

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



State of Hawai'i  
**DEPARTMENT OF AGRICULTURE & BIOSECURITY**  
KA 'OIHANA MAHI'AI A KIA'I MEAOLA  
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**SHARON HURD**  
Chairperson  
Board of Agriculture & Biosecurity

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

September 17, 2025

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

**FROM:** Kunani and Ipo Nihipali  
Hoolehua, HI 96729

**THROUGH:** Jonathan Ho, Manager  
Plant Quarantine Branch (PQB)  
Hawaii Department of Agriculture and Biosecurity (HDAB)

**SUBJECT:** Request for:

- (1) Review of the Petition From Kunani and Ipo Nihipali to Initiate Administrative Rule Making to Implement an Interim Rule Pursuant to Hawaii Revised Statutes §150A-9.5, to Prohibit the Transportation of Plants, Soil, Gravel, and Other Coconut Rhinoceros Beetle (CRB) Host Material Including Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch, Plant Propagation Medial and Other Items Comprised of Decomposing Organic Plant Material Such as Landscaping Material or Erosion Control Socks, to the Island of Molokai From Any Other Area in the State to Prevent the Spread of CRB;
- (2) A Finding that the Existing Regulations in 4-72, Hawaii Administrative Rules, Related to the Interisland Movement of Plants, Soil, Gravel, and Other CRB Host Material Including Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch, Plant Propagation Medial and Other Items Comprised of Decomposing Organic Plant Material Such as Landscaping Material or Erosion Control Socks is Insufficient to Prevent the Spread of CRB to the Island of Molokai From Any Other Area in the State and Constitutes an Emergency Justifying an Interim Rule; and
- (3) A Finding that the Adoption of an Interim Rule to Further Restrict the Movement of Plants, Soil, Gravel, and Other CRB Host Material Including Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch, Plant Propagation Medial and Other Items Comprised of Decomposing Organic Plant Material Such as



Landscaping Material or Erosion Control Socks is Required to Prevent the Spread of CRB to the Island of Molokai From Any Other Area in the State.

## **I. Introduction**

Since its detection in late 2013, CRB has been found on Kauai, West Hawaii Island, Maui and Lanai, with an ongoing eradication program occurring in West Hawaii Island. Multiple interim rules regarding CRB have been implemented, with permanent restrictions in Chapter 4-72, Hawaii Administrative Rules (HAR) on the movement of CRB host materials from Oahu to other areas in the State unless subjected to treatments that eliminate all life stages of CRB.

On July 29th, the Office of the Chairperson received a petition from Kunani and Ipo Nihipali, requesting that the Board of Agriculture and Biosecurity (Board) adopt an interim rule pursuant to Chapter 150A-9.5, Hawaii Revised Statutes (HRS), to prohibit the transportation of plants, soil, gravel, and other CRB host material including decomposing plant material such as compost, wood or tree chips, and mulch, plant propagation medial and other items comprised of decomposing organic plant material such as landscaping material or erosion control socks, to the island of Molokai from any other area in the State to prevent the spread of CRB. The Petition is included as APPENDIX A, and includes a proposed interim rule, which can be found on pages 5 and 6 of the Petition.

The Petition was reviewed by the Board at it's last meeting held on August 26, 2025. During the discussion, PQB staff did not dispute the Petition's substance regarding the need for the interim rule to protect Molokai, recognized that more could be done regulatorily for CRB to protect Molokai, and noted the precedent setting nature of the proposed interim rule. There was considerable in-person, virtual, and written testimony in support of the Petition. After discussion with the petitioners and PQB staff, the Board directed PQB staff to present the Petition to the Advisory Committee on Plants and Animals (Committee) to meet the requirements of HRS 150A-9.5 and to have proposed an interim rule for the Board to consider for adoption specifically for the island of Molokai for its next meeting, tentatively scheduled for September 23, 2025.

