

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

March 24, 2026

Board of Agriculture and Biosecurity
Honolulu, Hawai'i

Subject: Request for: Review and Approval 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 Restrict the Transportation of Coconut Rhinoceros Beetle (CRB) Host Material Which Includes All Genera of Live Palm Plants, Potted Plants of Any Size, Decomposing Plant Material Such as Compost, Wood, 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 a Designated CRB Infested Area on Hawai'i Island to Any Other Area in the State; and Restrict the Transportation, Receipt, Processing, Sale, Barter, Donation, or Otherwise Giving Away of CRB Host Material Within the Designated CRB infested area on Hawai'i Island, by Requiring a Department of Agriculture and Biosecurity Permit or Compliance Agreement to Contain/Slow the Spread of CRB on Hawai'i Island.

I. Background:

Since its detection in late 2013, coconut rhinoceros beetle (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 for CRB, most recently Interim Rule 25-1 for Molokai, and 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 January 12th, the Office of the Chairperson received a Petition from Megan Lamson, Hawai'i Wildlife Fund, and Leila Kealoha, Pōhaku Pelemaka (hereinafter collectively referred to as "Petitioners"), requesting that the Board of Agriculture and Biosecurity (Board) adopt an interim rule pursuant to Chapter 150A-9.5, Hawaii Revised Statutes, that would require the transportation of coconut rhinoceros beetle (CRB) host material which includes all genera of live palm plants, potted plants of any size, decomposing

plant material such as compost, wood, 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 a designated CRB infested area on Hawai'i Island to any other area in the State; and for the transportation, receipt, processing, sale, barter, donation, or otherwise giving away of CRB host material within the designated CRB infested area on Hawai'i Island under a required Department of Agriculture and Biosecurity (DAB) permit or compliance agreement, to contain/slow the spread of CRB on Hawai'i Island. The Petition is included as APPENDIX A, and includes a proposed interim rule, referred to in the Petition as Attachment A, and a proposed compliance agreement, referred to in the Petition as Attachment B, respectively beginning on pages 6 and 10 of the Petition.

The Petition was initially reviewed by the Board at its January 27, 2026, meeting. During the discussion, PQB staff did not dispute the Petition's substance seeking to do more to prevent the further spread of CRB in the Kona area, recognized that a compliance agreement/permitting structure could serve as a means to slow the spread of CRB in the Kona area; and noted additional clarification was needed regarding the language/intent of the Interim Rule and compliance agreement proposed in the Petition. There was considerable in-person, virtual, and written testimony in support of the Petition, with some testifiers seeking clarification or alternatives. Ultimately, 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 bring this issue back before the Board at its March meeting, tentatively scheduled for March 24, 2026.

PQB staff met with the Petitioners on February 5, 2025, to clarify what they were seeking to do with their proposed interim rule and compliance agreement. The discussion covered and addressed the PQB's concerns that were raised during the Board's January 27, 2026, meeting. The Petitioner's explained their intent was to compel the use of a compliance agreement that would be self-effectuated by the agreement holders, as opposed to using PQB's normal inspection/certification scheme, which would not work due to the lack of staff in Kona and the large area covered. Based on that meeting with Petitioners, the PQB drafted a proposed interim rule (see ATTACHMENT 1) and compliance agreement (see ATTACHMENT 2) that sought to clarify/address the concerns that were previously raised before the Board and those brought up during the February 5th meeting with the Petitioners.

The Petition was presented and reviewed by the Committee on February 27, 2026. The Petitioners submitted written testimony with their own revised version of the proposed interim rule (see ATTACHMENT 3) and compliance agreement (see ATTACHMENT 4). After review by the Committee, it was determined that although there were some differences in the versions, none existed that would prevent the Committee from making a finding, and based on the Petitioner's oral testimony, the Committee was confident

that PQB would be able to work through those differences with the Petitioners and have an agreed upon version to present to the Board in March. The Committee unanimously made findings that the existing regulations in Chapter 4-72, Hawaii Administrative Rules, related to the transportation of CRB host materials were insufficient to contain/slow the spread of CRB on Hawai'i Island which 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 justifying an interim rule and that an interim rule was necessary to contain/slow the spread of CRB on Hawai'i Island. A detailed summary of the February 27, 2026, Committee meeting is found in section IV below.

