

State of Hawai'i
Department of Agriculture and Biosecurity
Plant Industry Division
Plant Quarantine Branch
Honolulu, Hawai'i

February 24, 2026

Board of Agriculture and Biosecurity
Honolulu, Hawai'i

Subject: Request for Review and Approval of the Petition From Nancy Holman, Kalaupapa National Historic Park, to Initiate Administrative Rulemaking to Amend Plant Quarantine Interim Rule 25-1, to Allow Gravel to be Moved From Any Other Area in the State to the Island of Molokai if it Has Been Subjected to an Approved Treatment Prior to Movement.

I. **Historical Background**

Since its initial detection on Oahu in late 2013, the coconut rhinoceros beetle (CRB), *Oryctes rhinoceros*, has been found on Kauai, West Hawai'i Island, Maui and Lanai, with an ongoing eradication program occurring in West Hawai'i 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 September 23, 2025, the Board of Agriculture and Biosecurity (Board) adopted Plant Quarantine Interim Rule 25-1 (IR 25-1), which prohibited 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 the Island of Molokai from any other area in the State to prevent the spread of CRB. At that meeting, there was discussion on whether or not gravel should be included in the interim rule, with the Board ultimately deciding to keep the restriction on gravel within IR 25-1. A copy of IR 25-1 is included as ATTACHMENT 1.

On February 17, 2026, the Office of the Chairperson received a petition from Nancy Holman, Superintendent, Kalaupapa National Historic Park, seeking to amend IR 25-1 to allow the transportation of gravel subjected to a fumigation before movement to Molokai. A copy of Ms. Holman's Petition is included as APPENDIX A.

II. Procedural Background

IR 25-1 was established pursuant to 150A-9.5, Hawaii Revised Statutes (HRS), which enables the Hawaii Department of Agriculture and Biosecurity to establish an interim rule governing the transport of flora and fauna into and within the State. Pursuant to §150A-9.5(b), HRS, the Board may adopt an interim rule may if there is a finding by the Advisory Committee on Plants and Animals (Committee) 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. IR 25-1 was reviewed by the Committee at its meeting on September 17, 2025. At that meeting, the Committee made the necessary finding of an emergency that enabled the Board to approve IR 25-1 on September 23, 2025.

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.

To be considered by the Board, a petition for rule adoption or amendment under §4-1-23(b), HAR, must contain certain substantive items, specifically: (1) a draft of the substance of the proposed rule or amendment or designation of the rule provisions to be repealed; (2) a statement of the petitioner’s interest in the subject matter; and (3) a statement of the reasons in support of the proposed rule, amendment, or repeal.

As this Petition was received within the 30-day timeframe and appears to contain the necessary substantive items for Board consideration, it is being presented to the Board for review and determination. Additionally, unlike the initial establishment of an interim rule pursuant to 150A-9.5, HRS, because the Committee has already made the finding of an emergency necessitating the need for IR 25-1, the Committee does not need to make another finding prior to the Board’s determination to amend IR 25-1 as stated in the Petition.

III. Summary of Proposed Amendment

The Petition seeks to allow the transportation of gravel to Molokai subject to a treatment with the fumigant Profume, pursuant to Special Local Need Label (SLN) HI-2501, a copy of which is included with the Petition. The petitioner states the amendment is necessary for a number of reasons including, but not limited to a time-limited shipping

window from July to August (i.e. single annual shipment, harbor is narrow and shallow, and limited favorable tide conditions); critical infrastructure needs (i.e. unpaved road maintenance, pothole repair, erosion control, etc.); and to ensure the health and safety of the community (i.e. access to water well, ensuring maintained evacuation routes, or access for emergency response teams), particularly in an emergency. The Petition provides additional details about the necessity to amend IR 25-1 and potential impacts should the proposed amendment not be made.

IV. Analysis of Petitioner’s Proposed Amendment

The Plant Quarantine Branch (PQB) believes that the Petitioner’s proposed change to IR 25-1 is extremely reasonable as it is only a single shipment and would essentially present no further risk of introducing CRB to Molokai than any other large shipment arriving on the island. The PQB already considers gravel to be low risk as it is not otherwise regulated for CRB, except to Molokai. Additionally, prior to movement of the gravel, the Petition proposes to subject the shipment of gravel to a treatment with Profume gas at a concentration that would eliminate any CRB that may be within the shipment. The PQB already certifies shipments using the same treatment method to other islands and accommodating another treatment would not cause any operational issues. To date, no shipment subjected to the treatment proposed in the Petition has been found to be infested with CRB.