## **II. Procedural Background**

This Petition for rule amendment was brought under the Board's Rules of Practice and Procedure, Chapter 4-1, HAR, which authorizes the initiation of rulemaking by petition of an interested person or agency upon Board approval. (§4-1-23, HAR, et seq.) Section 4-1-23(c), HAR, requires that within 30 days after filing such a petition, the Board must either deny the petition or initiate rulemaking proceedings. Denial of a petition does not prevent the Board from acting on the petition's subject matter on the Board's own

motion at a later time. (§4-1-24, HAR). A procedural denial was issued on August 20, 2025, and is included as APPENDIX B.

Pursuant to section 150A-9.5, HRS, HDAB may establish an interim rule governing the transport of flora and fauna into and within the State. Pursuant to §150A-9.5(b), HRS, an interim rule may be adopted in the event that the importation or movement of any flora or fauna, in the absence of effective rules, creates a situation dangerous to 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. No interim rule can be adopted without a prerequisite finding by the Committee that the foregoing criteria stated in §150A-9.5(b), HRS, is met. No interim rule shall not be effective for more than one year.

Once adopted by HDOA, any interim rule must be published within twelve days of issuance at least once in any newspaper of general circulation in the State.

### **III. Summary of Proposed Interim Rule**

The interim rule as proposed in the Petition prohibits the interisland movement of any potted or bare rooted plants; soil; gravel; CRB host materials including decaying plant materials such as mulch or compost; plant propagation media in live plants; plant propagation media; or landscaping materials such as erosion control socks comprised of decaying plant material, that have been staged or stored in any area of the State, from any island in the State to the island of Molokai.

The proposed interim rule exempts plant products intended for consumption such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices; plant products preserved from decay by treatment or intended use, such as lumber, woven hats, wooden posts, wood carvings, and firewood; seeds for planting; cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements; and rock, coral, and sand, not mixed with any organic material.

### **IV. Analysis of Proposed Interim Rule**

The PQB does not dispute the information provided by the Nihipali's in support of the Petition and agrees with its intent seeking to implement additional measures to prevent the spread of CRB to Molokai. PQB believes that if the interim rule is implemented as proposed in the Petition, it would reduce the risk of introduction of CRB to Molokai but would have unintended consequences and be significantly precedent setting. CRB's introduction to Hawaii was likely as a hitchhiker on an aircraft from an infested area and the PQB has no authority to regulate this pathway. It should also be noted that quarantine restrictions are designed to be preventative but are not absolute. The closest thing to a truly preventative measure would be completely eliminating interisland movement to Molokai.

Should the interim rule be implemented essentially as proposed there may be unintended consequences, because the items targeted for restriction are prohibited from being transferred to Molokai with no exceptions. Should any of these items be needed later for any reason, there is no way to get them, even if they were to originate from areas that are not known to be infested with CRB, or if they could be subjected to treatments that have been scientifically verified to eradicate all CRB life stages. A possible example of an unintended consequence of a ban would be a need for large amounts of erosion control socks or mulch for erosion control or runoff management. After the Lahaina wildfires, there was significant need for these materials to prevent runoff of sediment and hazardous materials into waterways as the devastation was widespread and there was not enough on-island. As a result, shipments of these materials were transported from Oahu. Because a fumigation treatment existed, in conjunction with inspections and shipping safeguards, these goods were able to be safely transported and still continue. Additionally, the Petition contains language that prohibits the movement of the listed items if they have been staged or stored in any area of the State. It is unclear if the intent is to only cover the listed items originating from other islands, but as proposed, it appears to also prohibit imported items in sealed containers from outside the State because these shipments must be staged in Honolulu because there are no direct shipments to Molokai.

The proposed interim rule contains a number of measures that are precedent setting. Some examples are:

- The items specified in the petition cannot move to Molokai and there is no ability to have them subjected to a treatment for disinfestation prior to movement, even for commodities where verified treatments exist and are currently used, such as heat treatments for commercially bagged plant propagation media or fumigation of bulk shipments of compost that is shipped in CRB-proof containers;
- The Petition is correct that there are currently no verified treatments for potted plants, but should verified treatments be developed for potted plants, the Petition's proposed language would still prohibit them from movement;
- The Petition prohibits movement of the listed commodities from areas in the State that are not known to be infested with CRB. By doing so, this implies that the rest of the State is infested and that the existing quarantine restrictions would not be needed between those islands whether infested or not; and
- The banning of bare root plants, propagative cuttings, and gravel, which have not been shown to spread CRB, have similar risks to non-agricultural products, which are unregulated. Additionally, with the exception of gravel, bare rooted plants and propagative cuttings already have an existing requirement for inspection prior to interisland movement and the inspection processes would be able to detect a CRB infestation.

