana supports Agenda Items III-B(1) to (3) because they:

- Strengthen Hawai'i's ability to prevent and respond to invasive species
- Protect essential food plants and agricultural resources
- Support long-term sustainability and resilience
- Help safeguard the natural and cultural landscapes of Kona and Hawai'i Island

These measures reflect the needs and concerns of communities who live closest to the impacts and who rely on healthy ecosystems for cultural practices, subsistence, and daily life.

IV. Conclusion

For these reasons, I respectfully urge the Committee to approve Agenda Items III-B(1) to (3). Strengthening Hawai'i's biosecurity is essential to protecting our food systems, our natural resources, and the cultural landscapes that define Kona and Hawai'i Island.

Mahalo nui loa for the opportunity to testify.

Me ka ha'aha'a,
Jim Medeiros Sr.
Lineal Descendant
Protect Keopuka Ohana

Ho, Jonathan K

From: Olan Leimomi Fisher <olan@kuahawaii.org>
Sent: Wednesday, February 25, 2026 2:22 PM
To: DAB.PQ.TESTIMONY
Cc: Jim Medeiros Sr.
Subject: [EXTERNAL] Jimmy Medeiros Support Testimony - DAB Mtg 2/27, Item III-B(1) to (3) - CRB Hawai'i Island Rulemaking

*Aloha, below please find testimony from Uncle Jimmy Medeiros of Hawai'i Island in support of Agenda Items III-B(1) to (3) for the upcoming DAB Advisory Committee on Plants & Animals meeting this Friday 2/27 at 1pm. **Uncle Jimmy (kahunaiwi@icloud.com) is also copied on this email for any questions. Mahalo!***

**In Strong Support of Agenda Items III-B(1) to (3)
Relating to Biosecurity and the Protection of Hawai'i's Biocultural Resources
Submitted by: Protect Ke'opuka 'Ohana
On behalf of Jim Medeiros Sr., Lineal Descendant**

Aloha Chair, Vice Chair, and Honorable Members of the Committee,

My name is Jim Medeiros Sr., a lineal descendant submitting testimony on behalf of Protect Ke'opuka 'Ohana in strong support of Agenda Items III-B(1) to (3), which strengthen Hawai'i's biosecurity protections and safeguard our island's essential food plants, natural resources, and cultural landscapes.

This testimony is offered in support only.
No cultural consultation is requested or required.

I. The Urgent Need for Strong Biosecurity Measures

The spread of invasive species—especially the Coconut Rhinoceros Beetle (CRB)—poses a direct and immediate threat to Hawai'i Island. CRB endangers the plants that sustain our communities, our food systems, and our cultural practices, including:

- Niu (coconut)
- 'Ulu (breadfruit)
- Mai'a (banana)
- Kalo (taro)
- Hala (pandanus)

These plants are not only agricultural resources—they hold deep spiritual significance to Kānaka ‘Ōiwi and to the ‘āina itself. They embody genealogy, ceremony, and identity:

- Kalo connects us to Hāloa, our ancestor, grounding our relationship to land and to one another.
- Niu symbolizes chiefly lineage, resilience, and sustenance.
- ‘Ulu represents abundance, growth, and the thriving of families and communities.
- Mai‘a is tied to healing, protocol, and generational continuity.
- Hala carries the spiritual threads of weaving, memory, and the passing of knowledge.

The loss of these plants would cause not only ecological harm but a profound spiritual and cultural rupture for the people of Hawai‘i.

II. Protection of Kona’s Sacred and Historic Areas

Kona is home to some of Hawai‘i’s most significant cultural and historical sites, including Pu‘uhonua o Hōnaunau, a place of refuge, healing, and deep ancestral importance. Protecting the surrounding landscape from invasive species is essential to preserving the integrity, safety, and sanctity of these wahi pana.

Strong biosecurity is a practical and necessary step to ensure these areas remain healthy and intact.

III. Community Support for Legislative Action

Protect Ke‘opuka ‘Ohana supports Agenda Items III-B(1) to (3) because they:

- Strengthen Hawai‘i’s ability to prevent and respond to invasive species
- Protect essential food plants and agricultural resources
- Support long-term sustainability and resilience
- Help safeguard the natural and cultural landscapes of Kona and Hawai‘i Island

These measures reflect the needs and concerns of communities who live closest to the impacts and who rely on healthy ecosystems for cultural practices, subsistence, and daily life.

IV. Conclusion

For these reasons, I respectfully urge the Committee to approve Agenda Items III-B(1) to (3). Strengthening Hawai'i's biosecurity is essential to protecting our food systems, our natural resources, and the cultural landscapes that define Kona and Hawai'i Island.

Mahalo nui loa for the opportunity to testify.

Me ka ha'aha'a,
Jim Medeiros Sr.
Lineal Descendant
Protect Keopuka Ohana

Ho, Jonathan K

From: Benton Kealii Pang <mokumanamana@gmail.com>
Sent: Wednesday, February 25, 2026 3:01 PM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Agenda III.B - Adoption of Interim Rules to Further Restrict the Transportation of CRB Host Material

Aloha Advisory Committee on Plants and Animals,

My name is Kealii Pang, Ph.D., from Honolulu, and I strongly support the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

As a federal biologist with 35 years of experience in Hawaii conservation, I know firsthand the devastating effects of CRB. I witnessed the destruction on Guam, where this beetle has damaged at least 25% of coconut trees since its 2007 detection, earning the coconut palm its name as the "tree of life" for the indigenous CHamoru people. I also had a hand in controlling the first CRB detection in Hawai'i when it was sighted near Hickam Air Force Base in December 2013. Seeing how rapidly it has spread across O'ahu since then—from those initial finds near Pearl Harbor to establishment island-wide—has shown me that without aggressive intervention, containment becomes nearly impossible.

My doctoral research in the uplands of Ka'ūpūlehu, Kona 'Ākau, gave me intimate knowledge of that region, and the recent discovery of CRB breeding sites in north Kona is deeply concerning. I know the 'ohana of that area, I know the cultural and ecological significance of their native forests and shorelines, and I know that once a pest like this establishes permanently, it is nearly impossible to reverse.

CRB is a true emergency situation for Hawai'i Island. As more beetles and breeding sites are discovered in north Kona, the continued movement of untreated mulch and other host materials from infested areas threatens the entire island with the permanent establishment of this devastating pest. Without enforceable rules in place, voluntary compliance alone will not be enough to stop the human-assisted spread of CRB—which has been the primary driver of its expansion across O'ahu. Containment in West Hawai'i is still possible, but only if action is taken now.

These interim rules are a modest and practical step, requiring training, treatment, and best management practices before high-risk materials are transported. Taking action now will help protect our food security, native ecosystems, cultural resources, and local economy for generations to come. On Hawai'i Island, these beetles pose a serious threat to five endemic species of loulou palms, with three already designated as endangered. Not taking action may lead to the same devastating impacts we have seen across O'ahu and Kaua'i.

I am especially glad to see this on the agenda. When I served on the Advisory Committee on Plants and Animals, we did not have the opportunity to address policy or administrative rules. I am happy to see that change—this committee now has the chance to take meaningful action that will make a real difference for our islands. As someone who has dedicated my career to mālama 'āina, I cannot stress enough how critical this moment is.

I urge the committee to make the recommendation to the Board of Agriculture and Biosecurity for the adoption of interim rules to further restrict the transportation of CRB host material.

Mahalo nui for your time and consideration.

Sincerely,
Kealii Pang, Ph.D.

3204 Carlos Long St.
Honolulu, Hawai'i 96816
808-349-3636

Feb 25, 2026

Hawaii Board of Agriculture & Biosecurity
Advisory Committee on Plants & Animals
1849 Auiki Street
Honolulu, Hawaii 96819



RE: Feb 27 Committee Meeting

Aloha members,

I am writing to express the support of the Big Island Invasive Species Committee for the revised interim rule and compliance agreements as currently being submitted by the petitioners, Hawai'i Wildlife Fund and Pohaku Pelemaka. This rule would introduce a compliance agreement program to the Big Island to regulate movement of potential host materials that could contain the highly destructive Coconut Rhinoceros Beetle (CRB). The petition is very reasonably requesting interventions to mitigate the risk of moving CRB by commercial operations. It does not solve the entire problem of CRB on the Big Island, and nothing can ever be 100% certain, but these are common sense actions.

Since the time of the original submission from the petitioners to the Board of Agriculture & Biosecurity in January, BIISC has worked closely with the petitioners to make revisions based on feedback from that meeting. We all met with PQ staff to review the original PQ comments on that January draft. Importantly, we were invited by a group of affected businesses from the Kona area to meet to discuss the requirements of the compliance agreements. Also included in that meeting were a scientific advisor from the Oahu-based CTAHR CRB Response Team, a legal advisor from the Coordinating Group on Alien Pest Species (CGAPS), and staff from our County R&D and HDAB PPC. Over the course of more than two hours, the group went through every line of the compliance agreements, and the businesses gave feedback on the feasibility and reasonableness of the requirements. Surprisingly, the most common feedback received was that some of the requirements were too loose - for instance, the businesses felt strongly that many of the timelines should be tightened up, so the revised compliance agreements now instruct a 24 hour period to replace a 48 hour period for several actions, such as inspections before movement of plants.

They also shared key information and recommendations specific to the area in question, such as the need for inclusion of HOAs and other entities within some of the exclusive communities on the Kona coast, who hire their own landscaping and groundskeeping crews that also should be operating under a compliance agreement. The businesses we met with are all already mostly compliant with what is being asked in the agreements - if there was one thing clearly unanimous from our meeting, it is that they are strongly in favor of stopping the spread of CRB, and willing to undertake many extra steps to do so. They want to ensure the playing field is fair, however, and that other businesses who may not be so community-minded are also being asked to take on their share of responsibility in this fight. The petitioners took all of the feedback to heart and spent a great deal of time incorporating the suggestions into the revision of the compliance agreement.

The need for some kind of mandatory regulation of movement of host materials cannot be understated. Since our Kona CRB detection at the airport in March of 2025, the beetle has continued to spread. Within the first two weeks, it became apparent that CRB was present in the agricultural park across from the airport, where many businesses produce palm trees, potted

plants, and decomposing material (mulch and soil) that is transported up and down the leeward coast to the many resorts, golf courses, and vacation communities - all of which offer well-irrigated landscapes replete with coconut palms. This is the nightmare situation for a CRB invasion: daily movement of potential host materials into areas well-stocked with their preferred food source.

In May 2025, there was a confirmed incident in which CRB larvae were transported in mulch materials from a business in the Keahole Ag Park to a resort on the Kona Coast just north of Kua Bay. While that business voluntarily agreed to stop moving mulched material (as it was not a primary activity of their business), they and many other similar entities in the area continue to move palms and potted plants. We now know from two incidents of shipments to Lana'i this past summer as well as countless anecdotes from Oahu residents that CRB larvae are colonizing the soil in potted plants.

We know CRB are able to utilize bagged mulch for breeding by simply tearing open the bags with their strong legs. In September, a dead CRB was found on the east side of Hawaii Island in a big box store. Subsequent investigation indicated that the beetle was most likely killed in fumigation in a shipment of bagged mulch from Oahu (showing the importance of that measure!). However, we learned from store employees that they regularly receive trucked shipments of potential host materials from their Kona store - which, as of this past summer, is now within the zone of known CRB presence.

While the voluntary order issued by the County at the request of the Hawaii Department of Agriculture & Biosecurity was important in the absence of any mandatory regulation, businesses cannot simply stop fulfilling orders and contracts for their clients with only a voluntary request. Large corporate chain stores will not change practices based on voluntary requests - they will, however, comply with state law and mandatory orders.

We hope that by implementing this interim rule for the next year, that there will be enough time - and practical lessons learned - to allow HDAB PQ to increase its resource capacity in Kona and be ready to implement a permanent, effective rule for the Big Island that will continue after this rule expires. There is extensive value in working as hard as possible to prevent the movement of CRB to the many, many untouched niu and loulou groves of our island.

Mahalo for the opportunity to provide testimony on this matter. Please do not hesitate to reach out to me with questions.

Warmly,



Franny Brewer
Program Manager
fbrewer@hawaii.edu
(808) 933-3340



HOUSE OF REPRESENTATIVES

Hale o nā Luna Makaʻāinana

STATE OF HAWAII
STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

February 25, 2026

TO: Advisory Committee on Plants and Animals
FROM: Representative Nicole E. Lowen
SUBJECT: Support for Agenda Item III-B: 1-3

Aloha Members of the Advisory Committee on Plants and Animals,

I am writing to support Agenda Item III-B: 1-3 and to emphasize the need for interim rulemaking to regulate the transportation of Coconut Rhinoceros Beetle (CRB) host material on Hawaiʻi Island.

Despite efforts to prevent the spread of CRB in Hawaiʻi since its first detection on Oʻahu in 2013, CRB has now been found on Kauai, Hawaiʻi Island, Maui, and Lānaʻi. In October 2023, CRB larvae were collected in the Waikōloa Village area of Hawaiʻi Island. A few months later, in 2024, adult CRB were detected in the Waikōloa Village area. Since March 2025, CRB has been found outside the Waikōloa area at various locations on west Hawaiʻi Island. CRB decimates coconut groves, endangered palms, and other native crops. The impacts of CRB jeopardize the ecosystem, the economy, local agriculture, and food security.

As seen by the spread of CRB across the State and on Hawaiʻi Island, CRB is a serious threat to the ecological health of Hawaiʻi that has not been contained by current Department of Agriculture and Biosecurity action. There has not been anything stronger than voluntary compliance to slow the spread of CRB, and a regulatory structure is needed to protect our island and its resources from further damage. Without any rules to restrict the movement of CRB, this invasive species will eventually be widespread on Hawaiʻi Island.

I respectfully urge the Advisory Committee on Plants and Animals to find that an interim rule to restrict the transportation of CRB host material is necessary to protect the ecological health of our State and to prevent the spread of CRB on Hawaiʻi Island.

Sincerely,

Representative Nicole E. Lowen
House District 7: Kailua-Kona, North Kona, South Kohala
Chair, Committee on Energy and Environmental Protection



Hawai'i Wildlife Fund
PO Box 1801
Kealahou, HI 96750



**PŌHAKU
PELEMAKA**

Pōhaku Pelemaka
13-3749 Old Kalapana Road
Pāhoa, HI, 96778

Advisory Committee on Plants and Animals
Department of Agriculture and Biosecurity
Plant Quarantine Branch
1849 Auiki Street
Honolulu, HI 96819

February 25, 2026

Re Agenda Item III-B (1-3): Petition for Interim Rulemaking to Regulate the Transportation of Coconut Rhinoceros Beetle (*Oryctes rhinoceros*) Host Material on Hawai'i Island

Aloha Members of The Advisory Committee on Plants and Animals,

Mahalo for the opportunity to provide additional information and documentation for your review at this upcoming February 27, 2026 meeting. We appreciate you referencing the supportive testimony provided, as well as acknowledging the immense amount of testimonies received in support for the BAB meeting in January. We are confident that together, we can move this rule forward to the Board for immediate adoption on March 24, 2026.