To effectuate the Petitioner’s proposed change to IR 25-1 to allow the treatment of gravel, the PQB has attached proposed changes in Ramseyer format. An amended version of IR 25-1 is included as APPENDIX B. The proposed changes to IR 25-1 can be found underlined on lines 5, 7-8, 17-18, and 46-47. The PQB believes that including appropriate variations of “gravel not subject to a treatment approved by the Department” enables the petitioner’s amendment to IR 25-1 while still prohibiting untreated gravel and also allows for other treatments that are verified to eliminate all life stages of CRB. However, should the Board believe this proposed language enables too much discretion in approved treatments used by the PQB, replacing “treatment approved by the Department” with some variation of “Profume gas fumigant under SLN HI-2501” would specifically allow only the treatment proposed by the petitioner.

V. Staff Recommendation

Based on the PQB’s analysis of the petitioner’s proposed amendment to IR 25-1 to subject gravel to a treatment that is already being used to eradicate all life stages of CRB prior to movement to Molokai, the PQB recommends the Board approve the

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petitioner's proposed amendment to IR 25-1 as included as APPENDIX B to enable the treatment of gravel prior to movement to Molokai.

Respectfully Submitted,



Jonathan Ho
Manager, Plant Quarantine Branch

Concurred:

Dean Matsukawa

Dean Matsukawa
Acting Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:



Sharon Hurd
Chairperson, Board of Agriculture and Biosecurity



United States Department of the Interior

NATIONAL PARK SERVICE
Kalaupapa National Historical Park
P.O. 2222
Kalaupapa, HI 96742

Tel: 808-567-6802
Fax: 808-567-6729



February 12, 2026

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

Petition for Amendment to Interim Rule § 25-1 Regarding the Prohibition of Interisland Movement of Coconut Rhinoceros Beetle (CRB) Host Materials, Specifically Gravel, to Kalaupapa, Molokai

Dear Chairperson Hurd and Members of the Board of Agriculture and Bio Security,

This petition is made pursuant to section 4-1-23. Hawaii Administrative Rules, requesting the Board of Agriculture to amend the interim rule prohibiting the movement of gravel to the island of Molokai to stop the spread of CRB.

The amendment we are seeking is to allow gravel to be moved to Molokai if it has received a fumigation with Profume Specialty Gas fumigant under SLN HI-2501.

Statement of petitioner's interest in the subject matter of proposed amendment

The National Park Service (NPS) is deeply committed to preventing the spread of the CRB and other invasive species interisland. To achieve this, the NPS, in collaboration with members of the CRB Response Team, has implemented a comprehensive set of measures to protect the Kalaupapa settlement and its surrounding areas. As part of these efforts, traps and monitoring systems have been strategically placed throughout Kalaupapa to provide methods for early detection and effective management of any potential CRB presence. Additionally, the NPS treats locally generated wood chips with fumigation as an important preventive measure to eliminate potential CRB and other pest infestations before the chips are transported for use around the settlement. These actions are integral to a broader strategy aimed at safeguarding both the natural and cultural resources within Kalaupapa National Historical Park and the broader island of Molokai, ensuring their long-term health and preservation.

Given the historical significance of the peninsula and its designation as a National Historic Site, the NPS is governed by specific federal rules and regulations for maintenance and operations. Among other responsible actions, the NPS is entrusted with collaborating with the State of Hawaii to preserve and maintain Kalaupapa National Historical Park in Kalawao County on the island of Molokai, as outlined in Public Law 96-565, Section 105. This law authorizes the NPS to enter into cooperative agreements with landowners to preserve, protect, and manage historic, cultural, and natural resources within the park. This law also allows the NPS to work with local stakeholders to ensure key infrastructure, like the roadways and access to critical resources, is routinely maintained, safeguarding both the operational needs and historical integrity of the park.

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For large cargo, including vehicles, equipment, and construction materials such as roll-off containers filled with gravel, Kalaupapa relies on a single barge delivery each year. This barge typically sails between Honolulu and Kalaupapa during the July to August window, which is the only opportunity for the settlement to receive the necessary materials for the entire year. This timing is not arbitrary—due to the unique geographical characteristics of the Kalaupapa Harbor, this narrow and shallow harbor requires precise tide conditions for the barge to safely dock and unload its cargo. The harbor is small and restrictive, and the barge's size—which is significantly smaller than those used to service other Hawaiian Islands—further complicates the process of docking. The timing of the barge's arrival must coincide with optimal tide conditions, which are essential to ensure that the vessel can safely navigate through the narrow, shallow channels without the risk of grounding or damaging the vessel.