Additional clarification is also needed to define the specific types of landscaping materials that could not be moved under this proposed interim rule. For example, rock, coral, and sand not mixed with organic material are exempted from the prohibition,

which appears to be a conflict. Additionally, there are additional items such as blocks, pavers and synthetic edgers or weed barriers that are commonly used in landscaping but would not harbor CRB as they do not contain decomposing organic plant material. PQB attempted to make these clarifications.

Should this interim rule be approved substantively as drafted in the Petition, it could incentivize other petitioners to seek to use the petition process to attempt to ban large swaths of commodities, regardless of their risk of spreading a particular pest or establishment within an area.

As the Petition covers a broad set of commodities and if implemented as proposed in the Petition, those items would be prevented from being brought to Molokai for the duration of the interim rule. The PQB suggests additional outreach to the Molokai community or that this request be brought before the broader Molokai community to ensure that they are aware of the impacts the interim rule would have on them and that they are able to provide their input as they would be the most impacted by the interim rule.

To help address some of the issues raised during the analysis, PQB has drafted an interim rule which seeks to meet the Petition's intent, but is based on standards that have been used previously and is included as APPENDIX C. It differs from the Petition in that it includes treatment options for regulated commodities, defines specific areas of the State as infested, and requires permitting prior to the movement of regulated goods. PQB has also revised the Petition's proposed language for formatting and clarity and has included this version as APPENDIX D.

## **V. Staff Recommendation**

The PQB agrees that additional action is needed to protect the island of Molokai because it is the only area in the State to not yet have a CRB detection. PQB recommends that the Committee find that the existing regulations are insufficient to prevent the spread of CRB to the island of Molokai, constituting an emergency; and that the adoption of an interim rule is necessary to prevent the spread of CRB to the island of Molokai.

The PQB believes that the proposed interim rule as described in the Petition and subsequently revised by PQB in APPENDIX D, is more restrictive than necessary and believes that the PQB's version of the interim rule, included as APPENDIX C, be moved forward.

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HAWAII DEPT OF AGR  
2025 JUL 29 AM 11:39

July 29, 2025

Chairperson Sharon Hurd  
Board of Agriculture and Biosecurity  
1428 South King Street  
Honolulu, Hawaii 96814

**Petition for Interim Rulemaking to Prohibit the Transportation of Material That May Introduce the Coconut Rhinoceros Beetle to the Island of Molokai**

Dear Chairperson Hurd and Members of the Board of Agriculture and Biosecurity,

This petition is made pursuant to section 4-1-23 Hawaii Administrative Rules (HAR) to request the Board of Agriculture and Biosecurity (BAB) and/or the Department of Agriculture and Biosecurity (DAB) adopt an interim rule under section 150A-9.5 Hawaii Revised Statutes (HRS) to prohibit the transportation of material that may introduce coconut rhinoceros beetle (*Oryctes rhinoceros*) (CRB) to the Island of Molokai.

CRB was first detected in Hawaii on the Island of Oahu in 2013.<sup>1</sup> Since that time, the Hawaii Department of Agriculture (referred to as DAB in this petition) and its partners worked to prevent the spread of CRB. Ultimately, those efforts were not successful, and CRB is now established and widespread on Oahu.<sup>2</sup> For the first 10 years, DAB was able to prevent the movement of CRB to other islands of the State. However, in 2023, CRB was detected on the Island of Kauai, where it is now widespread.<sup>3</sup>

In an attempt to contain CRB, DAB adopted interim rules under section 150A-9.5 HRS in June 2022, October 2023, and October 2024.<sup>4</sup> These interim rules require a DAB permit for the movement of CRB host material, including palm plants in the genera *Cocos*, *Livistona*, *Phoenix*,

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<sup>1</sup> <https://dab.hawaii.gov/pi/files/2013/01/npa-CRB-5-1-14.pdf>