PQB staff met with the Petitioners on March 6, 2026, and agreed upon a final draft interim rule and compliance agreement. They are included as APPENDIX B and APPENDIX C, respectively.

II. Procedural Background

This Petition for rule amendment is brought under the Board's Rules of Practice and Procedure, Chapter 4-1, HAR, which allows rulemaking to be initiated 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. Additionally, 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 contained the necessary substantive items for Board consideration, it was presented to the Board its January 27, 2026, meeting, where the Board directed the PQB to initiate the interim rulemaking process.

Pursuant to section 150A-9.5, HRS, DAB 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 can only be adopted 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. Additionally, no interim rule shall not be effective for more than one year.

Should the Board determine that this interim rule should be adopted, a notice of the interim rule must be published at least once in any newspaper of general circulation in the State, within twelve days of issuance.

III. Summary of Proposed Interim Rule

The Petitioners included in their petition a proposed interim rule and a proposed compliance agreement, requiring the transportation of CRB host material which are defined to include all genera of live palm plants except unsprouted seeds, potted plants of any size, decomposing plant material such as compost, wood, 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 a designated CRB infested area on Hawai'i Island to any other area in the State; and for the transportation, receipt, processing, sale, barter, donation, or otherwise giving away of CRB host material within the designated CRB infested area, to be under a required DAB permit or compliance agreement. The proposed designated infested area mirrors the same area that was designated under the County of Hawai'i's prior Voluntary Compliance Order (the geographic area within Waikōloa Road, Māmalahoa Highway (Highway 190), La'aloa Avenue in Kailua-Kona, and along the coastline from La'aloa Avenue to Waikōloa Road) as shown in Figure 1 below, which is taken directly from the Petition. The Petition 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 CRB host material.

The description above details the summary of the Petition as it was initially received by the Office of the Chairperson. Through the initial Board and Committee review and after meeting with Petitioners on February 5 and March 6, numerous clarifications and revisions have been made, but the substantive portions of the interim rule and compliance agreement remain intact.



Figure 1. Proposed infested area for interim rule. Photo credit to the Petitioners.

IV. Advisory Committee on Plants and Animals Review

The Petition was presented to the Committee at its meeting on February 27, 2026, via Zoom virtual meeting. PQB Manager Jonathan Ho provided a synopsis of the request.

CS

CG

Board of Agriculture and Biosecurity

March 24, 2026

Hawai'i Wildlife Fund / Pōhaku Pelemaka Petition – Kona CRB Interim Rule

Page 6 of 11

During the presentation, Mr. Ho noted there were 32 written testimonies in support (see ATTACHMENT 5) that he was unable to thoroughly review the Petitioners revised drafts of the interim rule and compliance agreement, but during his review, did not see anything that he felt was deal breaking and would prevent the Committee from reviewing the Petition and making the necessary finding required to enact an interim rule. He believed that the PQB could work with the Petitioners to address the differences between the differing versions and would have a single agreed upon version for the Board's review. Mr. Ho finished his summary by recommending to the Committee that they find the existing regulations are insufficient to minimize the spread of CRB on Hawaii Island which constitutes an emergency; and that the adoption of an interim rule is necessary to minimize the spread of CRB on Hawaii Island.

Committee Chair Dr. Yeong Lau asked for a motion to approve the request. Committee Member Greg Takeshima made a motion to approve. It was seconded by Committee Member Patrick Chee. Dr. Lau then called for public testimony.

Ms. Megan Lamson, Hawai'i Wildlife Fund, said she was one of the petitioners and said the petition has garnered hundreds of testimonies in support, both to the Board and the Committee. She said the testimonies were from various agencies, farmers, conservation organizations, representatives and community members across Hawaii Island. She said CRB is catastrophic to the ecosystem because the various indigenous loulou palms did not evolve with CRB and have no defenses for it and without the rule, CRB would spread into those habitats. She said those species are irreplaceable. She said that in nine months, the current tactics are not working and that the proposed interim rule and compliance agreement are targeted and were reasonable. She said this involves support from the Big Island Invasive Species Committee (BIISC) and would not tax the Department, noting it is simply best management practices, not a quarantine. She noted a significant change, which was the use of a collection bin system that benefits operators and urged the Committee to move this to the Board.