Since the January 27, 2026 meeting with BAB, Hawai'i Wildlife Fund and Pōhaku Pelemaka quickly met with PQB to address any concerns related to the Compliance Agreement and/or the proposed Interim Rule. We appreciate that PQB offered the Committee an amended version of both documents, but we request that the Committee please see the attached redline versions of the Compliance Agreement and the Interim Rule. In addition to working with PQB, we also met with stakeholders within the Infested Area (businesses working in Keāhole Ag Park) to clarify the Petition and address gaps in the Compliance Agreement that will ensure that for the year the interim rule is in place, both wildlife and people can be protected. One addition we are pleased to report is the addition of a Designated Collection Bin, which will be a great benefit to both businesses and to slow the human spread of CRB. Other notable changes include clarification of the definition of terms and best management practices. *Please see the attached Attachments A and B as Word documents to clearly see the changes to the documents since submitted to BAB in January. Final documents are also attached (labeled as "Final_2-25-26") for you to read as well – these are the redlined documents with all changes accepted.*

The Petition brought forth to BAB in January received hundreds of testimonies in support to adopt an interim rule, and since the meeting, supportive testimonies continued to roll in. There was support from



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agencies, farmers, conservation organizations, and community members – the Petitioners are not the only ones who see CRB as an immediate threat to Hawai'i Island's food security, native ecosystems, and economy. This is an *emergency* that the State needs to take seriously, and the public should not be the ones to step up and draft an interim rule due to lack of action by BAB. We need to work together, cohesively, and the time to act is NOW.

Voluntary compliance agreements can only go so far and are limited in their ability to enact meaningful restrictions. Moreover, they were presented as only a short-term measure to allow DAB to come up with longer-term mandatory restrictions. However, nine months into Kona's invasion and with no mandatory regulation yet proposed by DAB, these voluntary compliance agreements seem to have been a wasteful "buying time" scenario with no apparent solution in sight – we are in our THIRD voluntary compliance agreement term! Replacing one voluntary compliance agreement with another is not a proactive method to contain the spread of CRB, it is in fact the opposite. It is sitting idly and complacently, watching the spread continue to expand. As it currently stands with no enforced regulatory practices, CRB will spread across Hawai'i Island. When that happens, DAB will have to recognize that because of their lack of response on this matter, our livelihoods, food security, wildlife, and people that call this island home will be forced to live with their poor (or lack of) decision making.

We are confident that the Committee will agree, and any further changes to the Petition will be minimal and can be addressed by the Committee at this meeting or the Board at the March 24, 2026 meeting. *It is imperative that this rule be adopted as soon as possible to ensure Hawai'i Island supports, protects, and values native species over invasive ones.* Hawai'i Wildlife Fund and Pōhaku Pelemaka urge the Advisory Committee on Plants and Animals to move this petition forward to the Board for final approval, and we hope to have your support along the way. To be clear: the proposed rule simply requires that businesses operating within the infested zone enter into compliance agreements with DAB to implement Best Management Practices, including staff training, heat treatment of materials, regular inspections, and proper storage protocols. *This rule does not call for a full quarantine or for business to cease operations.* These are common-sense measures that will allow businesses to continue operations while preventing the catastrophic spread of CRB across Hawai'i Island. Every day without enforceable regulations increases the risk of losing irreplaceable native and culturally important species forever.

Thank you for the opportunity to provide this testimony and for your efforts to help control the spread of CRB across Hawai'i Island. We look forward to working together on this very important biosecurity



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matter, and please feel free to reach out with any questions or concerns that were not adequately addressed.

Mahalo nui loa for your thoughtful time and consideration,

Jodie Rosam, Megan Lamson, and Leila Kealoha

Hawai'i Wildlife Fund and Pōhaku Pelemaka

Proposed Model Compliance Agreement to Prevent the Spread of Coconut Rhinoceros Beetle

Authority: This Compliance Agreement is made pursuant to the authority of Hawaii Department of Agriculture and Biosecurity (HDAB) Plant Quarantine Interim Rule 26-___ and sections 141-1 and 150A-9.5, Hawaii Revised Statutes (HRS).

Purpose: The purpose of this Compliance Agreement is to provide direction and protocols for the proper Transportation, movement, Processing, and disposal of Coconut Rhinoceros Beetle (CRB) host material and CRB host palms in the Quarantine Area to prevent the spread of the CRB to other areas in the State that are not known to be infested with CRB.

Parties: This Compliance Agreement is made between the HDAB and the Participant, as set out below:

Hawaii Department of Agriculture and Biosecurity
Plant Industry Division
1428 South King Street
Honolulu, HI 96814
Contact: *Administrator of the Plant Industry Division*

Participant Information (the "Participant"):

Participant Name (Company or Individual):

Participant Representative:

Mailing Address:

City: Zip:

Physical Address (If different from above):

City: Zip:

Phone: E-Mail:

Contact (If different from Participant Representative):

May the Program include your information in a public list of Program Participants?

Yes

No

Type of activity conducted with CRB Host Material or CRB Host Palms (check all that apply):

- Transport
- Processing
- Designated Collection Bin Management
- Import/Export
- Sale or wholesale purchase
- Nursery activities
- Mulching or composting
- Other (please explain): _____

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Program:

The HDAB and CRB Response with Big Island Invasive Species Committee (BIISC) cooperating as the Coconut Rhinoceros Beetle Host Material ~~Quarantine~~ Risk Reduction Program, hereafter referred to as the "Program".

Background:

Oryctes rhinoceros, the CRB, is a large scarab that is a major pest to palms outside of its natural range of Southeast Asia. Adult beetles bore into the crowns of coconut and other palms to feed on sap. This adult feeding is the primary source of damage and impact of CRB. Larval stages typically feed on decaying plant matter with a strong preference for dead coconut palms or any decaying vegetation. Occasionally, under high CRB densities, larval stages will be found in the crowns of unmanicured living palm trees that have accumulated a large mass of decaying leaf material in the crown of the palm. Unrestricted movement of CRB Host Material is recognized as an important pathway for the spread of CRB from infested areas to new locations. The Program is a cooperative effort between public entities responsible for mitigating the spread of CRB from infested areas on Hawaii Island to new locations within Hawaii Island and other islands within the State.

Definitions: As used in this document:

- **“Biochar Production”** means heating biomass in an oxygen-limited environment with heat sufficient that the material is converted to a stable, charcoal-like substance. Output material is considered treated only if all material reaches the temperatures required to produce biochar.
- **“Canine Survey”** means a survey conducted by a trained CRB detection canine team that includes a pre-survey to mark search areas, the survey where the canines are escorted through the marked search areas, and a post-survey where the field crew follows up on responses the canines expressed during the survey to determine the presence or absence of CRB.
- **“Chipping”** means using a woodchipper to process plant matter to achieve a reduced particle size material.
- **“Completely Processed”** means CRB Host Material that has been subjected to a Heat Treatment or Fumigation that elevates the core temperature to at least 131° Fahrenheit (55° Celsius) for at least 72 hours.
- **“Compliance Agreement”** means this Compliance Agreement.
- **“Compliant”** means having a valid Compliance Agreement with HDAB and actively following the procedures and protocols outlined in the Compliance Agreement.
- **“Compost”** means a relatively stable, decomposed, organic, humus-like material that is suitable for landscaping or soil amendment purposes.
- **“CRB Host Material”** means the host material of the coconut rhinoceros beetle; and (A) Includes bare root CRB host palms, other live plants of any size if there is any organic material attached to the roots, such as potted plants or sod; ~~potted plants of any size;~~ and decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks, and (B) Does not include:
 - (i) Plant products intended for consumption, such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices;
 - (ii) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
 - (iii) Seeds for planting;
 - (iv) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements; and
 - (v) Rock, coral, sand, and gravel not mixed with any material described in paragraph (A).
- ▲ The term CRB Host Material applies regardless of whether the material has CRB in any life stages or is devoid.
- **“CRB Host Palms”** means live palm plants in any palm genera. This does not include unsprouted seeds.

● **“Designated Collection Bin”** means a bin that is placed within the infested area and maintained by a person operating under a compliance agreement for the purpose of collecting CRB host material for processing at a CRB host material processing center within the infested area that is operating under a compliance agreement.

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● **“Facility”** means all contiguous land including buffer zones and structures, and improvements on the land used for the handling of solid waste. *

● **“Full Turn Over”** means a survey method in which the entire pile is thoroughly searched for the presence of CRB at any life stage.

● **“Fumigation”** means treatment with an approved fumigant (such as sulfuryl fluoride) pursuant to methods recommended by the UH-CTAHR CRB research team and applied in accordance with the product label. A certificate of treatment issued by a licensed pesticides applicator shall be maintained and be made available upon request.

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● **“Grinding”** means using a tub grinder or horizontal grinder to process plant matter to achieve a reduced particle size material.

● **“Heat Treatment”** means a method, including but not limited to hot composting, in which microbial activity brings the average temperature at the core of the material to at least 131° Fahrenheit (55° Celsius) for at least 72 hours or steam heat treatment that brings the temperature at the core to at least 131° Fahrenheit (55° Celsius) for at least 1 hour.

● **“Incineration”** means a process by which waste undergoes complete combustion and becomes carbonized or mineralized sterile ash under a permit, if required, issued pursuant to air pollution and solid waste management rules.

● **“Infested Area”** means the infested area of Hawaii Island as set out in the interim rule.

● **“Mulch”** means plant matter that has been chipped, ground, or shredded and is intended to be used as a protective covering for establishing a vegetative landscape that is spread or left on the ground to reduce evaporation, maintain even soil temperature, reduce erosion, control weeds, or enrich the soil.

● **“Processing”** means an operation to convert solid waste into a useful product or to prepare it for disposal.

● **“Processing Center”** means a Compliant waste-handling facility performing Processing of CRB host material.

● ~~**“Program Officer”** means an employee of HDAB or their designated representative who is authorized to enter into a Compliance Agreement with a Participant.~~

● **“Provisional Compliance Agreement”** means a Compliance Agreement with additional requirements as approved by the Program Officer. Participants shall be placed on Provisional Compliance Agreements if they violate any terms of the Compliance Agreement. The additional requirements may vary based on the circumstances and scope of the violation.

● ~~**“Quarantine Area”** means the infested area of Hawaii Island as set out in the interim rule~~

● **“Receiver”** means an entity that knowingly accepts deliveries of CRB Host Material, to include CRB Host Material activities of a “Transfer station” as defined below.

- **“Spill”** means any unexpected, unintended, or uncontrolled movement, loss, or other discharge of CRB Host Material or CRB Host Palms during Transport (eg., materials are not able to be delivered to the intended location but are redirected to an alternate location).
- **“Spot Check”** means a Program-approved survey method where piles of CRB Host Material are surveyed for CRB breeding site suitability and the presence of CRB at any life stage.
- **“Stockpiling”** means the act of staging CRB Host Material, such as in a pile, accessible to CRB.
- **“Transfer station”** means a permanent, fixed supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for Transport to a solid waste handling Facility. Transfer stations may also include recycling activities. *
- **“Transport”** means the movement of CRB Host Material- out of a single Tax Map Key (TMK) parcel.

[*definition from Department of Health (DOH)]

Compliant Participants:

- A list of Compliant participants including, but not limited to: landscapers, Transporter/haulers, contractors, contracting entities, Processing facilities, and nurseries is maintained by the Program.

Points of Contacts:

- BIISC Response general line – email biisc@hawaii.edu or call the general line (808) 933-3340 or
 - CRB hotline for reporting (808) 731-9232 (text receptive) or email biisc@hawaii.edu
- CRB Response Team Oahu (808) 679-5244 or info@crbhawaii.org
- Hawaii Department of Agriculture Plant Quarantine Branch
 - Oahu Office general line—(808) 832-0566 or dab.pqreportapest@hawaii.gov
 - Hilo branch Office (808) 974-4140 or dab.pqhilo@hawaii.gov

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Section 1: General Requirements for All Participants

The Participant shall comply with all requirements of this section.

Training:

1. Prior to execution of a Compliance Agreement, all Participant staff who ~~T~~transport; prepare, plan or direct Transport; or facilitate receipt or Processing of CRB Host Material, must be trained by the Program ~~to ensure understanding of Compliance Agreement requirements, risks posed by CRB, identification of all life stages of CRB, and identification of CRB damage to plants.~~
2. Participants must contact ~~the Big Island Invasive Species Committee (BIISC)~~BIISC within 30 days of the adoption of the Interim Rule to schedule and complete the training for all staff listed above.
3. The training will consist of a presentation outlining the current status of the CRB infestation in Hawaii, risks posed by CRB, Compliance Agreement procedures ~~compliance procedures~~ and requirements, and identification ~~identification of all life stages of CRB, and identification of CRB damage to plants.~~ - It will take approximately one hour, excluding questions from trainees. ~~Training can be arranged by contacting the Big Island Invasive Species Committee~~ Contact BIISC at (808) 933-3340 or biisc@hawaii.edu for training arrangements.
4. Once the Participant has a valid Compliance Agreement, for the addition of any new staff who fall into the categories listed in paragraph 1 above, the Participant should contact and schedule training with BIISC within 30 days of the start date to arrange for training.
5. A list of trained staff will be collected during the training and maintained by the Program.

Reporting: The Participant must immediately report any detection of suspected CRB specimens or suspected signs of CRB damage to ~~the Program~~BIISC at (808) 731-9232 or biisc@hawaii.edu. Include photos in text/email if possible.

1. In the event a suspected CRB specimen is found, it must be collected and held for retrieval and identification by the Program. Live specimens must be placed in a sealed container with a lid (no plastic bags). If a plastic container is used, it must be 2 mm or thicker gauge plastic. Specimens can be placed in a freezer if available.
2. Spill Notification: Notify the Program ~~Officer~~ of a CRB Host Material Spill as soon as possible, but no later than 24 hours after a Spill.

Access, Inspection and Monitoring: -The Participant shall provide the Program access to locations, facilities, and vehicles associated with the Transport, Processing, maintenance or storage of CRB Host Materials, including locations and facilities where CRB Host Material is sold.

1. Access to conduct inspections of: CRB Host Materials; areas where CRB Host Material is grown, staged, stored, loaded, unloaded, or otherwise processed; vehicles used to Transport CRB Host Material, including the areas where they are stored; and any Processing machinery for CRB Host Material including the areas where the machinery is used or stored. The Program will schedule routine inspections and monitoring with the Participant at least every six (6) months, but reserves the right to conduct random, unannounced inspections on a periodic basis.

2. Access during the Participant's normal working hours for installation, maintenance, and checks of CRB traps (panel or barrel). Once CRB traps are installed, they shall not be accessed, disturbed, or moved without prior notification and approval from the Program except in case of emergency.
3. The Participant shall inspect all Mulch and Compost at least every ~~four (4) months~~ thirty (30) days for signs of CRB infestation. Inspection shall include a Full Turn Over or Spot Check and may include a Canine Survey provided by the Program, subject to availability and pre-arrangement.

CRB Detections: -If CRB are detected within CRB Host Materials:

1. If the Program ~~Officer~~ determines a treatment program and corrective action are appropriate, the Participant shall fully cooperate with the Program to develop and implement a treatment program and take corrective action to eliminate all CRB.
2. If the Participant is unable or unwilling to implement a treatment program and corrective action, the participant will be considered non-compliant. See Section 7 for details of noncompliance.