<sup>2</sup> <https://www.civilbeat.org/2025/02/ravenous-beetles-go-urban-preying-on-honolulus-iconic-coconut-palms/>

<sup>3</sup> <https://dab.hawaii.gov/blog/main/nr23-11crbonkauai/>

<sup>4</sup> §4-23.1-1 HAR; <https://dab.hawaii.gov/wp-content/uploads/2018/05/CRB-Interim-Rule-10-11-2024.pdf>



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CRB was first detected in Hawaii on the Island of Oahu in 2013.<sup>1</sup> Since that time, the Hawaii Department of Agriculture (referred to as DAB in this petition) and its partners worked to prevent the spread of CRB. Ultimately, those efforts were not successful, and CRB is now established and widespread on Oahu.<sup>2</sup> For the first 10 years, DAB was able to prevent the movement of CRB to other islands of the State. However, in 2023, CRB was detected on the Island of Kauai, where it is now widespread.<sup>3</sup>

In an attempt to contain CRB, DAB adopted interim rules under section 150A-9.5 HRS in June 2022, October 2023, and October 2024.<sup>4</sup> These interim rules require a DAB permit for the movement of CRB host material, including palm plants in the genera *Cocos*, *Livistona*, *Phoenix*,

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<sup>4</sup> §4-23.1-1 HAR; <https://dab.hawaii.gov/wp-content/uploads/2018/05/CRB-Interim-Rule-10-11-2024.pdf>

*Pritchardia*, *Roystonea*, and *Washingtonia*; decomposing plant material such as compost, wood or tree chips, and mulch; plant propagation media; and other items comprised of decomposing organic plant material such as landscaping material or erosion control socks from Oahu to other areas of the State. Unfortunately, during the period that these interim rules have been in effect, CRB has become widespread on the Island of Kauai and has been detected in two areas on the Island of Hawaii and in potted plants that are not covered by the interim rules on the Island of Lanai. Further, DAB's current CRB interim rule is set to expire on October 10, 2025.

In light of this dire situation, we believe the threat and likelihood of the spread of CRB to Molokai creates a situation dangerous to the public health and safety or to the ecological health of flora or fauna present in the State, on the Island of Molokai, which is so immediate in nature as to constitute an emergency. This petition respectfully requests BAB and/or DAB: convene a meeting of the Advisory Committee on Plants and Animals to consider an interim rule as proposed in Attachment A to protect Molokai from the spread of CRB; and if the Advisory Committee determines the proposed interim rule is necessary to address an emergency situation that the Chairperson of BAB be authorized to sign the proposed interim rule so that it may take effect at the earliest possible date.

Alternatively, if the BAB and/or DAB determines that this petition may not initiate an interim rule than we request BAB interpret this petition to request BAB and/or DAB initiate emergency rulemaking under sections 91-3(b) HRS and 4-1-30 HAR, and find that an imminent peril to the public health, safety, or morals, to livestock and poultry health, or to natural resources requires adoption of the emergency rule that includes the substance of the restrictions set out in Attachment A, upon less than thirty days' notice of hearing, and state in writing the reasons for such finding.

#### **Statement of petitioner's interest in the subject matter of the proposed interim rule**

We are residents of Hoolehua, Molokai. We farm sustenance and sustainable foods, including coconut on Molokai. Our agricultural interests include a uluniu (coconut grove). In addition to producing agricultural products, we work to restore the culture of ike niu on Molokai. If CRB were to be detected on Molokai, crown and injection pesticide treatments would cause substantial losses to the uluniu and severely impact our efforts to restore traditional practices and uses of coconut trees. If CRB were to become established on Molokai, we would lose the production of the uluniu and, as we are now seeing on Oahu, the trees themselves.

In addition to our direct interests in protecting the uluniu we created on Molokai, we have helped organize, and participated in, many community events, are active community members and strong supporters of Native Hawaiian rights and culture, and work to establish food and water security for Molokai and reestablish a loving relationship with niu, the tree of life.

For these reasons, we have substantial interest, including economic and cultural interests, in seeking the adoption of this interim rule to prevent the spread of CRB to Molokai.