Given the challenging geography, the Kalaupapa Harbor only allows for safe barge access during specific windows of time in the summer months. These windows are dictated by the tide schedule, which can vary from year to year but must coincide with the barge's sailing window. If the barge is unable to dock during these critical months, the settlement risks missing an entire year's worth of supplies. The barge's annual arrival is time-sensitive and must align with the narrow window of favorable tidal conditions to avoid delays, prevent damage to the vessel or the environment, and ensure that all necessary equipment, materials, and supplies can be delivered.

Moreover, the small size of the barge means that the settlement must prioritize its most urgent needs, from safety equipment to water and electrical infrastructure. As a result, there is often little room for less immediate, yet still necessary, supplies. Space allocation aboard the barge is crucial to ensure that every essential item—from maintenance materials to critical services—fits within the limited capacity. The significantly smaller vessel makes the process of sourcing and transporting materials even more difficult, as the barge's capacity imposes severe logistical constraints. Each year, the settlement is forced to plan meticulously to ensure that all necessary supplies are shipped, as the tight window for barge operations—scheduled between July and August—only allows for one chance to bring in everything needed for the entire year.

The risk of overlooking or underprioritizing certain supplies is high, and even a slight error in space allocation can result in shortages that directly affect daily operations. If crucial materials are missed, it can leave the settlement without the necessary resources to maintain infrastructure, provide healthcare services, and continue essential preservation work at the park. A missed or delayed shipment could lead to catastrophic consequences, significantly disrupting the settlement's ability to function and meet its operational needs. This gap would place the community at a severe disadvantage until the next annual shipment, further complicating efforts to maintain critical systems and infrastructure vital to Kalaupapa's survival. This delay would not only hinder day-to-day functionality but also significantly delay any planned improvements or repairs, leaving the settlement without the necessary resources to maintain its critical operations.

A critical limitation we now face is the need to source gravel to maintain the unpaved roadways throughout Kalaupapa, particularly those leading to Kalawao, where sensitive infrastructure is located. These roads are essential for accessing the original site of the first arriving colony, affected by Hansen's disease, and they provide vital connections to key resources. The roads serve as the only access route to the settlement's operational water well, which supplies water to the entire community. Additionally, these roads provide access to two significant churches—Siloama and St. Philomena, several cemeteries, numerous burial sites (including St. Damien's), and important heiau and other culturally significant areas. Beyond the daily

operations, these roads also serve as the designated evacuation route for the settlement in case of an emergency, underscoring their critical role in both community safety and historical preservation.

Each year, Kalaupapa purchases approximately 200 tons of gravel, which is shipped in 8 to 12 end dumps and roll-off containers on the annual barge. The gravel is off-loaded in Kalaupapa and delivered to coned staging areas along the unpaved roads around the peninsula, where it is prepared for use in road repairs and rehabilitation. Before the gravel is approved for use, the NPS conducts on-site testing of each gravel pile to ensure it is free from LFAs (Little Fire Ants) and other pests. These tests are carried out by members of our Natural Resources Management Department, with samples of each test sent to a diagnostic lab for analysis. Once the test results are received and the gravel is cleared for use, the NPS proceeds with the necessary roadwork, ensuring the safety and functionality of the roadways while preventing the spread of invasive species.

The road to Kalawao continues to be an essential route for the patient residents of Kalaupapa, who access it daily, whether to seek faith, personal enjoyment, or in remembrance of their past. For many, the road serves as a path to reflect on the history of their community and the challenges they faced, while also offering a sense of connection to the broader Kalaupapa area. The road provides vital access to not only St. Philomena Church, but also to historic landmarks, cultural sites, and memorials that hold deep meaning for the residents. Whether taking a moment to honor the past or simply enjoying the natural beauty around them, this road remains a crucial part of the daily lives of Kalaupapa's residents, fostering a connection to the past and the present. Without timely access to essential materials like gravel, the ability to maintain safe roads, access to vital infrastructure, and ongoing preservation of historical sites would be compromised.