Ms. Jodie Rosam, Hawai'i Wildlife Fund, thanked the Committee for their work, particularly moving the Molokai interim rule forward. She noted that they had worked with Mr. Ho to come to agreements on the interim rule and compliance agreements, that the meeting with him was productive, and thanked him for providing an updated draft to the Committee for review. She said that they had a 4 hour meeting with businesses in the infested area to answer questions they may have and to adjust the compliance agreement to make it workable for them. She said they incorporated those changes into the compliance agreement. She said they were open to working again with PQB to make sure everyone was in agreement. She emphasized this is about best management practices, not a quarantine, and is designed to prevent human spread of CRB. She said they were sympathetic to the lack of resources that PQB had, hence the inclusion of BIISC and the CRB Response Team. She noted the submittal indicated

that the original compliance agreement on Oahu was ineffective but was implemented about 10 years after CRB was detected and CRB was far more widespread then on Hawaii Island. She said this model can and will be successful, thanked PQB for recognizing this situation as an emergency, and hoped the Committee would support their efforts to move this forward.

Ms. Leila Kealoha, Pōhaku Pelemaka, introduced herself and the non-profit's mission to enhance natural and cultural resources along the Puna coastline and the transmission of intergenerational native Hawaiian knowledge and practices in partnership with their 'ohana. She said the Puna coastline have thousands of coconut trees and they are very important to them. She thanked Megan and Jodie for being co-petitioners and did not want to repeat the things that they had already brought up. She said action needed to be taken now. She said they had hosted a Niu festival the prior weekend and that Mayor Alameda designated February 22nd as Niu Forever Day. She thanked Mr. Ho for working with them and that they had spent the last six months working on the petition and thanked the Committee for their time and support.

Mr. Chris Ka'iakapu, Hawaii Ulu Cooperative, said the group represents 220 farmers, many on Hawaii island. He said he is native Hawaiian and had a unique perspective on this issue. He said that after the Oahu interim rule for CRB expired, within a year, it was on Kauai. He said he is battling the front line battling and watching mulch and breeding material get demonized in the agricultural community. He said 80-90% of trees are damaged and loulou found only on Kauai are being damaged. He said coconut trees are being poisoned and people may unknowingly be getting poisoned because people are selling or giving away poisoned fruit. He said on Hawaii Island, farmers he talks to are concerned about their mulch and don't know what to do with it. He said the rule is common sense and restrictions need to be made on how breeding material is moving around and asked the Committee to support the measure.

Ms. Stephanie Easley, Coordinating Group on Alien Pest Species, thanked the Committee and PQB for the work done on this agenda item. She said she has worked closely with the Petitioners and is familiar with the documents. She said there were 3 agenda items, but it was unclear on what documents the Committee would be sending to the Board, noting Mr. Ho had indicated there were 3 sets of the interim rule and compliance agreement before the Committee. She said if the Committee chooses to select a version, it would be the one submitted by the Petitioners with their testimony because it has the collection bins and other things the stakeholders believed should be included after meeting with them. She said there is nothing in chapter 4-72, HAR that comprehensively deals with human-assisted spread of CRB, which is an emergency needing an interim rule and this should continue to move forward.

CB

Board of Agriculture and Biosecurity

March 24, 2026

Hawai'i Wildlife Fund / Pōhaku Pelemaka Petition – Kona CRB Interim Rule

Page 8 of 11

Mr. Wayne Tanaka, Sierra Club of Hawaii, said he was in strong support of the petition. He said CRB needs to be contained to Kona and if it gets to Hilo, establishment is inevitable.

Mr. Indrajit Gunasekara, Niu Now, thanked the Committee and Mr. Ho for working on this situation, and the petition for Molokai. He said understanding the ancient coconut varieties still requires a lot of work and there is a lot of diversity on Hawaii Island. He said CRB is threatening this effort and this issue needs to be taken seriously.