Compliance with other laws: The Participant shall maintain current required permits and certificates for business, including those issued by the Hawaii Department of Health, Hawaii Department of Transportation, Hawaii Department of Commerce and Consumer Affairs, and HDAB.

Section 2: Transport of CRB Host Palms from or within the ~~Quarantine-Infested~~ Area

The Participant shall comply with all requirements of this section when transporting or preparing, including through sale, to Transport CRB Host Palms from or within the ~~Quarantine Infested~~ Area.

CRB Host Palms may harbor CRB, and their Transport may spread CRB to new areas within and outside of the ~~Quarantine-Infested~~ Area. To minimize the risk of CRB being transported with CRB Host Palms:

~~2.1. Within 48 hours prior to transportation from or within the Quarantine Area, a CRB Host Palm shall be inspected by Program trained Participant staff and a written record of inspections shall be maintained. All CRB Host Palms shall be inspected by Program-trained Participant staff no more than 24 hours prior to transportation from or within the Infested Area.~~

2. The participant shall maintain a written record of all inspections conducted.

3. Program-trained Participant staff shall ensure that the following requirements are met:

- a. ~~No~~ CRB Host Palm shall not be transported if any life stage of CRB is detected on or — in the palm or material moving with the palm (e.g., soil or containers). This includes eggs, larvae (grubs), pupae, adult beetles, and incomplete CRB specimen(s) of any stage unless treated as described in c.
- b. ~~Based on the inspection of Participant staff, no~~ CRB Host Palm shall not be transported if it ~~bears~~ bearing any sign of damage by CRB. Damaged material (e.g. spear, heart, or meristem tissue) shall not be removed, ~~and palms damaged in this way shall not be transported unless treated as described in c.~~
- c. Transport of ~~Infested~~ CRB Host Palms detected with CRB or CRB damage shall not occur unless: or CRB Host Palms showing signs of CRB damage shall not occur unless:
 - i. Subjected to a treatment approved by the Program ~~Officer~~ in writing that would eliminate all life stages of CRB; or
 - ii. Under safeguards for destruction of infested materials, as approved by the Program ~~Officer~~ in writing.

4. ~~The inspection required above prior to transportation shall include the following parts of the CRB Host Palm.~~ The Program-trained Participant staff shall inspect the following parts of the CRB Host Palm prior to transportation:

- a. Root Zone:
 - i. ~~If the~~ For CRB host palms ~~was~~ dug from the ground or placed in a pot or other container within the last 30 days, all external surfaces of the root ball and associated soil or potting medium shall be visually ~~examined~~ inspected for the presence of any life stage of CRB.
 - ii. ~~If the~~ For CRB host palms ~~has been~~ growing in a pot or other container for more than 30 days and will be transported in that container, the ~~palm~~ CRB Host Palm shall either:
 - I. Be removed from the pot and examined as in paragraph 1 above; or
 - II. The container and root ball shall be completely submerged in water for at least 1 hour then the upper surface of the potting medium shall be inspected for the presence of any life stage of CRB.
- b. Trunk: ~~The trunk of the CRB host palm will be visually examined for holes and rot, including:~~
 - i. The trunk shall be visually inspected for holes and rot.
 - ii. The entirety of each hole in the trunk will be inspected for any presence of CRB, and

- ii.iii. All rotting parts of the trunk ~~will~~ shall be removed and inspected for CRB
 - c. Crown: ~~The crown of the CRB host palm shall be visually inspected for any presence of CRB or CRB damage, including:~~
 - i. Each frond will be visually inspected for the presence of CRB damage, including V-cuts and boreholes; ~~and~~
 - ii. The entire length of the spear (the youngest, unopened frond) will be inspected for CRB boring damage.
5. CRB Host Palms shall be transported from the origin to the destination within ~~48-24~~ hours of inspection.

Section 3: Transport of CRB Host Material, ~~other except than~~ CRB Host Palms and ~~Potted Other Live Plants~~, from or within the Quarantine-Infested Area

The Participant shall comply with all requirements of this section when Transporting, or preparing to Transport including through sale, CRB Host Material, except CRB Host Palms and other live plants with organic matter attached to the roots, from or within the Quarantine Infested Area.

~~CRB Host Material may be breeding material for CRB, and its Transport may spread CRB to new areas within and outside of the Quarantine Area. To minimize the risk of CRB being transported with CRB Host Material:~~ This section covers the transportation of the following: decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks. To minimize the risk of CRB being transported with CRB Host Material:

1. Participant shall ensure that CRB Host Materials specifically listed in this section shall not be Transported unless it ~~meets~~ meeting one of the criteria below:-
 - a. ~~The material was removed from a living plant within the last 30 days. Removal date will be determined by surveying the composition of insects in the material and their life stages~~ The CRB Host Material was removed from a living plant within the last 30 days.
 - b. The CRB Host Material has been subjected to a treatment that eradicates all life stages of CRB within 48 hours prior to Transport. ~~If the material is intended for storage in c. below, the treatment must be completed immediately before storage.~~ Suitable treatments are one of the following:
 - i. The CRB Host Material has been subject to Heat Treatment.
 - ii. The CRB Host Material has been processed by Chipping or Grinding.

- iii. ~~The CRB Host Material has been treated with sulfuryl fluoride fumigant pursuant to methods recommended by the UH CTAHR CRB research team and applied in accordance with the product label. A certificate of treatment issued by a licensed pesticides applicator shall be maintained and be made available upon request.~~ subject to fumigation.
 - c. The CRB Host Material has been continuously stored within a container that:
 - i. Has no gaps or holes larger than ½ inch when sealed;
 - ii. Is composed of material that is impenetrable by CRB adults. Fabric, tarps, and erosion socks are examples of materials/containers NOT approved for storage;
 - iii. Has been sealed from sunset to sunrise (overnight) while any CRB Host Material has been stored within it and;
 - iv. Either 1a. or 1b. above was met immediately prior to adding the CRB Host Material to the container.
 - d. Imported cCommercially bagged plant propagation media and commercially bagged mulch that does not meet the requirements of a., b., or c. above may be Transported, or prepared for Transport including through sale,- if it is:
 - i. -Inspected by Program-trained Participant staff to ensure all bags are completely intact in the original packaging with no holes, tears, or rips that could allow or indicate CRB infiltration, and a written record of inspections shall be maintained on an on-going basis; and
 - ii. -Stored from sunset to sunrise indoors or in a container described in c. above.
 - e. The CRB Host Material is being directly delivered to a Compliant Processing Center or a Designated Collection Bin.
 - e.f. The CRB Host Material was incinerated or subject to biochar production. The resulting ash or biochar is not a CRB Host Material.
- ~~2. Special rule for Compost: Compost that is not completely processed shall not be moved from the Quarantine Area.~~

Trailer and Vehicle Cleaning: After unloading of all CRB Host Material, the container and/or vehicle used to contain transported CRB Host Material shall have all remaining debris removed ~~by sweeping or blowing~~. The container and/or vehicle shall be visually inspected for CRB prior to departure from the compliant receiving Facility by the transporter.

Section 4: Movement of ~~Potted Plants~~ Live Plants, Other than CRB Host Palms, from and within the Infested Area

The Participant shall comply with all requirements of this section when transporting or selling ~~potted live plants~~ other than CRB Host Palms within the ~~Quarantine-Infested Area~~ or that will be transported from the ~~Quarantine-Infested Area~~.

Live plants with organic material attached to their roots may harbor CRB, and the transportation of potted plants of all species may harbor CRB, and their sale (including donation, barter, or give aways to the public) could spread CRB. Different types of sales and their associated transport present different risks of spreading CRB- to new areas. To minimize the risk of CRB being transported with/in ~~potted plants~~ live plants with organic material attached to their roots:

1. Participants that sell ~~potted plants~~ live plants with organic material attached to their roots on a retail basis to the final consumer shall:
 - a. Have all potted plants inspected by Program-trained Participant staff, using Program approved procedures, and a written record of inspections shall be maintained on an on-going basis using Program recommended procedures.
 - b. Post Program-approved educational signage on the detection and risks of CRB; and
 - c. Provide purchasers of their potted plants with Program-approved educational materials related to CRB detection, inspection, and risks.
 - ~~e.~~ d. If an effective treatment is developed, the Participant shall use such treatment or protocol.
2. Participants that sell wholesale or otherwise provide ~~potted plants~~ live plants with organic material attached to their roots to a person who is not the final consumer shall:
 - a. Have all ~~potted~~ such plants inspected by Program-trained Participant staff, using Program approved procedures, and a written record of inspections shall be maintained on an on-going basis.
 - b. For ~~potted~~ such plants that will be transported outside the Quarantine-Infested Area, work with the Program ~~Officer or designee~~ to develop protocols including Canine Surveys, submersion treatments, or other appropriate actions to prevent the movement of CRB along with the ~~potted~~ plants.
3. Program-trained Participant staff shall ensure that the following requirements are met:
 - ~~a. No potted plants shall be transported from or within the Quarantine Area if any life stage of CRB is detected on or in the plant or material moving with the plant (e.g., soil or containers). This includes eggs, larvae (grubs), pupae, adult beetles, and incomplete CRB specimen(s) of any stage.~~

~~b. Based on the inspection of Participant staff, no potted plant shall be transported within or from the Quarantine Area if it bears any sign of damage by CRB.~~

~~c. Potted plants shall be transported from the origin to the destination within 48 hours of inspection.~~

a. Live plants with organic material attached to the roots shall not be transported if any life stage of CRB is detected on or in the plant or material moving with the plant (e.g., soil or containers).

b. Live plants with organic material attached to the roots bearing any sign of CRB damages shall not be transported.

c. Live plants with organic material attached to the roots detected with CRB or bearing any sign of CRB damage may be transported if:

i. Subjected to a treatment approved by The Program in writing that would eliminate all life stages of CRB; or

ii. Under safeguards for destruction of infested materials, as approved by The Program in writing.

d. Live plants with organic material attached to the roots shall be transported from the origin to the destination within 48 hours of inspection.

e. If a Program-approved treatment for such plants is developed, plants prohibited from movement under a. or b. above may be moved if subjected to that treatment.

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Section 5: CRB Host Material Receiver, ~~or~~ Processing Center, or Designated Collection Bin Manager

The Participant shall comply with all requirements of this section when operating a Receiver or Processing Site for CRB Host Material within the ~~Quarantine-Infested Area~~. This section does not apply to CRB Host Palms or live plants with organic material attached to their roots.

CRB Host Material may be breeding material for CRB. Receivers or Processing Centers, that contain CRB Host Material may facilitate the spread of CRB to new ~~areas~~ areas within the Quarantine Area. To minimize the risk of CRB being transported to a Receiver or Processing Center, each Participant that is a Receiver (other than receiving at a Designated Collection Bin), or operating a Processing Center that receives or processes CRB Host Material from within the ~~Quarantine-Infested Area~~ shall comply with the following:

1. Transporter/Hauler Verification:

- a. The Processing Center shall only accept CRB Host Material from the Infested Area from a transporter or hauler operating under a valid Compliance Agreement;
- b. Before acceptance of CRB Host Material, the Processing Center must verify that the transporter/hauler has a valid Compliance Agreement using information provided by HDAB. ~~Failure to do so cancels this agreement;~~ and
- c. Noncommercial loads that are smaller than 3 cubic yards are exempted from transporter/hauler verification.

2. Processing:

- a. All received CRB Host Material must be subjected to ~~Chipping, or Grinding,~~ Fumigation, Heat Treatment, Incineration, or Biochar Production within 72 hours of delivery to the Receiver or Processing Center.
- b. ~~CRB Host Material must be subjected to Heat Treatment.~~ Once CRB Host Material has reached this temperature and duration requirement for Heat Treatment ~~or is subjected to Fumigation,~~ it is considered Completely Processed. Once material is completely incinerated or subjected to biochar production, it is no longer CRB Host Material. Temperature logs may be verified to ensure compliance.
- c. CRB Host Material is prohibited from leaving the Processing Center until it is Completely Processed.
- d. Any CRB Host Material stockpiled for more than 30 days shall be subjected to inspection and mitigation as directed by the Program.
- e. Material to be Transported is subject to Section 3.

~~d. Stockpiling:~~

- ~~i. Once considered Completely Processed, CRB Host Material may be stockpiled for up to four (4) months; and~~
- ~~ii. Any CRB Host Material stockpiled for more than four (4) months shall be subjected to inspection, including, but not limited to: Canine Survey, Full Turn Over, or Spot Check.~~

Designated Collection Bins are intended to allow collection of CRB Host Material in a manner that will decrease the spread of CRB. Participants that place, manage, maintain, transport, or empty a Designated Collection Bin shall comply with the following:

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- i. The Participant shall coordinate with the Program to determine placement and removal schedule of each Designated Collection Bin.
- ii. Designated Collecting Bins shall be transported directly to a Processing Center within the Infested Area that is operating under a Compliance Agreement.

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Section 6: Contracting Entities for Work with CRB Host Material

Under HDAB Plant Quarantine Interim Rule 26-__ and similar rules and section 141-1, HRS, businesses, municipalities, organizations, agencies, departments, or authorities who hire contractors for work with CRB Host Material are required to hire contractors with active Compliance Agreements. Contracting entities who knowingly finance, allow, or enable the unlawful movement of CRB Host Material may be subject to any or all penalties set out in Section 7, "Fee Schedule and Non-Compliance."

Examples of contracted work with CRB Host Material that requires a compliant contractor:

- Removal of a dead tree. Both the tree trimmer and Processing Site shall be compliant.
- Groundskeeping, landscape maintenance, and tree trimming contractors and Processing Sites shall be compliant.
- Paid or unpaid Transport of unprocessed CRB Host Material.

If you plan to use a contractor who does not have a valid Compliance Agreement, direct them to contact the Program to establish an agreement before the initiation of work.

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CRB Host Material (excluding CRB Host Palms and potted plants) within the Quarantine Area shall be removed and transported to a compliant Processing Site within 30 days in accordance with the regulations outlined in Section 1, General Requirements. The duration of Stockpiling shall be verified by the Program Officer or designee and based on surveying the composition of insects in the material and their life stages.

~~1. Contractors shall abide by all requirements of the Compliance Agreement relating to the proper disposal of all CRB Host Material generated through tree trimming, removal, mulching, composting, and sanitation pick-up.~~

~~2. All contracts led by the contracting entity involving CRB Host Material in the Quarantine Area shall include a clause requiring the contractor or subcontractor to have a valid Compliance Agreement with the Program. Documentation of the valid Compliance Agreement by the contractor or subcontractor must be provided and retained prior to any work being awarded. Violators may be subject to any or all penalties set out in Section 7, "Fee Schedule and Non-Compliance."~~

~~— A list of compliant contractors will be provided by HDAB.~~

~~3. If you plan to use a contractor who does not have a valid Compliance Agreement, direct them to contact a Program officer to establish an agreement before the initiation of work.~~

Section 7: Fee Schedule and Non-Compliance

Inspection Fees: - Fees for inspections carried out by HDAB staff under this Compliance Agreement (to be defined by HDAB)

- ~~1. For any required inspection, the fee is \$50 per hour; and~~
- ~~2. Roundtrip mileage reimbursement from the HDAB office to the inspection site charged at the Federally allowable mileage reimbursement rate.~~

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Non-Compliance: A Participant who fails to comply with any part of this Compliance Agreement may be subject to any or all of the following:

1. Participation in Program-led retraining of all Participant staff directly and indirectly involved with CRB Host Materials;
2. Change to Provisional Compliance Agreement status;
3. Cancellation of the Compliance Agreement; and
4. Civil and/or criminal penalties pursuant to section 150A-14, HRS and/or interim rule 26-

Depending on the circumstances (i.e. self-reported, type, frequency, egregiousness/negligence, etc.) of the infraction(s), the Program ~~Officer~~ shall determine the appropriate corrective action. In certain limited circumstances, the Program ~~Officer~~ has the authority to waive penalties on a case-by-case basis.