Delayed repairs to unpaved roads can pose significant risks to travelers, as the deterioration of road conditions, such as erosion and potholes can make travel both unsafe and difficult. When these roads are not maintained in a timely manner, they become hazardous for vehicles, increasing the likelihood of accidents, vehicle damage, and inconvenience to those who rely on the roads for daily access to vital services. Furthermore, unmaintained roads can become particularly dangerous in the event of an emergency, as access to critical infrastructure, such as the drinking water system, evacuation routes, or emergency response teams, may be delayed or obstructed. This makes it even more crucial that road repairs are performed regularly to ensure safe travel and timely response in emergencies. Ensuring that road maintenance is performed regularly is crucial for the safety, efficiency, and well-being of all travelers.

Given that there is only one opportunity per year to receive essential supplies in Kalaupapa, missing a shipment means the settlement would be without critical materials, causing long-lasting negative consequences for infrastructure, safety, and operations. Without an exemption from the existing ban on gravel imports, the inability to secure gravel for the 2026 barge will result in a catastrophic disruption to the NPS's mission, preventing the maintenance of vital infrastructure and halting preservation efforts for two years. This would undermine both public safety and the protection of Kalaupapa's historical and cultural assets.

We respectfully request an amendment to Interim Rule § 25-1 to ensure continued access to gravel, which is essential for maintaining the park's infrastructure and allowing the NPS to fulfill its mission to preserve unimpaired the natural and cultural resources of Kalaupapa National Historical Park, enabling the NPS to continue serving the Kalaupapa resident community. Without this critical resource, the settlement's infrastructure, safety, and cultural preservation efforts would be severely compromised, impacting the well-being of those who call Kalaupapa home and jeopardizing the park's ability to protect its unique historical and cultural assets.

Statement of reasons in support of the proposed amendment

Our proposed amendment includes the use of Special Local Needs Label (SLN) “HI-2501” with Profume gas fumigant “EPA Registration # 1015-79” which is accepted and adopted as a pre-quarantine treatment method by Hawaii Department of Agriculture and Biosecurity (DAB) as well as the United States Department of Agriculture (USDA).

Under the commodities that may be treated in SLN HI-2501 it states: “Wood chips, mulch, mulch containing dirt for the flower industry and agricultural production sectors, compost, host trees, erosion socks containing organic matter, and other breeding host materials for both export and interisland movement.” Plant Quarantine Interim Rule 25-1 lists gravel as a host material and this fumigant is a standard treatment being used statewide currently to allow host CRB material to be removed out of quarantine sites. Our contractor performing the fumigations will follow the 3000 CT at a 20–30-hour exposure as defined in the EPA and DOA approved SLN.

This product is a true gas similar in properties to oxygen and CO₂ and will not result in residue or leaching issues.

Please see the attached SLN document for supportive literature.

Control Methods and Safeguarding:

Upon determination of 3000 CT's and the Profume Label/ Supplemental label and SLN have been satisfied, the fumigation will be concluded, and aeration will begin. Once the fumigation has been cleared to zero PPM, the treated gravel will be covered and safeguarded during transit to prevent re-infestation.

Conclusion

In conclusion, the NPS's ability to maintain infrastructure and protect the cultural and historical assets of Kalaupapa National Historical Park depends heavily on the annual barge delivery, which is the only method for bringing essential supplies, including gravel for critical roadways. The small size of the barge, combined with the limited shipping window and federal procurement requirements, exacerbates the logistical challenges faced by Kalaupapa each year. Missing this single delivery would leave the settlement without critical materials for up to two years, which would not only disrupt day-to-day operations but also jeopardize the preservation and public safety of the park.

Without an exemption from the existing ban on gravel imports, Kalaupapa's roads, which provide access to vital resources like drinking water, designated evacuation sites, churches, cemeteries, and culturally significant sites, would be left in a state of disrepair, further isolating the settlement. The safety of the Kalaupapa community and the long-term preservation of the park's historical and cultural heritage are at risk. Therefore, we humbly request an amendment to Interim Rule § 25-1 to permit the transportation of treated gravel interisland, a critical resource. This exemption is vital to maintain the settlement's sensitive infrastructure throughout the year.

We respectfully request that the Board of Agriculture and Biosecurity consider this petition at the February 2026 meeting. Given the tight timelines and barge schedules, it is crucial that we act promptly to ensure continued support for the mission to preserve Kalaupapa. The timely approval of this amendment is essential to maintaining the infrastructure, safety, and cultural heritage of the settlement, while allowing the NPS to fulfill its responsibilities to Kalaupapa.

