

DEPARTMENT OF AGRICULTURE AND BIOSECURITY

Adoption of Chapter 4-69
Hawaii Administrative Rules

[DATE OF ADOPTION OF RULE]

1. Chapter 4-69, Hawaii Administrative Rules, entitled "Plant and Non-domestic Animal Quarantine Pest Designation Rules", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE AND BIOSECURITY

SUBTITLE 6

DIVISION OF PLANT INDUSTRY

CHAPTER 69

PLANT AND NON-DOMESTIC ANIMAL QUARANTINE

PEST DESIGNATION RULES

Subchapter 1 General Provisions

§4-69-1 Purpose
§4-69-2 Definitions
§4-69-3 Severability

Subchapter 2 Pest Designations

§4-69-4 Designation of pests for import inspection

§4-69-1

SUBCHAPTER 1

GENERAL PROVISIONS

§4-69-1 Purpose. The purpose of this chapter is to implement the requirements of chapter 150A, Hawaii Revised Statutes, to enable the Board to designate specific species as a pest allowing regulatory action by the Department.
 [Eff _____] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-3, 150A-2)

§4-69-2 Definitions. As used in this chapter:
 "Board" means the board of agriculture and biosecurity.

"Department" means the department of agriculture and biosecurity.

"Pest" means any animal, insect, disease agent, or other organism in any stage of development that is detrimental or potentially harmful to agriculture, or horticulture, or animal or public health, or natural resources including native biota or has an adverse effect on the environment as determined by the board. [Eff _____] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-3, 150A-2)

§4-69-3 Severability. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality and validity of the remainder of this chapter and applicability thereof to other persons and circumstances shall not be affected. [Eff _____] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-3, 150A-2)

SUBCHAPTER 2

PEST DESIGNATIONS

§4-69-4

§4-69-4 Designation of pests for import inspection. Species provided in the "List of Insects, Mites, Other Pests, and Plant Diseases, Designated as Pests for Control or Eradication Purposes by the Hawaii Department of Agriculture, dated December 16, 2008" attached to chapter 4-69A, are designated as pests and made a part of this chapter.

[Eff _____] Auth: HRS §§141-2, 150A-9)
 (Imp: HRS §§141-3, 150A-2, 150A-5)"

2. The adoption of chapter 4-69, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on [DATE OF ADOPTION OF RULE], and filed with the Office of the Lieutenant Governor.

Sharon Hurd
 Chairperson
 Board of Agriculture and
 Biosecurity

APPROVED AS TO FORM:

Deputy Attorney General