Retraining: The Participant shall complete the retraining for all pertinent staff within two weeks of a written notification. -The timeframe may be extended if approved by the Program ~~Officer~~ in writing.

Provisional Compliance Agreement: The Participant shall:

1. Complete retraining for all pertinent staff within two weeks unless otherwise approved by the Program ~~Officer~~ in writing;
2. Work with the Program to develop and implement appropriate corrective actions for all violations, including written policies and procedures to prevent recurrence; and
3. Have the appropriate locations, facilities, and vehicles re-inspected.

The corrective actions and reinspection shall be completed within a timeframe approved by ~~the~~ the Program ~~Officer~~ in writing. During the provisional period, the Participant is allowed to Transport and/or receive CRB Host Materials and CRB Host Palms, unless otherwise notified by ~~the~~ the Program ~~Officer~~ in writing. Failure to complete retraining, develop and/or implement corrective action(s) or allow reinspection(s) within the Program-approved timeframe will result in an immediate cancellation of the Compliance Agreement.

Cancellation: A Compliance Agreement shall be cancelled and considered invalid upon written notification from ~~the~~ the Program ~~Officer~~ to the Participant. In the event of Compliance Agreement cancellation, all CRB Host Material and/or CRB Host Palms shall not be transported by or accepted from the Participant. -Additionally, all CRB host Material and/or CRB host palms may be moved, seized, treated, quarantined and/or destroyed at the discretion of the Program ~~Officer~~. Any expense or loss in connection therewith shall be borne by the Participant. Destruction or treatment of noncompliant material must happen and may include the Administrative warrant process to enforce.

If the Compliance Agreement is canceled under this section, the Participant may reapply for a new Compliance Agreement after providing ~~the~~ the Program ~~Officer~~ with evidence that all prior incidents of non-compliance have been corrected and documenting policies and procedures to ensure future adherence to the Compliance Agreement. In addition to the reapplication, the Participant must also retrain all pertinent staff and have the appropriate locations, facilities, and vehicles, as appropriate, reinspected. In this instance, ~~the~~ the Program ~~Officer~~ has the discretion to require additional terms and conditions to ensure compliance. - ~~The HDCAHDAB~~ may then approve the issuance of a new Compliance Agreement if the Participant is able to demonstrate the ability to comply with requirements of the Compliance Agreement, including the terms and conditions set by ~~the~~ the Program ~~Officer~~, if applicable, to maintain compliance with the Compliance Agreement.

Civil and Criminal Penalties: All violations that involve civil and or criminal sanctions, including, but not limited to knowingly moving/transporting CRB infested materials without Program authorization; or collecting, intentionally harboring, or breeding CRB, may be referred to the Department of the Attorney General for further investigation, in accordance with HRS 150A-14.

Prohibition on Transfer of Compliance Agreement: The Participant is prohibited from transferring this Compliance Agreement, including any duties, authorities or responsibilities held under the Compliance Agreement, to any other person, party, or entity.

Compliance Agreement:

By signing this Compliance Agreement, the Participant understands and agrees to comply with all requirements herein. The Participant shall self-execute all applicable requirements within this Compliance Agreement and may be subject to any or all of the penalties listed above for failure to comply with any of the requirements listed in this Compliance Agreement.

This Compliance Agreement becomes effective upon completion of Participant staff training, completion of an initial site inspection, and assignment of a Compliance Agreement number. The Compliance Agreement shall remain in effect until the Compliance Agreement Expiration Date below unless canceled by either party in writing on 30 days' notice to the other at the address of the other party appearing above, or unless unilaterally suspended or canceled by the Program Officer as provided in this Compliance Agreement.

The Participant assumes all liability, if any, arising from, or associated with, the manner in which the Participant sells, handles, and/or distributes any CRB Host Material.

Authorized Participant Signature

Date

Typed or Printed Name

Title

For Program Use Only:

Compliance Agreement Expiration Date

Program Officer Signature

Date

Typed or Printed Name

Title

Compliance Agreement Number: _____

Proposed Model Compliance Agreement to Prevent the Spread of Coconut Rhinoceros Beetle

Authority: This Compliance Agreement is made pursuant to the authority of Hawaii Department of Agriculture and Biosecurity (HDAB) Plant Quarantine Interim Rule 26-___ and sections 141-1 and 150A-9.5, Hawaii Revised Statutes (HRS).

Purpose: The purpose of this Compliance Agreement is to provide direction and protocols for the proper Transportation, movement, Processing, and disposal of Coconut Rhinoceros Beetle (CRB) host material and CRB host palms in the Quarantine Area to prevent the spread of the CRB to other areas in the State that are not known to be infested with CRB.

Parties: This Compliance Agreement is made between the HDAB and the Participant, as set out below:

Hawaii Department of Agriculture and Biosecurity
Plant Industry Division
1428 South King Street
Honolulu, HI 96814
Contact: *Administrator of the Plant Industry Division*

Participant Information (the "Participant"):

Participant Name (Company or Individual):

Participant Representative:

Mailing Address:

City: Zip:

Physical Address (If different from above):

City: Zip:

Phone: E-Mail:

Contact (If different from Participant Representative):

May the Program include your information in a public list of Program Participants?

Yes

No

Type of activity conducted with CRB Host Material or CRB Host Palms (check all that apply):

- Transport
- Processing
- Designated Collection Bin Management
- Import/Export
- Sale or wholesale purchase
- Nursery activities
- Mulching or composting
- Other (please explain): _____

Program:

The HDAB and CRB Response with Big Island Invasive Species Committee (BIISC) cooperating as the Coconut Rhinoceros Beetle Host Material Risk Reduction Program, hereafter referred to as the "Program".

Background:

Oryctes rhinoceros, the CRB, is a large scarab that is a major pest to palms outside of its natural range of Southeast Asia. Adult beetles bore into the crowns of coconut and other palms to feed on sap. This adult feeding is the primary source of damage and impact of CRB. Larval stages typically feed on decaying plant matter with a strong preference for dead coconut palms or any decaying vegetation. Occasionally, under high CRB densities, larval stages will be found in the crowns of unmanicured living palm trees that have accumulated a large mass of decaying leaf material in the crown of the palm. Unrestricted movement of CRB Host Material is recognized as an important pathway for the spread of CRB from infested areas to new locations. The Program is a cooperative effort between public entities responsible for mitigating the spread of CRB from infested areas on Hawaii Island to new locations within Hawaii Island and other islands within the State.

Definitions: As used in this document:

- **“Biochar Production”** means heating biomass in an oxygen-limited environment with heat sufficient that the material is converted to a stable, charcoal-like substance. Output material is considered treated only if all material reaches the temperatures required to produce biochar.
- **“Canine Survey”** means a survey conducted by a trained CRB detection canine team that includes a pre-survey to mark search areas, the survey where the canines are escorted through the marked search areas, and a post-survey where the field crew follows up on responses the canines expressed during the survey to determine the presence or absence of CRB.
- **“Chipping”** means using a woodchipper to process plant matter to achieve a reduced particle size material.
- **“Completely Processed”** means CRB Host Material that has been subjected to a Heat Treatment or Fumigation.
- **“Compliance Agreement”** means this Compliance Agreement.
- **“Compliant”** means having a valid Compliance Agreement with HDAB and actively following the procedures and protocols outlined in the Compliance Agreement.
- **“Compost”** means a relatively stable, decomposed, organic, humus-like material that is suitable for landscaping or soil amendment purposes.
- **“CRB Host Material”** means the host material of the coconut rhinoceros beetle; and
(A) Includes bare root CRB host palms, other live plants of any size if there is any organic material attached to the roots, such as potted plants or sod; and decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks, and
(B) Does not include:
 - (i) Plant products intended for consumption, such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices;
 - (ii) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
 - (iii) Seeds for planting;
 - (iv) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements; and
 - (v) Rock, coral, sand, and gravel not mixed with any material described in paragraph (A).

The term CRB Host Material applies regardless of whether the material has CRB in any life stages or is devoid.

- **“CRB Host Palms”** means live palm plants in any palm genera. This does not include unsprouted seeds.

- **“Designated Collection Bin”** means a bin that is placed within the infested area and maintained by a person operating under a compliance agreement for the purpose of collecting CRB host material for processing at a CRB host material processing center within the infested area that is operating under a compliance agreement.
- **“Facility”** means all contiguous land including buffer zones and structures, and improvements on the land used for the handling of solid waste. *
- **“Full Turn Over”** means a survey method in which the entire pile is thoroughly searched for the presence of CRB at any life stage.
- **“Fumigation”** means treatment with an approved fumigant (such as sulfuryl fluoride) pursuant to methods recommended by the UH-CTAHR CRB research team and applied in accordance with the product label. A certificate of treatment issued by a licensed pesticides applicator shall be maintained and be made available upon request.
- **“Grinding”** means using a tub grinder or horizontal grinder to process plant matter to achieve a reduced particle size material.
- **“Heat Treatment”** means a method, including but not limited to hot composting in which microbial activity brings the average temperature at the core of the material to at least 131° Fahrenheit (55° Celsius) for at least 72 hours or steam heat treatment that brings the temperature at the core to at least 131° Fahrenheit (55° Celsius) for at least 1 hour.
- **“Incineration”** means a process by which waste undergoes complete combustion and becomes carbonized or mineralized sterile ash under a permit, if required, issued pursuant to air pollution and solid waste management rules.
- **“Infested Area”** means the infested area of Hawaii Island as set out in the interim rule.
- **“Mulch”** means plant matter that has been chipped, ground, or shredded and is intended to be used as a protective covering for establishing a vegetative landscape that is spread or left on the ground to reduce evaporation, maintain even soil temperature, reduce erosion, control weeds, or enrich the soil.
- **“Processing”** means an operation to convert solid waste into a useful product or to prepare it for disposal.
- **“Processing Center”** means a Compliant waste-handling facility performing Processing of CRB host material.
- **“Provisional Compliance Agreement”** means a Compliance Agreement with additional requirements as approved by the Program. Participants shall be placed on Provisional Compliance Agreements if they violate any terms of the Compliance Agreement. The additional requirements may vary based on the circumstances and scope of the violation.
- **“Receiver”** means an entity that knowingly accepts deliveries of CRB Host Material, to include CRB Host Material activities of a “Transfer station” as defined below.
- **“Spill”** means any unexpected, unintended, or uncontrolled movement, loss, or other discharge of CRB Host Material or CRB Host Palms during Transport (eg., materials are not able to be delivered to the intended location but are redirected to an alternate location).

- **“Spot Check”** means a Program-approved survey method where piles of CRB Host Material are surveyed for CRB breeding site suitability and the presence of CRB at any life stage.
- **“Stockpiling”** means the act of staging CRB Host Material, such as in a pile, accessible to CRB.
- **“Transfer station”** means a permanent, fixed supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for Transport to a solid waste handling Facility. Transfer stations may also include recycling activities. *
- **“Transport”** means the movement of CRB Host Material out of a single Tax Map Key (TMK) parcel.

[*definition from Department of Health (DOH)]

Compliant Participants:

- A list of Compliant participants including, but not limited to: landscapers, Transporter/haulers, contractors, contracting entities, Processing facilities, and nurseries is maintained by the Program.

Points of Contacts:

- BIISC Response general line – email biisc@hawaii.edu or call the general line (808) 933-3340
 - CRB hotline for reporting (808) 731-9232 (text receptive)
- CRB Response Team Oahu (808) 679-5244 or info@crbhawaii.org
- Hawaii Department of Agriculture Plant Quarantine Branch
 - Oahu Office (808) 832-0566 or dab.pqreportapest@hawaii.gov
 - Hilo Office (808) 974-4140 or dab.pqhilo@hawaii.gov

Section 1: General Requirements for All Participants

The Participant shall comply with all requirements of this section.

Training:

1. Prior to execution of a Compliance Agreement, all Participant staff who Transport; prepare, plan or direct Transport; or facilitate receipt or Processing of CRB Host Material, must be trained by the Program.
2. Participants must contact BIISC within 30 days of the adoption of the Interim Rule to schedule and complete the training for all staff listed above.

3. The training will consist of a presentation outlining the current status of the CRB infestation in Hawaii, risks posed by CRB, Compliance Agreement procedures and requirements, identification of all life stages of CRB, and identification of CRB damage to plants. It will take approximately one hour, excluding questions from trainees. Contact BIISC at (808) 933-3340 or biisc@hawaii.edu for training arrangements.
4. Once the Participant has a valid Compliance Agreement, for the addition of any new staff who fall into the categories listed in paragraph 1 above, the Participant should contact and schedule training with BIISC within 30 days of the start date to arrange for training.
5. A list of trained staff will be collected during the training and maintained by the Program.

Reporting: The Participant must immediately report any detection of suspected CRB specimens or suspected signs of CRB damage to BIISC at (808) 731-9232 or biisc@hawaii.edu. Include photos in text/email if possible.

1. In the event a suspected CRB specimen is found, it must be collected and held for retrieval and identification by the Program. Live specimens must be placed in a sealed container with a lid (no plastic bags). If a plastic container is used, it must be 2 mm or thicker gauge plastic. Specimens can be placed in a freezer if available.
2. Spill Notification: Notify the Program of a CRB Host Material Spill as soon as possible, but no later than 24 hours after a Spill.

Access, Inspection and Monitoring: The Participant shall provide the Program access to locations, facilities, and vehicles associated with the Transport, Processing, maintenance or storage of CRB Host Materials, including locations and facilities where CRB Host Material is sold.

1. Access to conduct inspections of: CRB Host Materials; areas where CRB Host Material is grown, staged, stored, loaded, unloaded, or otherwise processed; vehicles used to Transport CRB Host Material, including the areas where they are stored; and any Processing machinery for CRB Host Material including the areas where the machinery is used or stored. The Program will schedule routine inspections and monitoring with the Participant at least every six (6) months, but reserves the right to conduct random, unannounced inspections on a periodic basis.
2. Access during the Participant's normal working hours for installation, maintenance, and checks of CRB traps (panel or barrel). Once CRB traps are installed, they shall not be accessed, disturbed, or moved without prior notification and approval from the Program except in case of emergency.
3. The Participant shall inspect all Mulch and Compost at least every thirty (30) days for signs of CRB infestation. Inspection shall include a Full Turn Over or Spot Check and may include a Canine Survey provided by the Program, subject to availability and pre-arrangement.