### Statement of reasons in support of the proposed interim rule

In Hawaii, counties and other units of local government are preempted from banning or regulating the movement of material to prevent the introduction of a pest or invasive species.<sup>5</sup> That authority rests solely with DAB. This leaves Maui County and the Island of Molokai unable to require the quarantine or treatment of plants, soil, and other CRB host material moved to Molokai or to otherwise prevent CRB from reaching Molokai.

Further, at this time, there is no acceptable CRB treatment for potted plants and some other CRB host material. For much of the material that can move CRB, this leaves visual inspection at the island of export as the only prevention tool. Molokai does not have a DAB employee on-island to assist with visual inspections of arriving materials. Even if a DAB employee was assigned to Molokai, it would not be sufficient to prevent CRB from reaching the Island. Visual inspections and other requirements failed to prevent CRB from becoming established on the Island of Kauai or from reaching and spreading on the Island of Hawaii. The recent detection of CRB on the Island of Lanai in potted plants that are not typically considered hosts of CRB and that are not covered by the October 2024 CRB Interim Rule is of extreme concern. As DAB is aware, other pests such as cocoi frog, geckos, invasive plants such as miconia and fireweed, and other invasive species (including a gopher snake!) have been detected on Molokai moving in shipments of potted plants, large trees, and bags of soil, some of which had DAB inspection stickers.

Our coconut trees are used for subsistence and sustainable agriculture, including as part of our traditional Hawaiian cultural practices. These trees are not just for landscaping or aesthetic purposes. Molokai is a small island, approximately 260 square miles in size. If CRB is detected anywhere on Molokai, it could spread rapidly across the island, impacting agricultural interests. CRB establishment on Molokai would impact native and endemic palm species, including the rare loulu palm (*Pritchardia hillebrandii*), and other plants and crops of agricultural, ecological, and cultural value. Further, the people of Molokai, including ourselves, utilize coconut trees as an integral part of our economic and cultural life. Preventing CRB from reaching Molokai is an emergency situation, with CRB being established on Oahu, widespread on Kauai, spreading on Hawaii Island, and detected on Lanai. If CRB is detected on Molokai, the treatment of coconut trees will significantly impact the usability of our coconut trees and that of other coconut trees on Molokai, imperil native and endemic palms, and potentially interfere with important traditional and cultural practices.

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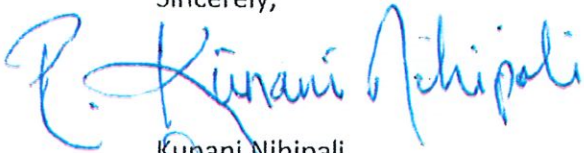
<sup>5</sup> See *Atay v. Cty. of Maui*, 842 F.3d 688, 709 (9th Cir. 2016); *Syngenta Seeds, Inc. v. Cty. of Kauai*, 664 F. App'x 669, 673 (9th Cir. 2016); and *Hawaii Floriculture & Nursery Ass'n v. Cty. of Hawaii*, No. CIV. 14-00267 BMK, 2014 WL 6685817, (D. Haw. Nov. 26, 2014), *aff'd sub nom. Hawaii'i Papaya Indus. Ass'n v. Cty. of Hawaii*, 666 F. App'x 631 (9th Cir. 2016)

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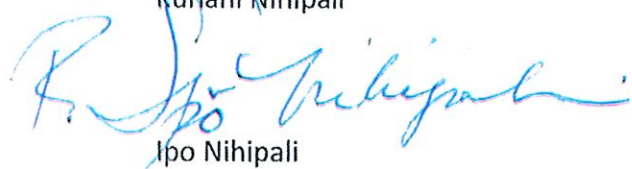
We respectfully request that BAB consider this petition at its August 2025 meeting and that BAB inform the petitioners of its decision on this petition within 30 days, as required by section 4-1-23(c) HAR. Further, we respectfully request that DAB utilize any authorities available to protect Molokai from CRB and other high-priority pests as quickly as possible and, if necessary, waive any filing or timing requirements not met by this petition, with good cause being shown as required by section 4-1-11 HAR, as the need to prevent CRB from reaching Molokai constitutes an emergency.