There were no other public testifiers.

Committee Member Joshua Fisher asked about the issue of three versions that Ms. Easley brought up and asked if the Committee needed the exact language for the interim rule. Mr. Ho said an interim rule can only be implemented with a finding by the Committee that an emergency exists, justifying the interim rule. He said the exact language for the compliance agreement and interim rule was not necessary, nor did there need to be consensus on the particular documents to move forward. He said the Committee could choose one to recommend, but felt that PQB would need to work again with the Petitioners after the Committee meeting to finalize something between the most recent versions. Mr. Ho emphasized the emergency finding by the Committee was the most critical part of the request.

Mr. Fisher appreciated the clarification. He felt the Petitioners appreciated working with Mr. Ho and believed an agreed-upon version between the PQB and the Petitioners should be presented to the Board.

Committee Member Thomas Eisen also appreciated the clarification and believed the finding of an emergency was warranted. He asked why the County's voluntary stop movement agreement didn't work because he felt the compliance agreement was similar. He said this should be sent to the Board as soon as possible.

Mr. Ho said the differences between them was trying to find the right balance as it related to the actual regulatory functions. He said there are only three inspectors in Kona and historically, quarantines are implemented to minimize risk as much as possible while continuing to allow movement, which involves things like witnessing the application of treatments that are verified to eradicate all life stages of a pest, where this does not go that far. He said the compliance agreement is a departure from what has been done previously, but PQB needs to find a way to balance the existing resources against the ability to actually get the work done. He believed the compliance agreement was not unreasonable and the fact that the Petitioners met with affected stakeholders and since none were present at the meeting, it was likely that they were on board with it.

He also emphasized the ongoing control efforts by the Department as being another part of work related to CRB, besides the possible use of a compliance agreement.

Committee Member Patrick Chee said this is an emergency and in addition to this interim rule, would permanent rulemaking be undertaken immediately?

Mr. Ho said that if this is shown to be effective, he didn't see why rulemaking should not begin. He said if this is effective, it would serve as the blueprint should CRB be found in other places.

Mr. Chee said the compliance agreement was not set in stone, so once it is implemented, it could be adjusted to work for everyone.

Mr. Ho said that when working with permits or other agreements, particularly from a legal standpoint, you want to avoid adjusting them in real time because it makes it more complicated for everyone. He said that the situation in Kona has some advantages because some of the issues that did not work on Oahu have been rectified and clarified, so there is a greater likelihood of them being effective.

Mr. Chee said that this measure is not intended to be a silver bullet and that everyone would like to see CRB eradicated, but this is needed to slow the spread to provide time to get other tools in place, giving us the upper hand. Mr. Ho agreed.

Committee Member Dr. Samuel Gon said based on everything he's heard, what currently exists is insufficient and this need to move forward. He said that he's satisfied that PQB will work with the Petitioners between now and the Board to provide a version that is satisfactory to both parties. He said he was ready to vote.

Mr. Takeshima said there is a fine balance between outreach/education and enforcement. He believed that there needed to be an appropriate amount of enforcement. It was clear that there was a lot of outreach and that PQB needed to work with the industry, but without enforcement, this will be just like the voluntary stop movement.

Mr. Chee said the interim rule creates the hammer that could be used, whereas the voluntary stop movement did not have one.

Chairperson Lau clarified that the original motion was to approve the PQB's version, but asked if the Committee was ok with PQB working with the Petitioners to come up with a version for the Board. Mr. Fisher agreed with the clarification. Dr. Gon felt it was good to reiterate and because the Petitioners were working closely with Mr. Ho, he was confident something would be put together for the Board.

Board of Agriculture and Biosecurity

March 24, 2026

Hawai'i Wildlife Fund / Pōhaku Pelemaka Petition – Kona CRB Interim Rule

Page 10 of 11

Hearing no other discussion, Chairperson Lau called for the vote.