CRB Detections: If CRB are detected within CRB Host Materials:

1. If the Program determines a treatment program and corrective action are appropriate, the Participant shall fully cooperate with the Program to develop and implement a treatment program and take corrective action to eliminate all CRB.
2. If the Participant is unable or unwilling to implement a treatment program and corrective action, the participant will be considered non-compliant. See Section 7 for details of noncompliance.

Compliance with other laws: The Participant shall maintain current required permits and certificates for business, including those issued by the Hawaii Department of Health, Hawaii Department of Transportation, Hawaii Department of Commerce and Consumer Affairs, and HDAB.

Section 2: Transport of CRB Host Palms from or within the Infested Area

The Participant shall comply with all requirements of this section when transporting or preparing, including through sale, to Transport CRB Host Palms from or within the Infested Area.

CRB Host Palms may harbor CRB, and their Transport may spread CRB to new areas within and outside of the Infested Area. To minimize the risk of CRB being transported with CRB Host Palms:

1. All CRB Host Palms shall be inspected by Program-trained Participant staff no more than 24 hours prior to transportation from or within the Infested Area.
2. The participant shall maintain a written record of all inspections conducted.
3. Program-trained Participant staff shall ensure that the following requirements are met:
 - a. CRB Host Palm shall not be transported if any life stage of CRB is detected on or in the palm or material moving with the palm (e.g., soil or containers). This includes eggs, larvae (grubs), pupae, adult beetles, and incomplete CRB specimen(s) of any stage unless treated as described in c.
 - b. CRB Host Palm shall not be transported if bearing any sign of damage by CRB. Damaged material (e.g. spear, heart, or meristem tissue) shall not be removed, unless treated as described in c..
 - c. Transport of CRB Host Palms detected with CRB or CRB damage shall not occur unless:
 - i. Subjected to a treatment approved by the Program in writing that would eliminate all life stages of CRB; or
 - ii. Under safeguards for destruction of infested materials, as approved by the Program in writing.
4. The Program-trained Participant staff shall inspect the following parts of the CRB Host Palm prior to transportation:
 - a. Root Zone:

- i. For CRB host palms dug from the ground or placed in a pot or other container within the last 30 days, all external surfaces of the root ball and associated soil or potting medium shall be visually inspected for the presence of any life stage of CRB.
 - ii. For CRB host palms growing in a pot or other container for more than 30 days and will be transported in that container, the CRB Host Palm shall either:
 - I. Be removed from the pot and examined as in paragraph 1 above; or
 - II. The container and root ball shall be completely submerged in water for at least 1 hour then the upper surface of the potting medium shall be inspected for the presence of any life stage of CRB.
 - b. Trunk:
 - i. The trunk shall be visually inspected for holes and rot.
 - ii. The entirety of each hole in the trunk will be inspected for any presence of CRB.
 - iii. All rotting parts of the trunk shall be removed and inspected for CRB
 - c. Crown:
 - i. Each frond will be visually inspected for the presence of CRB damage, including V-cuts and boreholes.
 - ii. The entire length of the spear (the youngest, unopened frond) will be inspected for CRB boring damage.
5. CRB Host Palms shall be transported from the origin to the destination within 24 hours of inspection.

Section 3: Transport of CRB Host Material, except CRB Host Palms and Other Live Plants, from or within the Infested Area

The Participant shall comply with all requirements of this section when Transporting, or preparing to Transport including through sale, CRB Host Material, except CRB Host Palms and other live plants with organic matter attached to the roots, from or within the Infested Area.

This section covers the transportation of the following: decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks. To minimize the risk of CRB being transported with CRB Host Material:

1. Participant shall ensure that CRB Host Materials specifically listed in this section shall not be Transported unless it meeting one of the criteria below:
 - a. The CRB Host Material was removed from a living plant within the last 30 days.

- b. The CRB Host Material has been subjected to a treatment that eradicates all life stages of CRB within 48 hours prior to Transport. Suitable treatments are one of the following:
 - i. The CRB Host Material has been subject to Heat Treatment.
 - ii. The CRB Host Material has been processed by Chipping or Grinding.
 - iii. The CRB Host Material has been subject to fumigation.
- c. The CRB Host Material has been continuously stored within a container that:
 - i. Has no gaps or holes larger than ½ inch when sealed;
 - ii. Is composed of material that is impenetrable by CRB adults. Fabric, tarps, and erosion socks are examples of materials/containers NOT approved for storage;
 - iii. Has been sealed from sunset to sunrise (overnight) while any CRB Host Material has been stored within it and;
 - iv. Either 1a. or 1b. above was met immediately prior to adding the CRB Host Material to the container.
- d. Imported commercially bagged plant propagation media and commercially bagged mulch that does not meet the requirements of a., b., or c. above may be Transported, or prepared for Transport including through sale, if it is:
 - i. Inspected by Program-trained Participant staff to ensure all bags are completely intact in the original packaging with no holes, tears, or rips that could allow or indicate CRB infiltration, and a written record of inspections shall be maintained on an on-going basis; and
 - ii. Stored from sunset to sunrise indoors or in a container described in c. above.
- e. The CRB Host Material is being directly delivered to a Compliant Processing Center or a Designated Collection Bin.
- f. The CRB Host Material was incinerated or subject to biochar production. The resulting ash or biochar is not a CRB Host Material.

Trailer and Vehicle Cleaning: After unloading of all CRB Host Material, the container and/or vehicle used to contain transported CRB Host Material shall have all remaining debris removed. The container and/or vehicle shall be visually inspected for CRB prior to departure from the compliant receiving Facility by the transporter.

Section 4: Movement of Live Plants, Other than CRB Host Palms, from and within the Infested Area

The Participant shall comply with all requirements of this section when transporting or selling live plants other than CRB Host Palms within the Infested Area or that will be transported from the Infested Area.

Live plants with organic material attached to their roots may harbor CRB, and the transportation or sale (including donation, barter, or give aways to the public) could spread CRB. Different types of sales and their associated transport present different risks of spreading CRB to new areas. To minimize the risk of CRB being transported with/in live plants with organic material attached to their roots:

1. Participants that sell live plants with organic material attached to their roots on a retail basis to the final consumer shall:
 - a. Have all potted plants inspected by Program-trained Participant staff, using Program approved procedures, and a written record of inspections shall be maintained on an on-going basis using Program recommended procedures.
 - b. Post Program-approved educational signage on the detection and risks of CRB; and
 - c. Provide purchasers of their potted plants with Program-approved educational materials related to CRB detection, inspection, and risks.
 - d. If an effective treatment is developed, the Participant shall use such treatment or protocol.
2. Participants that sell wholesale or otherwise provide live plants with organic material attached to their roots to a person who is not the final consumer shall:
 - a. Have all such plants inspected by Program-trained Participant staff, using Program approved procedures, and a written record of inspections shall be maintained on an on-going basis.
 - b. For such plants that will be transported outside the Infested Area, work with the Program to develop protocols including Canine Surveys, submersion treatments, or other appropriate actions to prevent the movement of CRB along with the plants.
3. Program-trained Participant staff shall ensure that the following requirements are met:
 - a. Live plants with organic material attached to the roots shall not be transported if any life stage of CRB is detected on or in the plant or material moving with the plant (e.g., soil or containers).
 - b. Live plants with organic material attached to the roots bearing any sign of CRB damages shall not be transported.
 - c. Live plants with organic material attached to the roots detected with CRB or bearing any sign of CRB damage may be transported if:
 - i. Subjected to a treatment approved by The Program in writing that would eliminate all life stages of CRB; or
 - ii. Under safeguards for destruction of infested materials, as approved by The Program in writing.
 - d. Live plants with organic material attached to the roots shall be transported from the origin to the destination within 48 hours of inspection.
 - e. If a Program-approved treatment for such plants is developed, plants prohibited from movement under a. or b. above may be moved if subjected to that treatment.

Section 5: CRB Host Material Receiver, Processing Center, or Designated Collection Bin Manager

The Participant shall comply with all requirements of this section when operating a Receiver or Processing Site for CRB Host Material within the Infested Area. This section does not apply to CRB Host Palms or live plants with organic material attached to their roots.

CRB Host Material may be breeding material for CRB. Receivers or Processing Centers that contain CRB Host Material may facilitate the spread of CRB to new areas. To minimize the risk of CRB being transported to a Receiver or Processing Center, each Participant that is a Receiver (other than receiving at a Designated Collection Bin), or operating a Processing Center that receives or processes CRB Host Material from within the Infested Area shall comply with the following:

1. Transporter/Hauler Verification:
 - a. The Processing Center shall only accept CRB Host Material from the Infested Area from a transporter or hauler operating under a valid Compliance Agreement;
 - b. Before acceptance of CRB Host Material, the Processing Center must verify that the transporter/hauler has a valid Compliance Agreement using information provided by HDAB.; and
 - c. Noncommercial loads that are smaller than 3 cubic yards are exempted from transporter/hauler verification.

2. Processing:
 - a. All received CRB Host Material must be subjected to Chipping, Grinding, Fumigation, Heat Treatment, Incineration, or Biochar Production within 72 hours of delivery to the Receiver or Processing Center.
 - b. Once CRB Host Material has reached this temperature and duration requirement for Heat Treatment or is subjected to Fumigation, it is considered Completely Processed. Once material is completely incinerated or subjected to biochar production, it is no longer CRB Host Material. Temperature logs may be verified to ensure compliance.
 - c. CRB Host Material is prohibited from leaving the Processing Center until it is Completely Processed.
 - d. Any CRB Host Material stockpiled for more than 30 days shall be subjected to inspection and mitigation as directed by the Program.
 - e. Material to be Transported is subject to Section 3.

Designated Collection Bins are intended to allow collection of CRB Host Material in a manner that will decrease the spread of CRB. Participants that place, manage, maintain, transport, or empty a Designated Collection Bin shall comply with the following:

- i. The Participant shall coordinate with the Program to determine placement and removal schedule of each Designated Collection Bin.
- ii. Designated Collecting Bins shall be transported directly to a Processing Center within the Infested Area that is operating under a Compliance Agreement.

Section 6: Contracting Entities for Work with CRB Host Material

Under HDAB Plant Quarantine Interim Rule 26-__ and similar rules and section 141-1, HRS, businesses, municipalities, organizations, agencies, departments, or authorities who hire contractors for work with CRB Host Material are required to hire contractors with active Compliance Agreements. Contracting entities who knowingly finance, allow, or enable the unlawful movement of CRB Host Material may be subject to any or all penalties set out in Section 7, "Fee Schedule and Non-Compliance."

Examples of contracted work with CRB Host Material that requires a compliant contractor:

- Removal of a dead tree. Both the tree trimmer and Processing Site shall be compliant.
- Groundskeeping, landscape maintenance, and tree trimming contractors and Processing Sites shall be compliant.
- Paid or unpaid Transport of unprocessed CRB Host Material.

If you plan to use a contractor who does not have a valid Compliance Agreement, direct them to contact the Program to establish an agreement before the initiation of work.

Section 7: Fee Schedule and Non-Compliance

Inspection Fees: Fees for inspections carried out by HDAB staff under this Compliance Agreement (to be defined by HDAB)

1. For any required inspection, the fee is \$50 per hour; and
2. Roundtrip mileage reimbursement from the HDAB office to the inspection site charged at the Federally allowable mileage reimbursement rate.

Non-Compliance: A Participant who fails to comply with any part of this Compliance Agreement may be subject to any or all of the following:

1. Participation in Program-led retraining of all Participant staff directly and indirectly involved with CRB Host Materials;
2. Change to Provisional Compliance Agreement status;
3. Cancellation of the Compliance Agreement; and
4. Civil and/or criminal penalties pursuant to section 150A-14, HRS and/or interim rule 26-—.

Depending on the circumstances (i.e. self-reported, type, frequency, egregiousness/negligence, etc.) of the infraction(s), the Program shall determine the appropriate corrective action. In certain limited circumstances, the Program has the authority to waive penalties on a case-by-case basis.

Retraining: The Participant shall complete the retraining for all pertinent staff within two weeks of a written notification. The timeframe may be extended if approved by the Program in writing.

Provisional Compliance Agreement: The Participant shall:

1. Complete retraining for all pertinent staff within two weeks unless otherwise approved by the Program in writing;
2. Work with the Program to develop and implement appropriate corrective actions for all violations, including written policies and procedures to prevent recurrence; and
3. Have the appropriate locations, facilities, and vehicles re-inspected.

The corrective actions and reinspection shall be completed within a timeframe approved by the Program in writing. During the provisional period, the Participant is allowed to Transport and/or receive CRB Host Materials and CRB Host Palms, unless otherwise notified by the Program in writing. Failure to complete retraining, develop and/or implement corrective action(s) or allow reinspection(s) within the Program-approved timeframe will result in an immediate cancellation of the Compliance Agreement.

Cancellation: A Compliance Agreement shall be cancelled and considered invalid upon written notification from the Program to the Participant. In the event of Compliance Agreement cancellation, all CRB Host Material and/or CRB Host Palms shall not be transported by or accepted from the Participant. Additionally, all CRB host Material and/or CRB host palms may be moved, seized, treated, quarantined and/or destroyed at the discretion of the Program. Any expense or loss in connection therewith shall be borne by the Participant. Destruction or treatment of noncompliant material must happen and may include the Administrative warrant process to enforce.

If the Compliance Agreement is canceled under this section, the Participant may reapply for a new Compliance Agreement after providing the Program with evidence that all prior incidents of non-compliance have been corrected and documenting policies and procedures to ensure future adherence to the Compliance Agreement. In addition to the reapplication, the Participant must also retrain all pertinent staff and have the appropriate locations, facilities, and vehicles, as appropriate, reinspected. In this instance, the Program has the discretion to require additional terms and conditions to ensure compliance. HDAB may then approve the issuance of a new Compliance Agreement if the Participant is able to demonstrate the ability to comply with requirements of the Compliance Agreement, including the terms and conditions set by the Program, if applicable, to maintain compliance with the Compliance Agreement.

Civil and Criminal Penalties: All violations that involve civil and or criminal sanctions, including, but not limited to knowingly moving/transporting CRB infested materials without Program authorization; or collecting, intentionally harboring, or breeding CRB, may be referred to the Department of the Attorney General for further investigation, in accordance with HRS 150A-14.

Prohibition on Transfer of Compliance Agreement: The Participant is prohibited from transferring this Compliance Agreement, including any duties, authorities or responsibilities held under the Compliance Agreement, to any other person, party, or entity.

Compliance Agreement:

By signing this Compliance Agreement, the Participant understands and agrees to comply with all requirements herein. The Participant shall self-execute all applicable requirements within this Compliance Agreement and may be subject to any or all of the penalties listed above for failure to comply with any of the requirements listed in this Compliance Agreement.

This Compliance Agreement becomes effective upon completion of Participant staff training, completion of an initial site inspection, and assignment of a Compliance Agreement number. The Compliance Agreement shall remain in effect until the Compliance Agreement Expiration Date below unless canceled by either party in writing on 30 days' notice to the other at the address of the other party appearing above, or unless unilaterally suspended or canceled by the Program as provided in this Compliance Agreement.