Thank you for your consideration of this petition and for all your efforts to protect Hawaii and the Island of Molokai from high priority pests, particularly CRB. Please contact us if we may provide any further information regarding this petition.

Sincerely,



Kunani Nihipali



Ipo Nihipali

Attachment A - Draft Proposed Interim Rule



## Attachment A

## Draft Proposed Interim Rule

To Prohibit the Transportation of Plants, Soil, Gravel, and other CRB Host Material including Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch, Plant Propagation Media; and Other Items Comprised of Decomposing Organic Plant Material Such as Landscaping Material or Erosion Control Socks, to Prevent the Movement of **Coconut Rhinoceros Beetle**, *Oryctes rhinoceros*, to the Island of Molokai from Other Areas of the State

Under authorization granted in Section 150A-9.5, Hawaii Revised Statutes (HRS), the Hawaii Department of Agriculture and Biosecurity (Department) hereby establishes this interim rule to impose a quarantine on the movement of plants, soil, gravel, and other **coconut rhinoceros beetle** (CRB) host material, including decomposing plant material such as compost, wood or tree chips, and mulch; plant propagation media; and other items comprised of decomposing organic plant material such as landscaping material or erosion control socks, to prevent the spread of the CRB, *Oryctes rhinoceros*, to the Island of Molokai, an island where CRB has not been detected.

The interim rule is needed to prevent the further spread of CRB to the Island of Molokai from other areas of the State. The residents of Molokai utilize the coconut tree (*Cocos nucifera*) and other palm species for subsistence, local food production, and cultural practices and the need to protect these natural resources on Molokai from the imminent peril of CRB constitutes an emergency. Further, CRB establishment on Molokai would impact native and endemic palm species, including the rare loulu palm (*Pritchardia hillebrandii*). CRB has been detected moving between islands of the State on potted plants that are not typically considered hosts of adult CRB and has been detected moving interisland despite the CRB interim rules issued by the Department that took effect on October 4, 2023 and October 11, 2024, that restrict the movement of CRB host material and palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; decomposing plant material such as compost, wood or tree chips, and mulch; plant propagation media; and other items comprised of decomposing organic plant material such as landscaping material or erosion control socks, from the Island of Oahu to other areas of the State.

This interim rule prohibits the movement of potted or bare root plants and other CRB host material, which:

- (A) Includes decaying plant material, mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, plant propagation media in live planting, commercially bagged plant propagation media or landscaping materials that have been staged or stored in any area of the State, soil, and gravel; 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, and sand, not mixed with any organic material.

Any person who violates this 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 second offense committed within five years of a prior conviction, the person(s), companies, or organization(s) 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. Also, they shall be fined not less than \$500 and not more than \$25,000.

This interim rule shall become effective on \_\_\_\_\_, 2025, and shall be effective for not more than one year from the effective date.

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SHARON HURD

Chairperson, Board of Agriculture and Biosecurity



JOSH GREEN, M.D.  
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SYLVIA LUKE  
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State of Hawai'i  
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Honolulu, Hawai'i 96814-2512  
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APPENDIX B

SHARON HURD  
Chairperson  
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA  
Deputy to the Chairperson

August 19, 2025

Kunani and Ipo Nihipali  
Lot B4 Maunaloa Highway  
Hoolehua, HI 96729

Subject: Procedural Denial of Petition to the Board of Agriculture and Biosecurity to Initiate Interim Rulemaking to Prohibit the Transportation of Materials That May Introduce the Coconut Rhinoceros Beetle (CRB), *Oryctes rhinoceros*, to the Island of Molokai.

Dear Kunani and Ipo Nihipali,

Thank you for your petition requesting the Board of Agriculture and Biosecurity (Board) to initiate interim rulemaking pursuant to Hawaii Revised Statutes (HRS) Chapter 150A-9.5 to prohibit plants, soil, gravel, CRB host material including decomposing plant material, and other items comprised of decomposing plant materials such as landscaping materials or erosion control socks, to prevent the movement of CRB to Molokai, from any other area in the State.