Vote: a finding that there was a lack of effective rules, which is so immediate in nature, to constitute an emergency; and recommending the Board approve a revised version of the interim rule and compliance agreement that PQB and the Petitioners would subsequently agree upon (7/0 – Lau, Haws, Fisher, Eisen, Gon, Takeshima, Chee).

V. Analysis

From a historical perspective, quarantines within an island have not been shown to be particularly effective in mitigating spread of pests, particularly those that are able to travel far distances on their own or are apt to hitchhiking. Some other factors that play into this are minimal financial and labor resources; lack of adequate tools to treat, survey, or detect, particularly with pests new to the U.S.; and timely dissemination, integration and implementation of new requirements to all affected stakeholders while maintaining normal regulatory functions.

However, the PQB does not dispute the information provided by the Petitioners in support of the Petition and generally agrees with the premise of using a compliance agreement or permit as a means of slowing the spread of CRB. It should be noted that a somewhat similar agreement was previously implemented on O'ahu that unfortunately did not appear to have a significant impact on CRB's spread throughout the island.

While the proposed interim rule and compliance agreement (APPENDIX B & C) are a departure from the quarantine standards that PQB has historically used, the proposed requirements are not unreasonable, and it appears that many stakeholders are already agreeable to the proposed practices. PQB believes that this approach may be successful as it is being implemented far sooner in Kona than what was done on Oahu, and the area affected is much smaller.

VI. Staff Recommendation

Based on the unanimous finding of an emergency pursuant to HRS 150A-9.5 and recommendation by the Advisory Committee on Plants and Animals that the PQB would work with the Petitioners to create a consensus interim rule and compliance agreement, and strong public support, the PQB recommends that the Board adopt the APPENDIX B version of the interim rule that has been work on, revised, and finalized in collaboration with the Petitioners, to curb the spread of CRB throughout Hawai'i Island.

Board of Agriculture and Biosecurity

March 24, 2026

Hawai'i Wildlife Fund / Pōhaku Pelemaka Petition – Kona CRB Interim Rule

Page 11 of 11

Respectfully Submitted,



Jonathan Ho
Manager, Plant Quarantine Branch

Concurred:

Dean Matsukawa

Dean M. Matsukawa
Acting Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:



Sharon Hurd
Chairperson, Board of Agriculture and Biosecurity










3-24-26 Board Submittal E-sig

Final Audit Report

2026-03-19

Created:	2026-03-19 (Hawaii-Aleutian Standard Time)
By:	Jonathan Ho (jonathan.k.ho@hawaii.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA85MFY2uRPkgTgbHBXWdCWCJtbyRofUI6
Number of Documents:	1
Document page count:	11
Number of supporting files:	0
Supporting files page count:	0

"3-24-26 Board Submittal E-sig" History

-  Document created by Jonathan Ho (jonathan.k.ho@hawaii.gov)
2026-03-19 - 1:44:46 AM HST - IP address: 162.221.246.15
-  Document emailed to Dean Matsukawa (dean.m.matsukawa@hawaii.gov) for signature
2026-03-19 - 1:45:52 AM HST
-  Email viewed by Dean Matsukawa (dean.m.matsukawa@hawaii.gov)
2026-03-19 - 7:11:52 AM HST - IP address: 162.221.246.15
-  Agreement viewed by Dean Matsukawa (dean.m.matsukawa@hawaii.gov)
2026-03-19 - 7:14:09 AM HST - IP address: 162.221.246.15
-  Document e-signed by Dean Matsukawa (dean.m.matsukawa@hawaii.gov)
Signature Date: 2026-03-19 - 7:14:23 AM HST - Time Source: server- IP address: 162.221.246.15
-  Document emailed to Sharon Hurd (Sharon.K.Hurd@hawaii.gov) for signature
2026-03-19 - 7:14:25 AM HST
-  Email viewed by Sharon Hurd (Sharon.K.Hurd@hawaii.gov)
2026-03-19 - 7:14:31 AM HST - IP address: 51.54.38.123
-  Agreement viewed by Sharon Hurd (Sharon.K.Hurd@hawaii.gov)
2026-03-19 - 8:01:10 AM HST - IP address: 98.151.42.219
-  Document e-signed by Sharon Hurd (Sharon.K.Hurd@hawaii.gov)
Signature Date: 2026-03-19 - 8:01:28 AM HST - Time Source: server- IP address: 98.151.42.219