The Participant assumes all liability, if any, arising from, or associated with, the manner in which the Participant sells, handles, and/or distributes any CRB Host Material.

Authorized Participant Signature

Date

Typed or Printed Name

Title

For Program Use Only:

Compliance Agreement Expiration Date

Program Officer Signature

Date

Typed or Printed Name

Title

Compliance Agreement Number: _____

Attachment A - Proposed Interim Rule

HAWAI'I DEPARTMENT OF AGRICULTURE AND BIOSECURITY

PLANT QUARANTINE INTERIM RULE 26-___

To Regulate the Transportation of Coconut Rhinoceros Beetle (*Oryctes Rhinoceros*) Host Material on Hawaii Island

I. Under the authority of section 150A-9.5, Hawaii Revised Statutes (HRS), the Hawaii Department of Agriculture and Biosecurity (Department) hereby establishes this interim rule to regulate the transportation of coconut rhinoceros beetle (*Oryctes Rhinoceros*) (CRB) host material within and from the designated CRB infested area on Hawaii Island. The CRB infested area is established to prevent the spread of CRB on, and from, Hawaii Island, a situation found, in the absence of effective rules, including rules to manage green waste, to be so dangerous to the ecological health of flora or fauna present in the State and which is so immediate in nature as to constitute an emergency.

II. As used in this interim rule:

(1) "Compliance agreement" means a written agreement between the Department and a person who carries out commercial activities that includes any terms or conditions the Department determines will slow or prevent the spread of CRB. A compliance agreement between the Department and a person is a permit issued by the Department to that person for the purposes of section 150A-8, HRS.

(2) "CRB host material" means the host material of the coconut rhinoceros beetle; and

(A) Includes bare root CRB host palms, other live plants of any size if there is any organic material attached to the roots, such as potted plants or sod; and decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks, and

(B) Does not include:

- (i) Plant products intended for consumption, such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices;
 - (ii) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
 - (iii) Seeds for planting,
 - (iv) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- and

(v) Rock, coral, sand, and gravel not mixed with any material described in paragraph (A).

(3) “CRB host palms” means live palm plants in any palm genera and does not include unsprouted seeds.

(4) “Designated collection bin” means a bin that is placed within a CRB infested area of Hawaii Island and maintained by a person operating under a compliance agreement for the purpose of collecting CRB host material for processing at a CRB host material processing center within that infested area that is operating under a compliance agreement.

(5) “Person” means an individual, corporation, firm, association, society, community, assembly, or inhabitant of a district or neighborhood, known or unknown, and the public generally. “Person” includes a government and any of its agencies, instrumentalities, or subdivisions, and a homeowners’ association, community association, planned community association, condominium association, cooperative, or any other nongovernmental entity with covenants, bylaws, or administrative rules, regulations, or provisions governing the use of private property.

(56) “Transport” and “Transportation” mean movement of CRB host material out of a single Tax Map Key (TMK) parcel.

III. In this Interim Rule, the “infested area” is the voluntary compliance order area on Hawai‘i Island set out in the Voluntary Compliance Order for CRB Host Materials renewed by the County of Hawaii in November 2025, as shown below, with the opportunity to expand the infested area if CRB are detected beyond the confines on the map pursuant to section 4-72-10, Hawaii Administrative Rules.



IV. No person may transport CRB host material from a CRB infested area on Hawaii Island to any other area within the State, or transport, receive (accept delivery of CRB host material for any purpose), process (meaning the conversion of solid waste into a useful product or preparing for its disposal), sell, barter, donate or otherwise give away CRB host material within a CRB infested area on Hawaii Island, except:

- (1) By the Department, CRB Response, or the Big Island Invasive Species Committee for monitoring, control, eradication, scientific, or educational purposes;
- (2) Pursuant to a permit issued by the Department for purposes of coconut rhinoceros beetle monitoring, control, eradication, scientific, or educational purposes at a site inspected and approved by the Department prior to transportation;
- (3) Pursuant to a permit issued by the Department for noncommercial activities, subject to an appropriate treatment or mitigation, as required by the Department, provided an individual may transport, receive, or process not more than 3 cubic yards of CRB host material on a noncommercial basis without a permit;

- (4) Pursuant to a compliance agreement issued by the Department for commercial activities;
- (5) A person may transport CRB host material, on a noncommercial basis, within a CRB infested area of Hawaii Island, directly to a CRB host material processing center within that infested area that is operating under a compliance agreement described in paragraph (4), without a permit or compliance agreement;
- (6) A person that purchases CRB host material originating from, or within, a CRB infested area on Hawaii Island that is sold by a person operating under a compliance agreement or permit issued under this Interim Rule, and in full compliance with the requirements thereof, may transport that CRB host material without a permit or compliance agreement issued by the Department;
- (7) A person may transport CRB host material to a designated collection bin; and
- (78) In addition to any other requirements, any transportation of CRB host material from or within a CRB infested area is subject to inspection and approved mitigation and decontamination measures by the Department or a designee.

V. Any person who violates this Interim Rule shall be guilty of a misdemeanor and fined not less than \$100. The provisions of HRS section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a subsequent offense committed within five years of a prior conviction, the person shall be responsible for clean-up and decontamination fees to remove contaminated material and to fully eradicate any CRB that may have been caused by their violation of not following this Interim Rule and shall be fined not less than \$500 and not more than \$25,000. Each item moved in violation of this rule and each day of violation shall be considered a separate offense.

The Department may revoke or otherwise terminate a permit or compliance agreement issued under this Interim Rule if the person issued the permit or compliance agreement is not in material compliance with the terms and conditions thereof.

VI If any provision of this interim rule is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, or any part of the finding made by the Advisory Committee on Plants and Animals for this interim rule is found by a court to be unreasonable, the constitutionality, validity, and reasonableness of the remainder of this interim rule and applicability thereof to other persons and circumstances shall not be affected.

VII. This interim rule shall become effective on _____, 2026, and is valid for no longer than one year from its inception. Persons required to enter into a compliance agreement shall complete required training within 30 days of the effective date.

SHARON HURD
Chairperson
Board of Agriculture and Biosecurity

Attachment A - Proposed Interim Rule

HAWAI'I DEPARTMENT OF AGRICULTURE AND BIOSECURITY

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II. As used in this interim rule:

(1) "Compliance agreement" means a written agreement between the Department and a person who carries out commercial activities that includes any terms or conditions the Department determines will slow or prevent the spread of CRB. A compliance agreement between the Department and a person is a permit issued by the Department to that person for the purposes of section 150A-8, HRS.

(2) "CRB host material" means the host material of the coconut rhinoceros beetle; and

(A) Includes bare root CRB host palms, [~~potted~~] **other live plants of any size if there is any organic material attached to the roots, such as potted plants or sod**; and decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks, and

(B) Does not include:

- (i) Plant products intended for consumption, such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices;
 - (ii) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
 - (iii) Seeds for planting,
 - (iv) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- and

(v) Rock, coral, sand, and gravel not mixed with any material described in paragraph (A).

(3) “CRB host palms” means live palm plants in any palm genera and does not include unsprouted seeds.

(4) “Designated collection bin” means a bin that is placed within a CRB infested area of Hawaii Island and maintained by a person operating under a compliance agreement for the purpose of collecting CRB host material for processing at a CRB host material processing center within that infested area that is operating under a compliance agreement.

(5) “Person” means an individual, corporation, firm, association, society, community, assembly, or inhabitant of a district or neighborhood, known or unknown, and the public generally. “Person” includes a government and any of its agencies, instrumentalities, or subdivisions, and a homeowners’ association, community association, planned community association, condominium association, cooperative, or any other nongovernmental entity with covenants, bylaws, or administrative rules, regulations, or provisions governing the use of private property.

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- (1) By the Department, CRB Response, or the Big Island Invasive Species Committee for monitoring, control, eradication, scientific, or educational purposes;
- (2) Pursuant to a permit issued by the Department for purposes of coconut rhinoceros beetle monitoring, control, eradication, scientific, or educational purposes at a site inspected and approved by the Department prior to transportation;
- (3) Pursuant to a permit issued by the Department for noncommercial activities, subject to an appropriate treatment or mitigation, as required by the Department, provided an individual may transport, receive, or process not more than 3 cubic yards of CRB host material on a noncommercial basis without a permit;

(4) Pursuant to a compliance agreement issued by the Department for commercial activities;

(5) A person may transport CRB host material, on a noncommercial basis, within a CRB infested area of Hawaii Island, directly to a CRB host material processing center within that infested area that is operating under a compliance agreement described in paragraph (4), without a permit or compliance agreement;

(6) A person that purchases CRB host material originating from, or within, a CRB infested area on Hawaii Island that is sold by a person operating under a compliance agreement or permit issued under this Interim Rule, and in full compliance with the requirements thereof, may transport that CRB host material without a permit or compliance agreement issued by the Department;

(7) A person may transport CRB host material to a designated collection bin; and

(78) In addition to any other requirements, any transportation of CRB host material from or within a CRB infested area is subject to inspection and approved mitigation and decontamination measures by the Department or a designee.

V. Any person who violates this Interim Rule shall be guilty of a misdemeanor and fined not less than \$100. The provisions of HRS section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a subsequent offense committed within five years of a prior conviction, the person shall be responsible for clean-up and decontamination fees to remove contaminated material and to fully eradicate any CRB that may have been caused by their violation of not following this Interim Rule and shall be fined not less than \$500 and not more than \$25,000. Each item moved in violation of this rule and each day of violation shall be considered a separate offense.

The Department may revoke or otherwise terminate a permit or compliance agreement issued under this Interim Rule if the person issued the permit or compliance agreement is not in material compliance with the terms and conditions thereof.

VI If any provision of this interim rule is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, or any part of the finding made by the Advisory Committee on Plants and Animals for this interim rule is found by a court to be unreasonable, the constitutionality, validity, and reasonableness of the remainder of this interim rule and applicability thereof to other persons and circumstances shall not be affected.

VII. This interim rule shall become effective on _____, 2026, and is valid for no longer than one year from its inception. Persons required to enter into a compliance agreement shall complete required training within 30 days of the effective date.

SHARON HURD
Chairperson
Board of Agriculture and Biosecurity

Ho, Jonathan K

From: John Kocol <john.kocol@outlook.com>
Sent: Wednesday, February 25, 2026 8:35 PM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Coconut Rhinoceros Beetle crisis in Hawaii County

To the Advisory Committee on Plants and Animals, please accept the following testimony:

The CRB infestation is an emergency situation. Local Hawaii County farmers are being devastated by this infestation. Some Hamakua Coast/Hawaii County Cacao farmers have reported losing 90% of their orchard to the CRB infestation. Voluntary compliance is not working in containing the CRB infestation. Rules need to be developed and enforced to restrict the movement of CRB by humans.

In addition to Hawaii, we have seen this before on the mainland where only when strict rules were imposed, were the infestations able to be controlled. In the 1960's and 1970's, Sea Lampreys and Alewives infested the Great Lakes, wiping out indigenous species. Today it's the Zebra Mussel and the Gobi. In the 1980's the medfly crisis severely impacted farmers in the central valley of California. In the 1990's and continuing today, Eurasian milfoil has decimated lakes and recreational resources in the North American continent. In the 2000's, mite crabs had overrun the San Francisco Bay and adjacent estuarial areas. Today in South Florida, Burmese Pythons, iguanas, Oscar fish and Lionfish are upsetting the balance of nature.

In all of these cases, only after strict rules regarding obtaining, transporting, exterminating and harvesting were enacted, could we attempt to eradicate these invasives. Without enforceable rules, all of these invasive species would have destroyed indigenous species and much of the habitat they invaded. Please don't let the CRB destroy Hawaii County.

Sincerely,
John Kocol, General Manager
Renaissance Farms/Hana U'I LLC.
Hakalau, HI



SIERRA CLUB OF HAWAI'I

Testimony to
Advisory Committee on Plants and Animals

February 27, 2026

9:00 AM

PQB Conference Room

Agenda Item III.B

In SUPPORT of the Petition From Megan Lamson, Hawai'i Wildlife Fund, and Leila Kealoha, Pōhaku Pelemaka, to Initiate Administrative Rulemaking to Implement an Interim Rule Pursuant to Hawaii Revised Statutes §150A-9.5, to Require a Department of Agriculture and Biosecurity Permit or Compliance Agreement to Contain/Slow the Spread of CRB on Hawai'i Island

Aloha mai e Advisory Committee Members,

The Sierra Club of Hawai'i strongly urges you to **RECOMMEND** the adoption of interim rules as proposed by the Hawai'i Wildlife Fund and Pōhaku Pelemaka, to prevent the **devastating and multigenerational agricultural, cultural, environmental, and economic impacts and cultural erasure** that would result from the widespread establishment of coconut rhinoceros beetles (CRB) on Hawai'i Island.

The Advisory Committee on Plants and Animals (ACPA) is well aware of the need for timely and proactive regulatory action to address the spread and potentially irreversible establishment of CRB, as reflected in your support of the Moloka'i rules prohibiting the importation of CRB host material to that island. Regulatory action is now urgently needed for Hawai'i Island, **as the continual, unregulated movement of CRB host material from known infested areas in north Kona is threatening the imminent and rapid distribution of CRB to other regions of the island.**

The Sierra Club notes that the proposed rules do not propose a complete ban on the movement of CRB host material. Instead, they would implement modest but common-sense protections to ensure that businesses seeking to transport plants and other host material from an infested area take critical precautions, to minimize the risk of spreading CRB beyond their current footholds in Kona. Any inconvenience to these businesses would be far, far outweighed by the long-term and devastating consequences of inaction, especially given the potentially irreversible spread of CRB that is threatened every day that CRB host material is moved from Kona to other parts of Hawai'i Island. Moreover, the proposed rules would even the playing field for those businesses that have voluntarily adopted best management practices to minimize the potential spread of CRB, by ensuring that all businesses act with similar levels of prudence and precaution.

Given the devastating impacts of CRB as we have already seen in predominantly Native Hawaiian communities on O‘ahu, the Sierra Club of Hawai‘i also emphasizes that the adoption of these rules would be consistent with, if not compelled by, the state’s constitutional obligations, including:

- The public trust doctrine under Art. XI Sec. 1, which imposes upon all agencies fiduciary obligations to “conserve and protect Hawai‘i’s natural beauty and all natural resources . . . [and] to promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State”;
- Art. XI Sec. 3, which requires the state to “promote diversified agriculture [and] increase agricultural self-sufficiency”; and
- Art. XII Sec. 7, which requires the state to “protect all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by ahupua‘a tenants who are descendants of the Hawaiian Islands prior to 1778, subject to the right of the State to regulate the same” (i.e. Native Hawaiian traditional and customary rights).

The failure to adopt the proposed interim protections and to stand idly by while the natural resources, diversified agriculture, agricultural self-sufficiency, and Native Hawaiian traditional and customary practices of Hawai‘i Island remain under such clear and present threat of harm would fly in the face of these constitutional provisions - provisions that the state and its agencies must uphold.

The Sierra Club urges the ACPA to recommend that the Board of Agriculture and Biosecurity take advantage of the opportunity to fulfill its constitutional, statutory, and generational kuleana, by adopting the proposed interim rules as presented in the petition under your consideration.