Thank you for your consideration of this petition and for all your efforts to protect Hawaii and the island of Molokai from the CRB. Please do not hesitate to contact us if we can provide any further information or clarification regarding this petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Holman', followed by a long horizontal line extending to the right.

Nancy Holman
Superintendent
Kalaupapa National Historical Park
Mailing Address: PO Box 2222
Physical Address: 7 Puahi Street
Kalaupapa, HI 96742
Mobile: (808) 658-6204
Email: Nancy_Holman@nps.gov

Attachment A: SLN

RESTRICTED USE PESTICIDE
DUE TO ACUTE INHALATION TOXICITY OF SULFURYL FLUORIDE
 For sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification. An applicator certified by the state must be present on site at all times during introduction of fumigant, reentry prior to aeration, and initiation of the aeration procedure.

FIFRA 24(c) Special Local Need Label (SLN)

For Distribution and Use Only in the State of Hawaii Fumigation of Non-Edible Commodities to Control Designated Pests

ProFume[®] gas fumigant

EPA Reg. No. 1015-79

SLN HI XXX



DANGER POISON

ACCEPTED
HI-2501

 Under Hawaii Pesticides Law
 as Supplement to Product No.
 1015-79

This label expires and must not be distributed or used in accordance with this SLN registration after May 20, 2030.

Directions for Use

- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This state-specific Section 24(c) labeling must be in the possession of the user at the time of application.
- Follow all applicable directions, restrictions, and precautions on the EPA registered label for EPA Reg. No. 1015-79.

This Section 24(c) Special Local Needs label permits the use of ProFume[®] gas fumigant on non-edible commodities and to control designated pests listed in Table 1. Follow all use directions, requirements, and precautions on the label attached to the product container and included in the ProFume Applicator's Manual.

ProFume may be used for the treatment of commodities that are not part of the food chain for human consumption, including:

- Wood chips, mulch, mulch containing dirt for the flower industry and agricultural production sectors, compost, host trees, erosion socks containing organic matter, and other breeding host materials for both export and interisland movement.

Pests and Application Rates

Table 1. Designated Pest and Dosage Rates

Designated Pest	Temperature	Required accumulated Dosage (CT*; oz-hr./1000 ft ³)	Exposure Period
<i>Oryctes rhinoceros</i> (Coconut Rhinoceros Beetle, all life stages)	Minimum 70°F	3000	Minimum 20 hrs. after reaching equilibrium. Longer exposure times may be used to achieve the required accumulated dosage. Fumigant concentration should be monitored and documented during the exposure period using a minimum of 2 monitoring points distributed evenly within the fumigated space and measured using an appropriate monitoring device to ensure the required dosage is achieved.

*Dosage = Concentration (C) x Time (T) or D = C x T (CT). CT = oz-h/1000 cu ft. The concentration in oz/1000 cu ft of fumigant multiplied by the exposure time in hours.

All applications under this SLN label must be conducted at normal atmospheric pressure (NAP).

When ProFume is used according to the treatment above, the following are applicable:

- The Fumiguide® program for ProFume is required for dosage calculation.
- The maximum concentration of ProFume can exceed 128 oz/1000 cu ft.
- The maximum target dosage can exceed 1500 oz-h/1000 cu ft.

Follow all requirements for dosage rates, treatment periods, monitoring, and other procedures specified by the EPA-registered label and the Applicator's Manual for ProFume.

Douglas Products and Packaging Company
1550 East Old 210 Hwy
Liberty, MO 64068-9459

Douglas Products and Packaging Company assumes no risk or liability for loss or damage from fumigations performed under this SLN label.