✔ Agreement completed.
2026-03-19 - 8:01:28 AM HST

Hawai'i Wildlife Fund
P.O. Box 1801
Kealahou, Hawai'i 96750
(808) 217-5777 megan@wildhawaii.org

Pōkahu Pelemaka
13-3749 Old Kalapana Road
Pāhoa, HI, 96778
(808) 937-7991 leila@pohakupelemaka.org

January 9, 2026

Chairperson Sharon Hurd
Board of Agriculture and Biosecurity
1428 South King Street
Honolulu, Hawai'i 96814

Petition for Interim Rulemaking To Regulate the Transportation of Coconut Rhinoceros Beetle (*Oryctes Rhinoceros*) Host Material on Hawai'i Island

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 contain and/or slow the spread of coconut rhinoceros beetle (*Oryctes rhinoceros*) (CRB) on the Island of Hawai'i.

We are seeking an interim rule that regulates the transportation of CRB host material from the CRB infested area on Hawai'i Island to any other area of the State by requiring that any person that transports CRB host material from a CRB infested area on Hawai'i Island to any other area of the State or that transports, receives (accepts delivery of CRB host material for any purpose), processes (meaning the conversion of solid waste into a useful product or preparing for its disposal), sells, barter, donates, or otherwise gives away CRB host material within the CRB infested area on Hawai'i Island use best management practices as set out in a DAB permit or a compliance agreement between the person and DAB to contain and/or slow the spread of CRB on Hawai'i Island and other areas of the State.

CRB was first detected in Hawaii on the Island of Oahu in 2013.¹ 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 O'ahu.² For the first 10 years, DAB was able to prevent the movement of CRB to other islands of the State. Unfortunately, that changed in May 2023, when

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

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

CRB was detected on the Island of Kaua'i, where it is now widespread,³ and in October 2023, when CRB larvae were collected in the Waikōloa Village area of Hawai'i Island.⁴

After the initial detection on Hawai'i Island, adult CRB were detected in the Waikōloa area in 2024.⁵ Beginning in March 2025, CRB was detected outside the Waikōloa area at multiple sites on west Hawai'i Island, near the Kona International Airport and within the Keāhole Agricultural Park. These detections set off a multi-agency response that included the County of Hawai'i, DAB, the Hawai'i Department of Transportation, the Hawai'i Invasive Species Council, CRB Response, and the Big Island Invasive Species Committee.⁶ The response included mass fumigation and removal of CRB breeding sites at the Keāhole Agricultural Park, ongoing trapping and monitoring efforts across west Hawai'i Island, pesticide application to coconut trees, public outreach, and a three-month voluntary Compliance Order for CRB Host Materials issued by the County of Hawai'i, in coordination with DAB. The Voluntary Compliance Order was in effect from July 1 through September 30, 2025, and requested that residents and businesses not transport CRB host material from the area bordered by Waikōloa Road, Māmalahoa Highway (Highway 190) from Waikōloa Road to Palani Road in Kailua-Kona, and along the coastline from Palani Road to Waikōloa Road to any location outside that area. The County's Voluntary Compliance Order was intended as "a precursor to a mandatory compliance structure that is being prepared by [DAB]."⁷ Unfortunately, as CRB continues to spread in west Hawai'i Island, DAB has not issued a mandatory compliance structure or other interim rule to contain CRB on Hawai'i Island. To address this regulatory gap, in November 2025, the County renewed its Voluntary Compliance Order until January 31, 2026 (Attachment C). Despite the County's efforts, the renewed Voluntary Compliance is likely to be unsuccessful in containing CRB yet again.

We are grateful for all the efforts undertaken to detect and treat CRB breeding sites on Hawai'i Island. However, as we have seen on O'ahu and Kaua'i, treating trees and breeding sites alone will not ultimately be effective to prevent the spread of CRB across an island, and a regulatory structure is needed to prevent the movement of CRB on host material. Hawai'i Island has an opportunity to be that example, if such measures are put into place immediately.