Pursuant to §4-1-23(c), Hawaii Administrative Rules (HAR), the Board is required to either deny a petition or initiate rulemaking proceedings within 30 days after filing of a petition for rulemaking. In order to implement an interim rule, the Advisory Committee on Plants and Animals (Committee) must first make a finding that the 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. Due to the time constraints, a Committee meeting was unable to be held. However, please note §4-1-24, HAR does not prevent the Board from acting on its own motion upon any matter disclosed in a denied petition and the Board will be considering your petition at its next meeting set for August 26, 2025.

Should you have questions regarding this matter, please contact Mr. Jonathan Ho, Plant Quarantine Branch Manager at 808-832-0566 or [jonathan.k.ho@hawaii.gov](mailto:jonathan.k.ho@hawaii.gov).

Sincerely,

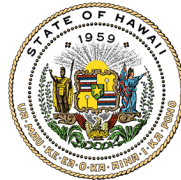
A handwritten signature in black ink that reads "Sharon Hurd".

Sharon Hurd, Chairperson  
Board of Agriculture and Biosecurity



JOSH GREEN, M.D.  
Governor

SYLVIA LUKE  
Lt. Governor



State of Hawai'i  
DEPARTMENT OF AGRICULTURE & BIOSECURITY  
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APPENDIX C  
SHARON HURD  
Chairperson  
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA  
Deputy to the Chairperson

**\*PLANT QUARANTINE BRANCH PROPOSED INTERIM RULE\***

HAWAII DEPARTMENT OF AGRICULTURE AND BIOSECURITY

PLANT QUARANTINE INTERIM RULE 25-1

**Prohibits the Movement of Palm Plants in the Genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; Plants in Containers at Least 10 Gallons in Volume or Larger; Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch; Plant Propagation Media; Rock, Soil, Sand, or Gravel Mixed With Decomposing Plant Material or Plant Propagation Media; and Any Other Items Comprised of Decomposing Organic Plant Material Such as Landscaping Material or Erosion Control Socks, From the Islands of Kauai and Oahu, and a designated area in West Hawaii Island, to the Island of Molokai to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, Except by Permit Issued by the Hawaii Department of Agriculture and Biosecurity.**

Under authorization granted in Section 150A-9.5, Hawaii Revised Statutes (HRS), the Hawaii Department of Agriculture and Biosecurity (Department) hereby establishes this interim rule to impose a quarantine on the movement of coconut rhinoceros beetle (CRB) host material including: palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; plants potted in containers at least 10 gallons in volume or larger; decomposing plant material such as compost, wood or tree chips, and mulch; plant propagation media; rock, soil, sand, or gravel mixed with decomposing plant material or plant propagation media; and any other items comprised of decomposing organic plant material such as landscaping material or erosion control socks, except by permit issued by the Department, to prevent the spread of the CRB,



*Oryctes rhinoceros*, from an area designated to be infested with CRB to non-infested areas in the State. The entire islands of Oahu and Kauai, and the specified area in West Hawaii Island in the Kailua-Kona area within the following geographic borders: the shoreline from Waikoloa Road to Kailua Pier; Kailua Pier to Palani Road through Mamalahoa Highway; Mamalahoa Highway to Waikoloa Road; and Waikoloa Road to the shoreline, are designated as a CRB infested areas. All other areas in the State are considered to be non-infested areas.

The interim rule is needed to prevent the further spread of CRB to the island of Molokai, which is the only island in the State where CRB has not been detected.

The movement or transportation of CRB host material, including palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; plants potted in containers at least 10 gallons in volume or larger; decomposing plant material such as compost, wood or tree chips, and mulch; plant propagation media; rock, soil, sand, or gravel mixed with decomposing plant material or plant propagation media; and any other items comprised of decomposing organic plant material such as landscaping material or erosion control socks, from an area designated to be infested with CRB to other non-infested areas in the State is prohibited, except by permit issued by the Department. Only palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia* that have trunks not greater than 48 inches in height, measured from the soil-line to the lowest frond, are eligible for permits issued by the Department.