Mahalo nui for the opportunity to testify.

Ho, Jonathan K

From: Chuck Chimera <cgchimera@gmail.com>
Sent: Wednesday, February 25, 2026 8:50 PM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Agenda III.B – Adoption of Interim Rules to Further Restrict the Transportation of CRB Host Material

Aloha Advisory Committee on Plants and Animals,

My name is Chuck Chimera, and I am a resident of Honoka'a on Hawai'i Island. I am writing in strong support of Agenda Item III.B and the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

I have worked in conservation in Hawai'i for more than 30 years. During that time, I have had the privilege of propagating and outplanting rare and endangered loulu palms (*Pritchardia*) in the Kīpahulu section of Haleakalā National Park. I have seen firsthand how vulnerable our native palms are and how much care, time, and effort it takes to protect and restore them. Loulu are not just plants, they are living pieces of Hawai'i's natural and cultural heritage. The thought of losing them, or seeing them severely impacted by CRB, is heartbreaking.

Here in Honoka'a, I also grow coconut and loulu palms in my own yard. Like many residents, I treasure these trees for their beauty, cultural significance, and connection to place. CRB is not an abstract threat to me—it is a direct threat to the trees I have planted, cared for, and worked to protect across this island. What we are witnessing on O'ahu demonstrates how quickly this beetle can establish, spread, and cause widespread damage. We cannot afford to repeat that experience on Hawai'i Island.

As more beetles and breeding sites are discovered in Kona, the continued movement of untreated mulch, green waste, compost, and other host materials from infested areas puts the entire island at risk. Voluntary compliance is not enough. Clear, enforceable interim rules are necessary to reduce human-assisted spread while there is still a window of opportunity to contain this pest.

These interim measures, requiring treatment, training, and best management practices before transporting high-risk materials, are practical and reasonable. Taking action now will help safeguard our native ecosystems, protect native loulu, preserve coconut palms in our communities, and defend our food security and local economy. Failing to act could result in irreversible impacts to our landscapes and to decades of conservation work.

As someone who has dedicated over three decades to protecting Hawai'i's native plants, and as a homeowner who wants to see coconut and loulu palms thrive in my yard and across this island, I respectfully urge the Committee to recommend adoption of these interim rules.

Mahalo nui for your time, your service, and your commitment to protecting Hawai'i.

Sincerely,

Chuck Chimera

Honoka'a, Hawai'i Island

Ho, Jonathan K

From: Klaus Radtke <klaus.wh.radtke@gmail.com>
Sent: Wednesday, February 25, 2026 10:10 PM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] CRB Rules

February 25, 2026

Aloha Advisory Committee on Plants and Animals

Re.: Agenda III.B - Adoption of Interim Rules to further Restrict Transportation of CRB Host Material

I again strongly support the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

I initially testified on January 27th to the Board of Agriculture (DAB) in support of Agenda IV.B.1 - Petition to Initiate Administrative Rulemaking to Contain/Slow the Spread of CRB on Hawai'i Island. I believe we all understand that not permitting movement of plants or CRB host material from Kona unless there is a compliance agreement requiring training, treatment, and containment of treated materials will not eliminate the spread of CRB's out of Kona. However, it will greatly slow down its spread so that meaningful containment can be done wherever CRBs are found.

Sincerely yours,

Klaus Radtke, Ph.D.
Wildland Resource Sciences



Ka 'Ohana O Honu'apo

Post Office Box 903
Nā'ālehu, HI 96772
kaohanaohonuapo@gmail.com

25 February 2026

Advisory Committee on Plants and Animals
State of Hawai'i, Department of Agriculture and Biosecurity
Plant Quarantine Branch
1849 Auiki Street
Honolulu, HI 96819-3100

Re: Strong support for Agenda Item III-B: 1-3 (2/27/26 Meeting)

Aloha members of the Advisory Committee on Plants and Animals,

Ka 'Ohana O Honu'apo would like to express our full **support** of the petition put forth by Hawai'i Wildlife Fund and Pōhaku Pelemaka for Interim Rulemaking to Regulate the Transportation of Coconut Rhinoceros Beetle "CRB" (*Oryctes rhinoceros*) Host Material on Hawai'i Island and the three agenda items (III-B: 1-3) that are up for review and recommendation at your upcoming February 27, 2026 meeting.

Containment of CRB is an *emergency situation* and if we continue without any rules in place, Hawai'i Island will clearly lose the battle against CRB and our niu, loulu, and lives will be negatively impacted. To date, there has been nothing more than voluntary compliance to restrict the movement of CRB, and there needs to be a formal rule in place to restrict the movement of CRB by humans. Containment is still possible in West Hawai'i to prevent the spread across the island.

Ka 'Ohana O Honu'apo (KOOH) is a small, community-based organization committed to protecting the natural and cultural resources of Honu'apo. Our mission is "*to restore, care for, and protect the natural and cultural resources within the Honu'apo area.*" Utilizing the values of mālama 'āina, kūpono, and kuleana, we work in strong community partnerships to preserve this area for future generations.

KOOH was formed to protect Honu'apo from development, and worked to raise federal, state, and private funds to purchase Honu'apo in 2006. Since, we have hosted dozens of volunteer workdays to restore the loko i'a and coastal ecosystem of Honu'apo, which is home to a historic coconut grove of well over 100 trees, and is a reintroduction site for an endangered loulu, *Pritchardia maideniana*. Because of its habitat preference, *P.*



Ka 'Ohana O Honu'apo

Post Office Box 903
Nā'ālchu, HI 96772
kaohanaohonuapo@gmail.com

maideniana is recognized to be one of the primary target species of CRB. We will not stand by and watch our historic niu and endangered loulou succumb to CRB damage.

Hawai'i Wildlife Fund and Pōhaku Pelemaka are not the only entities that will suffer if this effort is stalled. Life on Hawai'i Island will never be the same for residents, visitors, and the dozens of plants and animals that rely on the host plants of CRBs. We firmly believe that the Board has an opportunity to take action and that this interim rule could be the catalyst that DAB needs to stop the human-driven spread of CRB. Sitting idly by and watching as CRB creep from Waikōloa to Kona to Ka'ū to Hilo is *not* something that will restore public faith in government organizations. Hundreds have already testified in support of this effort and we hope you will proceed accordingly. With your Committee support, we believe the Board will act with integrity and urgency, and push forth this interim rule immediately.

Mahalo for your time and consideration,

A handwritten signature in black ink, appearing to read 'Nohealani Ka'awa'. The signature is fluid and cursive, written in a dark ink.

Nohealani Ka'awa, President, Ka 'Ohana O Honu'apo

Date: February 25, 2026

From: Caitlin Kryss
PO Box 711687
Mountain View, HI 96771

To: **Advisory Committee on Plants and Animals**

Subject: **Support** Agenda III.B - Adoption of Interim Rules to Further Restrict the Transportation of CRB Host Material

Aloha e Advisory Committee on Plants and Animals,

My name is Caitlin Kryss and I am writing from Puna on Hawai'i Island. I strongly **SUPPORT** the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

CRB is an urgent and escalating threat to Hawai'i Island. As additional beetles and breeding sites are identified in North Kona, the continued movement of untreated mulch, green waste, and other host materials from infested areas places the entire island at risk of permanent establishment. Voluntary compliance alone is not sufficient to prevent human-assisted spread. We still have a window of opportunity to contain CRB in West Hawai'i—but only if enforceable action is taken now.

As a member of this community, I am especially concerned about what this means for our keiki. Coconut palms and other host trees are part of the landscapes where our children learn, play, and connect to 'āina. These trees provide shade for parks and school grounds, support local food systems, and hold deep cultural significance. If CRB spreads unchecked, our keiki will inherit diminished ecosystems, reduced food security, and the loss of iconic trees that shape their sense of place and belonging. Protecting our natural resources today is an investment in their health, education, and future.

These interim rules are reasonable and practical. Requiring training, treatment, and best management practices before transporting high-risk materials is a responsible step that balances economic activity with environmental stewardship. Acting now will help safeguard our food security, native ecosystems, cultural resources, and local economy for generations to come.

I respectfully urge the committee to recommend that the Board of Agriculture and Biosecurity adopt interim rules to further restrict the transportation of CRB host material. Our keiki and our island cannot afford delay.

Mahalo nui for your time and consideration.

Sincerely,



Caitlin Kryss

Ho, Jonathan K

From: Frederick Smith, Jr <fmrsmith@hawaii.edu>
Sent: Thursday, February 26, 2026 8:14 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com; Rep. Nicole E. Lowen
Subject: [EXTERNAL] Support for BLNR Agenda item F3, for February 27, 2026

Aloha Chair and Members of the Board of Land and Natural Resources,

My name is Frederick Smith, and I live in Kealakekua ahupua'a on Hawai'i Island. I'm submitting **strong support** for advancing the Ka'ūpūlehu Fisheries Management Plan and associated fishing rules to a public hearing.

The Try Wait rest period was a true community commitment, grounded in kilo, kuleana, and care for the nearshore waters. Building on the lessons and momentum of Try Wait, the community of Ka'ūpūlehu and Kūiki'o, through their nonprofit Hui Kahuwai, then spent eight years in a deliberate planning process rooted in mo'okū'auhau of place and mālama 'āina.

The Ka'ūpūlehu community has led this effort from the beginning, working closely with fishers, 'ohana, kūpuna, partners, and DAR to refine the plan over many years so that it reflects both the community's lived fishing knowledge and contemporary management needs. I have seen the changes to the reef first-hand, as I swim there every few months and have noticed a clear shift in reef herbivore abundance. Enacting this community-driven, collaborative fisheries management plan is the next step toward restoring subsistence and recreational fishing while safeguarding the long-term health of the reef.

The Ka'ūpūlehu Fisheries Management Plan represents a true co-management success that recognizes the Ka'ūpūlehu community's kuleana and deep pilina with their nearshore waters and reef, with the DLNR helping to keep the recovery from Try Wait moving forward.

Advancing this to a public hearing is the respectful next step and gives the broader community the chance to engage in the process.

Mahalo nui for your time and consideration.

Sincerely,

Frederick Smith

Captain Cook, HI 96704

--

Frederick Smith

TCBES MS Student, UH-Hilo (2026)
MBA Marketing & Finance, UC Davis (2012)
MS, Environmental Policy, U. Montana (2003)

Captain Cook, HI
415-717-6833
[LinkedInProfile](#)



Advisory Committee on Plants and Animals

February 27, 2026

1:00 p.m. Plant Quarantine Branch Conference Room and Videoconference

1849 Auiki Street

Honolulu, Hawaii 96819

Testimony in Support of the Interim Rule to Restrict the Transportation, Receipt, Processing, or Sale of Coconut Rhinoceros Beetle Host Material From a Designated CRB Infested Area on Hawaii Island to Any Other Area in the State

Aloha Advisory Committee Chair and Members,

The Coordinating Group on Alien Pest Species (CGAPS) **supports the petition for an interim rule** to Restrict the Transportation, Receipt, Processing, or Sale of Coconut Rhinoceros Beetle Host Material From a Designated CRB Infested Area on Hawaii Island to Any Other Area in the State. (Referred to as the “proposed interim rule”)

Section 150A-9.5, Hawaii Revised Statutes (HRS), authorizes the Hawaii Department of Agriculture and Biosecurity (DAB) to adopt an interim rule for a period of up to one year if this Committee makes a finding that “movement of any flora or fauna, in the absence of effective rules, creates a situation dangerous to the public health and safety or to the ecological health of flora or fauna present in the State which is so immediate in nature as to constitute an emergency.” (§150A-9.5(b) HRS)

We note that section 150A-9.5(b) HRS requires a different finding than the one requested by agenda item III.B.(3), which requests a finding that the proposed interim rule is “required” to prevent the spread of CRB to contain/slow the spread of CRB on Hawaii Island. We understand section 150A-9.5 HRS to require this Committee to determine that a lack of effective rules creates an emergency situation and that the Committee’s decision on an interim rule to address that emergency situation is reasonable. (§150A-9.5(b), (d))

We believe that the situation regarding CRB across the State, including the potentially devastating CRB infestation on west Hawaii Island, is an emergency, and effective rules are needed immediately to address this emergency situation. There are no administrative rules in effect to specifically address the human-assisted spread of CRB from west Hawaii Island to

protect uninfested areas of Hawaii Island and the State. The proposed interim rule is a reasonable, effective rule to contain/slow the spread of CRB on Hawaii Island during the next 12 months while the proposed interim rules will be in effect.

We recognize and applaud the resources DAB and its partners have devoted to treating trees and breeding sites in the infested area on Hawaii Island. However, we have seen what happens on an island if the only approach to CRB control is treatment without regulation of the human-assisted spread of CRB. CRB was initially detected on Oahu in 2013. The spread was initially slow, possibly in part due to restrictions on the movement of CRB host material put in place by the military on its own property. DAB did not attempt to regulate the movement of CRB host material on Oahu until 2022, when it implemented a one-year compliance agreement program. By that time, CRB was widespread across the island, affecting coconut trees, native palms, agriculturally important crops, landscaping, and cultural practices. CRB was first detected on Kauai in May 2023. No administrative rules to restrict the human-assisted movement of CRB were put in place, and CRB is now widespread on the island. In both cases, substantial efforts were made to treat trees to kill and prevent CRB infestation, and, in both cases, those treatments alone were not effective at preventing CRB from becoming widespread.

The Petitioners have proposed an effective and reasonable approach that will balance stakeholders' interests while slowing the human-assisted spread of CRB on Hawaii Island to address the emergency situation there. The requirements set out in the proposed compliance agreement allow tailored approaches for different types of businesses, which will promote compliance with the proposed interim rule and compliance agreement and enable DAB to provide effective enforcement of the proposed interim rule with its available personnel and resources.

Agenda item III.B.(2) is a request for a finding that the existing regulations in chapter 4-72, Hawaii Administrative Rules (HAR), are insufficient to contain/slow the spread of CRB on Hawaii Island, which creates a situation dangerous to the public health and safety or to the ecological health of flora or fauna present in the State and constitutes an emergency justifying an interim rule. We note that there are no administrative rules in chapter 4-72 HAR that comprehensively address the unintentional human-assisted movement of CRB in host material from west Hawaii Island to other areas, or that are proving effective at stopping the spread of CRB at this time. Three relevant sections of chapter 4-72 HAR are the following:

- Section 4-72-4 HAR prohibits the movement of host material that is infested with a pest, including CRB, from moving between islands or from one part of an island to another part of the island. To protect the uninfested areas of Hawaii Island and the State from CRB, enforcement of section 4-72-4 HAR would require inspection of all material moving from the infested area on Hawaii Island. There is no authority for DAB to conduct such inspections, and DAB does not have personnel to do so. Further, no such inspections are currently being carried out.

- Section 4-72-5 HAR authorizes the Plant Quarantine Branch (PQB) to prevent the movement of material infested with a pest, including CRB, that is for sale directly to the public on a case-by-case basis. To utilize this authority, PQB must know the material is infested with a pest and the material must be for sale directly to the public. While this authority is helpful for PQB to prevent the movement of some known CRB-infested material, procedures are needed to detect CRB in host material and reduce the risk of human-assisted spread throughout the infested area, not just in merchandise that PQB has verified to be infested.
- Section 4-72-23 HAR regulates the transportation, receiving, processing, or selling of CRB host material only on Oahu. At this time, DAB is not implementing the program described in section 4-72-23 HAR.