Currently, CRB host material is moving out of infested areas of Hawai'i Island to other areas of the County and potentially the State, with no requirements to use best management practices (BMPs) to prevent CRB from moving with the host material. As we have seen on O'ahu and Kaua'i, this approach of not restricting movement and relying solely on chemical treatments to contain the spread of CRB is ultimately ineffective. Hawai'i Island still has the opportunity to contain this invasion and protect uninfested areas of the island, the ultimate goal of our petition. Generally, CRB spreads slowly without the assistance of human intervention, such as the movement of infested materials. Requiring BMPs will slow or prevent the human-assisted

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

⁴ <https://www.hawaiinewsnow.com/2024/04/23/3-invasive-coconut-rhinoceros-beetles-captured-hawaii-island/>

⁵ <https://governor.hawaii.gov/newsroom/news-release-on-crb-found-in-waikoloa/>

⁶ <https://mauinow.com/2025/08/28/discovery-of-coconut-rhinoceros-beetles-in-west-hawai-i-initiates-multiagency-response/>; <https://dab.hawaii.gov/blog/main/nr25-21keahole-fumigation/>

⁷ <https://dab.hawaii.gov/blog/main/hawaii-island-crb-stop-movement/>

spread of CRB and will allow business that sell material that could host CRB to continue operations, using common sense BMPs.

An additional risk of CRB moving on potted plants not typically considered CRB host palms was detected when CRB was detected in multiple shipments made to the Island of Lāna‘i.⁸ Potted plants are sold within the Keāhole Agricultural Park and move from there across the island without inspection or treatment for CRB.

In light of this dire situation, we believe the threat and likelihood of the continued spread of CRB across Hawai‘i Island 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. This petition respectfully requests BAB and/or DAB: convene a meeting of the Advisory Committee on Plants and Animals to consider the Proposed Interim Rule (Attachment A) and the Proposed Model Compliance Agreement to Prevent the Spread of Coconut Rhinoceros Beetle (Attachment B) for business that transport, receive, process, sell, or export CRB host material within and from a CRB infested area on Hawai‘i Island, as set out in Attachment A to contain and/or slow the spread of CRB on Hawai‘i Island; and if the Advisory Committee determines the proposed Interim Rule is an effective rule to address an emergency situation that the Chairperson of DAB 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 an interim rule may not be initiated by this petition, we request BAB interpret this petition to require 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 Attachments A and B, 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

Hawai‘i Wildlife Fund

Founded in 1996, Hawai‘i Wildlife Fund is a 501(c)(3) nonprofit organization dedicated to the conservation of Hawai‘i’s wildlife. We protect native species and habitats, and provide environmental education opportunities for our community members and visitors. Hawai‘i Wildlife Fund’s (HWF) mission is to protect Hawai‘i’s native wildlife, particularly coastal and marine species, through research, education, and restoration. This is achieved by engaging communities and volunteers, habitat restoration, advocating for conservation, and supporting research programs.

HWF has been actively working to restore populations of loulu, an endemic Hawaiian fan palm, specifically the Federally-listed endangered *Pritchardia maideniana* which was once a dominate

⁸ <https://www.hawaiinewsnow.com/2025/08/07/changes-underway-after-coconut-rhinoceros-beetles-found-lanai/>

species from Kona through Ka'ū but is now restricted to approximately only 25 individuals remaining in the wild. HWF, in partnership with the Plant Extinction and Prevention Program (PEPP), has been working to reintroduce this species across protected sites in Ka'ū.

Of the 24 species of loulu in Hawai'i, 11 are considered threatened or listed as endangered⁹, with the other species not far behind. Many have gone extinct. Since the expansion of CRB on O'ahu, biologists from the Department of Land and Natural Resources, Department of Forestry and Wildlife, and partners have witnessed kūpuna loulu be impacted by the beetle, some of which have been lost forever. The situation is dire. Biologists across the State have had to make difficult decisions in regards to which species' and which individuals' genetics to preserve, sending bare root seedlings overseas to mainland zoos and botanical gardens. From a species protection standpoint, this is the worst situation to be in. Feeding trials have shown that loulu are the second most-preferred consumable by CRB, after coconut palms. Without increasing protections of *P. maideniana* on Hawai'i Island, we will undoubtedly lose this species too.