All movement or transportation of palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia* that have trunks not greater than 48 inches in height, measured from the soil-line to the lowest frond; plants potted in containers at least 10 gallons in volume or larger; decomposing plant material such as compost, wood or tree chips, and mulch; plant propagation media; rock, soil, sand, or gravel mixed with decomposing plant material or plant propagation media; and any other items comprised of decomposing organic plant material such as landscaping material or erosion control socks, from an area designated to be infested with CRB to other non-infested areas in the State is subject to inspection and approved mitigation, decontamination, and/or treatment measures prior to movement; as designated by a permit issued by the Department.

This interim rule does not impose additional restrictions on the movement of the following: approved nursery stock material from a department approved certified nursery, provided it is shipped directly from an infested area to a destination outside of the State and does not pass-through any part of the State; unsprouted seeds of palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; plant products intended for consumption, such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices; plant products preserved from decay by treatment or intended use, such as lumber, woven hats, wooden posts, wood carvings, and firewood; and cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements.



Any person(s), companies, or organization(s) who violate this rule shall be fined not less than \$100. The provisions of HRS Section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second violation committed within five years of a prior violation, the person(s), companies, or organization(s) 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 complying with this Interim Rule. Additionally, they shall be fined not less than \$500 and not more than \$25,000.

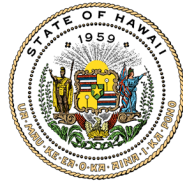
This interim rule shall become effective on (*insert date*), and shall be effective for not more than one year from the effective date.

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Sharon Hurd, Chairperson  
Board of Agriculture and Biosecurity

JOSH GREEN, M.D.  
Governor

SYLVIA LUKE  
Lt. Governor



State of Hawai'i  
DEPARTMENT OF AGRICULTURE & BIOSECURITY  
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APPENDIX D  
SHARON HURD  
Chairperson  
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA  
Deputy to the Chairperson

**\*NIHIPALI PETITION PROPOSED INTERIM RULE\***

HAWAII DEPARTMENT OF AGRICULTURE AND BIOSECURITY

PLANT QUARANTINE INTERIM RULE 25-1

**Prohibits the Transportation of Plants, Soil, Gravel, and other Coconut Rhinoceros Beetle (CRB) Host Material Including Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch, Plant Propagation Media; and Other Items Comprised of Decomposing Organic Plant Material Such as Landscaping Material or Erosion Control Socks, to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, to the Island of Molokai From any Other Island of the State.**

Under authorization granted in Section 150A-9.5, Hawaii Revised Statutes (HRS), the Hawaii Department of Agriculture and Biosecurity (Department) hereby establishes this interim rule to impose a prohibition on the interisland movement of plants, soil, gravel, and other coconut rhinoceros beetle (CRB) host material, including decomposing plant material such as compost, wood or tree chips, and mulch; plant propagation media; and other items comprised of decomposing organic plant material such as landscaping material or erosion control socks, to prevent the spread of the CRB, *Oryctes rhinoceros*, to the Island of Molokai from any other island in the State.

The interim rule is needed to prevent the further spread of CRB to the island of Molokai, which is the only island in the State where CRB has not been detected and where the residents of Molokai utilize the coconut tree, *Cocos nucifera*, and other palm species



for subsistence, local food production, and cultural practices, including the need to protect these natural resources on the island of Molokai.

This interim rule prohibits the interisland movement of potted or bare root plants; soil; gravel; and other CRB host material which includes: decaying plant material such as mulch, trimmings, fruit and vegetative scraps, wood or tree chips, stumps, or compost; plant propagation media; and landscaping materials comprised of decaying organic plant material, that have been staged or stored in any area of the State, to the Island of Molokai from any other island in the State.

This interim rule does not impose additional restrictions on the following items:

- (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, and sand, not mixed with any organic material.

Any person(s), companies, or organization(s) who violate this rule shall be fined not less than \$100. The provisions of HRS Section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second violation committed within five years of a prior violation, the person(s), companies, or organization(s) 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 complying with this Interim Rule. Additionally, they shall be fined not less than \$500 and not more than \$25,000.

This interim rule shall become effective on (*insert date*), and shall be effective for not more than one year from the effective date.

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Sharon Hurd, Chairperson  
Board of Agriculture and Biosecurity