The administrative rules set out above provide DAB with some tools to address CRB spread. However, they do not constitute a comprehensive program to reduce the risk of the human-assisted spread of CRB on Hawaii Island, and, to date, they have proven ineffective at containing/slowing the spread of CRB there. After reviewing the relevant rules in chapter 4-72, we hope the Committee will find these rules are insufficient, constituting an emergency justifying the proposed interim rule.

We hope that this Committee will move the Petitioners' proposed interim rule and compliance agreement forward for consideration by the Board of Agriculture and Biosecurity. We appreciate the work PQB put into meeting with the Petitioners and preparing Attachment D. However, we believe that if the Petitioners and PQB work together, they could prepare one proposed interim rule and compliance agreement that is reasonable, effective, and acceptable to PQB and the Petitioners.

Thank you for the opportunity to submit testimony on the proposed interim rule and for considering our comments.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow

‘Olepau, Nana – 26 Pep 2026

ATTN: Hawai‘i Department of Agriculture and Biosecurity
Advisory Committee on Plants and Animals
Submitted via Email at DAB.PQ.TESTIMONY@hawaii.gov,

SUBJECT: IN SUPPORT OF Agenda Items III-B(1) to (3) Rulemaking to Regulate the Transportation of CRB Host Material on Hawai‘i Island

Aloha mai kākou,

My name is Kēhau Springer, and I am a kanaka ‘ōiwi practitioner and researcher residing in Kea‘au, Moku o Keawe. I am urging you to **APPROVE** the initiation of rulemaking to prevent the devastating establishment of coconut rhinoceros beetles (CRB) on Hawai‘i Island, as reflected in the petition put forward by Hawai‘i Wildlife Fund and Pōhaku Pelemaka.

Mahalo nui for your swift actions to support the Moloka‘i community as they requested your help to protect their island from the potential devastating impacts of CRB. Now, WE on Hawai‘i Island need your immediate help as more beetles and breeding sites are discovered in North Kona, and mulch and other high-risk vectors of CRB continue to be moved from infested areas to other regions on Hawai‘i Island without any regulatory oversight.

Mahalo nui loa for your consideration! Time of the essence, please support these critical rules.

Na‘u

Shauna Kēhaunani Springer

na Shauna Kēhaunani Springer
Kea‘au, Moku o Keawe, Hawai‘i

Ho, Jonathan K

From: Noelle Lindenmann <noelle.royer@gmail.com>
Sent: Thursday, February 26, 2026 10:25 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Agenda III.B - Adoption of Interim Rules to Further Restrict the

Aloha Advisory Committee on Plants and Animals,

My name is Noelle Lindenmann from Kailua-Kona, and I **strongly support** the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

CRB is a true emergency situation for Hawai'i Island. As more beetles and breeding sites are discovered in north Kona, the continued movement of untreated mulch and other host materials from infested areas threatens the entire island with the permanent establishment of this devastating pest. Without enforceable rules in place, voluntary compliance alone will not be enough to stop the human-assisted spread of CRB. Containment in West Hawai'i is still possible, but only if action is taken now.

These interim rules are a modest and practical step, requiring training, treatment, and best management practices before high-risk materials are transported. Taking action now will help protect our food security, native ecosystems, cultural resources, and local economy for generations to come. Not taking action, on the other hand, may lead to the same devastating impacts we have seen in too many other places, including across O'ahu and Kaua'i.

I urge the committee to make the recommendation to the Board of Agriculture and Biosecurity for the adoption of interim rules to further restrict the transportation of CRB host material.

Mahalo nui for your time and consideration.
Noelle Lindenmann (she/her/hers)
e. noelle.royer@gmail.com // tallgirl@uw.edu
Kailua-Kona

Ho, Jonathan K

From: Barry Scott <bravebarry@gmail.com>
Sent: Thursday, February 26, 2026 10:48 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.hwf@gmail.com
Subject: [EXTERNAL] Support for Agenda Item III-B: 1-3

Aloha

Please consider the safety of our environment and our native species and act on the urgent threat of the Coconut Rhinoceros Beetle (CRB). It's important that we act now before further spread of this threat. The CRB threat is an emergency situation and without rules in place, Hawai'i island will lose its battle with this invasive species. To date there has been nothing greater than voluntary compliance to restrict the movement of the CRB and there needs to be a rule in place to restrict the movement of CRB by humans. Containment is still possible in West Hawai'i.

Thanks for your attention to this urgent matter.

Blessings
Barry Scott
117 Wainohia St, Hilo, HI 96720

Ho, Jonathan K

From: Shannon Rudolph <shannonkona@gmail.com>
Sent: Thursday, February 26, 2026 10:52 AM
To: DAB.PQ.TESTIMONY; jodie.hwf@gmail.com
Subject: [EXTERNAL] Agenda III.B - Adoption of Interim Rules to Further Restrict the Transportation of CRB Host Material

Aloha,

I **strongly support** the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material. Mahalo, Shannon Rudolph - Pahoehoe 40+ year Hawai'i Island resident

Ho, Jonathan K

From: Makahanaloa Fishing Association <makahanaloafishing@gmail.com>
Sent: Thursday, February 26, 2026 10:59 AM
To: DAB.PQ.TESTIMONY
Cc: jodie.HWF@gmail.com
Subject: [EXTERNAL] CRB control

Aloha Advisory Committee on Plants and Animals,

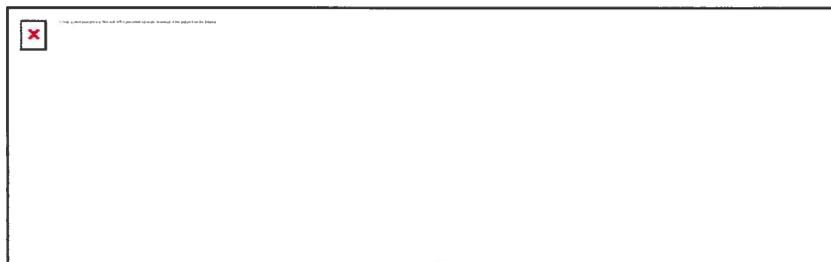
Makahanaloa Fishing Association supports the IMMEDIATE control and quarantine of all materials that may transfer CRB. You need to act on this NOW and stop the Bureaucracy. There IS no question that CRB poses a significant threat to the biocultural landscape and our citizens ability to sustain themselves. Makahanaloa Fishing Association represents over 140 fishing 'ohana from Hilo. We rely on niu (coconut) for a variety of reasons.

There is no question that CRB has already drastically changed our islands. PLEASE do everything in your power to prevent this from happening to Hawai'i Island. Businesses cannot be spreading contaminated mulch around the island. If you fail to uphold your appointed duties if the face of VERY CLEAR evidence you will be liable.

STOP THE BUREAUCRACY AND ACT NOW.

Blake McNaughton
Makahanaloa Fishing Association

--



www.makahanaloa.com

PO Box 83-1084 Pepe'ekeo Hi 96783

Ua ola no o kai i kai - Fishers live by their own efforts
'Ōlelo No'eau (2838)

Ho, Jonathan K

From: Kaleiheana Stormcrow <kaleiheanaapohaku@gmail.com>
Sent: Thursday, February 26, 2026 11:48 AM
To: DAB.PQ.TESTIMONY
Cc: Jodie Rosam
Subject: [EXTERNAL] Agenda III.B - Adoption of Interim Rules to Further Restrict the Transportation of CRB Host Material

Aloha Advisory Committee on Plants and Animals,

My name is Kaleiheana Stormcrow from Kapu'euhi (Mountain View), and I **strongly support** the adoption of interim rules to further restrict the transportation of coconut rhinoceros beetle (CRB) host material.

CRB is a true emergency situation for Hawai'i Island. As more beetles and breeding sites are discovered in north Kona, the continued movement of untreated mulch and other host materials from infested areas threatens the entire island with the permanent establishment of this devastating pest. Without enforceable rules in place, voluntary compliance alone will not be enough to stop the human-assisted spread of CRB. Containment in West Hawai'i is still possible, but only if action is taken now.

These interim rules are a modest and practical step, requiring training, treatment, and best management practices before high-risk materials are transported. Taking action now will help protect our food security, native ecosystems, cultural resources, and local economy for generations to come. Not taking action, on the other hand, may lead to the same devastating impacts we have seen in too many other places, including across O'ahu and Kaua'i.

I urge the committee to make the recommendation to the Board of Agriculture and Biosecurity for the adoption of interim rules to further restrict the transportation of CRB host material.

Mahalo nui for your time and consideration.

Sincerely,
Kaleiheana Stormcrow



HOUSE OF REPRESENTATIVES

Hale o nā Luna Makaʻāinana

STATE OF HAWAII
STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

February 27, 2026

TO: Advisory Committee on Plants and Animals
State of Hawai'i, Department of Agriculture and Biosecurity
Plant Quarantine Branch
1849 Auiki Street
Honolulu, HI 96819-3100

FROM: Representative Cory Chun
Chair, House Committee on Agriculture & Food Systems
Hawai'i State Legislature

RE: Testimony in Support of the Petition for Interim Rulemaking to Regulate the Transportation of Coconut Rhinoceros Beetle Host Material on Hawai'i Island

Aloha Members of the Advisory Committee on Plants and Animals,

As I testified at the Board of Agriculture and Biosecurity's meeting last month, I strongly support the Petition for Interim Rulemaking to regulate the transportation of Coconut Rhinoceros Beetle (CRB) host material on Hawai'i Island.

The issue of CRB in the State of Hawai'i has become increasingly dire since its discovery as a destructive, invasive species that has wreaked havoc on the state's agriculture and ecosystems. First detected on O'ahu in 2013, CRB has caused damage to palm species that has led to devastating effects on several plant species of our 'āina, like coconut, royal, date, and fan palm, as well as sugar cane, bananas, and kalo.

Currently, CRB population management requires the inspection and treatment of high-risk materials. While there is an existing emergency response program, the rapid spread of CRB is becoming even more difficult to manage, despite the efforts of the field service crews and collaborative partners. The Coconut Rhinoceros Beetle Response team is based on O'ahu, so the efforts originating from this emergency response program are limited in its capacity to help other islands effectively.

Establishing interim rulemaking is a necessary and timely step to protect Hawai'i Island's natural resources and prevent the severe and lasting impacts already experienced on O'ahu and Kaua'i. Given the significant threat CRB poses to our ecosystems and agricultural systems, containment and management must remain a top priority, and these efforts must be supported on Hawai'i Island.

Implementing regulatory control of host materials for CRB, such as compost, mulch, and potting mix, could slow the spread of the pervasive pest, allowing more time to manage the population of CRB. With brevity and urgency, taking action now will help to heal and protect the unique native plant species of our state.

For these reasons, I urge the Committee to approve the Petition and take immediate action to regulate the transport of CRB host material on Hawai'i Island.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Cory Chun', with a long horizontal line extending to the right.

Representative Cory Chun
House Committee on Agriculture & Food Systems, Chair
District 35
Hawai'i State Legislature



HOUSE OF REPRESENTATIVES

Hale o nā Luna Makaʻāinana

STATE OF HAWAII
STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

February 26, 2026

Advisory Committee on Plants and Animals
State of Hawaiʻi, Department of Agriculture and Biosecurity
Plant Quarantine Branch
1849 Auiki Street
Honolulu, HI 96819-3100

RE: Support for Agenda Item III-B: 1–3

Aloha Chair and Members of the Advisory Committee on Plants and Animals,

I am writing in strong support of Agenda Item III-B: 1–3 and the Petition for an Interim Rule addressing the spread of Coconut Rhinoceros Beetle (CRB) on Hawaiʻi Island.

CRB presents an urgent and escalating emergency to our public health, public resources, and the ecological wellbeing of our island communities. Without enforceable rules in place, Hawaiʻi Island faces a very real risk of losing the battle against CRB, with long-term consequences for native ecosystems, agriculture, cultural practices, and community resilience.

Currently, movement restrictions to prevent CRB spread rely almost entirely on voluntary compliance, which has proven insufficient. A formal interim rule is essential to ensure consistent, enforceable measures that limit human-assisted transport of CRB. With decisive action now, containment in West Hawaiʻi is still achievable, and we can prevent island-wide establishment.

I respectfully urge the Committee to recognize the significant threat CRB poses and to support the adoption of the interim rule so that Hawaiʻi can implement the necessary protections immediately.

Thank you for your consideration and for your commitment to safeguarding Hawaiʻi's environment.

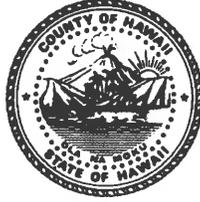
Sincerely,

A handwritten signature in black ink, appearing to read "Matthias Kusch".

Matthias Kusch

Hawaiʻi State House of Representative District 1 (Hamakaua/Portion of Hilo/Kaumana)

HEATHER L. KIMBALL
COUNCIL DISTRICT 1
(North Hilo, Hāmākua, and portion of
Waimea)



Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiiicounty.gov

HAWAI‘I COUNTY COUNCIL
25 Aupuni Street, Ste. 1402, Hilo, Hawai‘i 96720

February 25, 2026

Advisory Committee on Plants and Animals
State of Hawai‘i, Department of Agriculture and Biosecurity
Plant Quarantine Branch
1849 Auiki Street
Honolulu, Hawai‘i 96819-3100

RE: February 27, 2026 Agenda Item III-B: 1-3: Interim Rule to Restrict Movement of CRB Host Material on Hawai‘i Island

To Whom It May Concern:

As the Hawai‘i County Council Member representing District 1, I write in strong support in adopting the interim rule to restrict the transportation of coconut rhinoceros beetle (CRB) host material from designated infested areas on Hawai‘i Island.

The petition submitted by Hawai‘i Wildlife Fund and its partners highlights both the urgency of this threat posed by CRB and the regulatory gap that currently exists. CRB has already established a presence in West Hawai‘i, including areas near Kailua-Kona, and existing regulations alone have proven insufficient to curb its spread. Requiring permits or compliance agreements for the transport, sale, or distribution of CRB host materials will provide an enforceable and practical tool to limit further dispersal of this destructive pest.

The impacts of CRB extend beyond environmental damage. Infestations threaten agricultural productivity, native and culturally significant palm species, and the ecological health of Hawai‘i Island. These risks directly affect local livelihoods, cultural practices, and the long-term resilience of our rural communities.

The consequences of inaction are severe. Meaningful containment requires enforceable statewide regulatory action under the authority of the Hawai‘i Department of Agriculture and Biosecurity. The interim rule and compliance agreement structure allows responsible businesses to continue operating while implementing best management practices to protect our island.

I commend the Department and the Board for recognizing the urgency of this issue and for advancing this interim rulemaking process, and therefore, respectfully urge the Board to adopt the interim rule without delay. Should you require any additional information, please do not hesitate to contact my office.

With Aloha,

A handwritten signature in cursive script that reads "Heather L. Kimball".

HEATHER L. KIMBALL
Hawai‘i County Council District 1