[EPA Approval Date] May 20, 2025

Issue Date: May 21, 2030

Expiration Date: May 20, 2030

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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APPENDIX B
SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

1
2 HAWAII DEPARTMENT OF AGRICULTURE AND BIOSECURITY

3
4 PLANT QUARANTINE INTERIM RULE 25-1
5 Amended February 24, 2026

6
7 **To Prohibit the Transportation of Plants, Soil, Gravel not subjected to a treatment**
8 **approved by the Department, and other CRB Host Material Including**
9 **Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch;**
10 **Plant Propagation Media; and Other Items Comprised of Decomposing Organic**
11 **Plant Material Such as Landscaping Material or Erosion Control Socks, to Prevent**
12 **the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, to the Island of**
13 **Molokai From Other Areas of the State.**

14
15 Under authorization granted in Section 150A-9.5, Hawaii Revised Statutes (HRS), the
16 Hawaii Department of Agriculture and Biosecurity (Department) hereby establishes this
17 interim rule to impose a quarantine on the movement of plants, soil, gravel not
18 subjected to a treatment approved by the Department, and other coconut rhinoceros
19 beetle (CRB) host material, including decomposing plant material such as compost,
20 wood or tree chips, and mulch; plant propagation media; and other items comprised of
21 decomposing organic plant material such as landscaping material or erosion control
22 socks, to prevent the spread of the CRB, *Oryctes rhinoceros*, to the Island of Molokai,
23 an island where CRB has not been detected.

24
25 The interim rule is needed to prevent the further spread of CRB to the Island of Molokai
26 from other areas of the State. The residents of Molokai utilize the coconut tree, *Cocos*
27 *nucifera*, and other palm species for subsistence, local food production, and cultural



28 practices and the need to protect these natural resources on Molokai from the imminent
29 peril of CRB constitutes an emergency. Further, CRB establishment on Molokai would
30 impact native and endemic palm species, including the rare loulu palm, *Pritchardia*
31 *hillebrandii*. CRB has been detected moving between Islands of the State on potted
32 plants that are not typically considered hosts of adult CRB and has been detected
33 moving interisland despite the CRB interim rules issued by the Department that took
34 effect on October 4, 2023, and October 11, 2024, that restrict the movement of CRB
35 host material and palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*,
36 *Roystonea*, and *Washingtonia*; decomposing plant material such as compost, wood
37 or tree chips, and mulch; plant propagation media; and other items comprised of
38 decomposing organic plant material such as landscaping material or erosion control
39 socks, from the Island of Oahu to other areas of the State.

40

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

43 (A) Includes decaying plant material, mulch, trimmings, fruit and vegetative scraps,
44 wood, stumps, compost, plant propagation media in live planting, commercially
45 bagged plant propagation media or landscaping materials that have been staged or
46 stored in any area of the State, soil, and gravel that has not been subjected to a
47 treatment approved by the Department; and

48 (B) Does not include:

49 (i) Plant products intended for consumption, such as coconuts, fruits, nuts,
50 edible leaves, leaves used for cooking, and spices;

51 (ii) Plant products preserved from decay by treatment or use, such as lumber,
52 woven hats, dried and painted coconuts, wooden posts, wood carvings, and
53 firewood;

54 (iii) Seeds for planting;

55 (iv) Cut flowers and foliage for decoration, such as lei, floral bouquets, or
56 arrangements; and

57 (v) Rock, coral, and sand, not mixed with any organic material.

58

59 Any person who violates this rule shall be guilty of a misdemeanor and fined not less
60 than \$100. The provisions of HRS Section 706-640 notwithstanding, the maximum fine
61 shall be \$10,000. For a second offense committed within five years of a prior conviction,
62 the person(s), companies, or organization(s) shall be responsible for clean-up and
63 decontamination fees to remove contaminated material and to fully eradicate any CRB
64 that may have been caused by their violation of not following this Interim Rule. Also,
65 they shall be fined not less than \$500 and not more than \$25,000.

66

67 If any provision of this interim rule is declared unconstitutional, or the applicability
68 thereof to any person or circumstance is held invalid, the constitutionality and validity of
69 the remainder of this interim rule and applicability thereof to other persons and
70 circumstances shall not be affected.

71

72 This interim rule shall become effective on September 24, 2025, and shall be effective
73 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
KA 'OIHANA MAHI'AI A KIA'I MEAOLA
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ATTACHMENT 1
SHARON HURD
Chairperson
Board of Agriculture & Biosecurity
DEAN M. MATSUKAWA
Deputy to the Chairperson

HAWAII DEPARTMENT OF AGRICULTURE AND BIOSECURITY

PLANT QUARANTINE INTERIM RULE 25-1

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.

If any provision of this interim rule is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality and validity of the remainder of this interim rule and applicability thereof to other persons and circumstances shall not be affected.

This interim rule shall become effective on September 24, 2025, and shall be effective for not more than one year from the effective date.



Sharon Hurd, Chairperson
Board of Agriculture and Biosecurity