Pōhaku Pelemaka

Pōhaku Pelemaka's mission is focused on the preservation and protection of natural and cultural resources, native Hawaiian well-being and the transmission of intergenerational knowledge and practices in Puna makai, Hawai'i. The imminent threat of CRB spreading across the island and coming to Puna directly affects our cultural practices of niu, other food sources, and the native ecosystems that we currently protect.

Puna is the fastest growing district in the State and is being rapidly developed while landowners import mulch and plants from Kona, interisland and out of state. We currently steward an area that houses an ancient uluniu (coconut grove) with over 1,400 niu trees. It is vital that we ensure CRB does not reach this grove and others along Puna makai. It is imperative that DAB addresses the biosecurity measures of CRB and its spread on Hawaii Island. Now is the time. not tomorrow.

Statement of reasons in support of the proposed interim rule

In Hawai'i, counties and other units of local government are preempted by State law from banning or regulating the movement of material to prevent the introduction of a pest or invasive species.¹⁰ That authority rests solely with DAB. This leaves Hawai'i County unable to make rules to contain and/or slow the spread of CRB on Hawai'i Island.

The interim rule we are seeking is based on, and similar to, the Plant Quarantine Interim Rule 22-1 that was in effect from July 1, 2022, through June 30, 2023, on O'ahu (Attachment D) and

⁹ Listed Plants

¹⁰ 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. Hawai'i Papaya Indus. Ass'n v. Cty. of Hawaii*, 666 F. App'x 631 (9th Cir. 2016)

section 4-72-23, HAR, which regulates the movement of CRB host material within and from O'ahu. These rules require a person who transports, receives, processes, sells, or exports CRB host material to utilize protocols and best management practices set out in a permit or compliance agreement between the person and DAB.

We respectfully request that BAB consider this petition at its January 27, 2026 meeting and that BAB inform the petitioners of its decision on whether it will initiate the rulemaking requested by this petition within 30 days, as required by section 4-1-23(c) HAR.

Thank you for your consideration of this petition and for all your efforts to protect Hawai'i from the spread of CRB. Please contact us if we may provide any further information regarding this petition.

Sincerely,



Megan Lamson
Hawai'i Wildlife Fund



Leila Kealoha
Pōhaku Pelemaka

Attachment A - Proposed Interim Rule

HAWAII 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, 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, 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).

- (3) “CRB host palms” means live palm plants in any palm genera and does not include unsprouted seeds.
- (4) “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.
- (5) “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;
- (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; and
- (7) 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.

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.

SHARON HURD
Chairperson
Board of Agriculture and Biosecurity

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):

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

- Transport
- Processing
- 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 Quarantine 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:

- **“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 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, 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.
- **“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.
- **“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.
- **“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 – (808) 933-3340 or CRB hotline (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 general line– (808) 832-0566 or Hilo branch (808) 974-4140

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 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) to schedule 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, compliance procedures and requirements, and identification of CRB. It will take approximately one hour, excluding questions from trainees. Training can be arranged by contacting the Big Island Invasive Species Committee at (808) 933-3340 or biisc@hawaii.edu.
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 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 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 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 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 Area.

CRB Host Palms may harbor CRB, and their 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 Palms:

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.
2. Program-trained Participant staff shall ensure that the following requirements are met:
 - a. No CRB Host Palm shall 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.
 - b. Based on the inspection of Participant staff, no CRB Host Palm shall be transported if it bears any sign of damage by CRB. Damaged spear, heart, or meristem tissue shall not be removed, and palms damaged in this way shall not be transported.
 - c. Transport of Infested CRB Host Palms 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.
3. The inspection required above prior to transportation shall include the following parts of the CRB Host Palm:
 - a. Root Zone:
 - i. If the CRB host palm was dug from the ground or placed in a container within the last 30 days, all external surfaces of the root ball and associated soil or potting medium shall be visually examined for the presence of any life stage of CRB.
 - ii. If the CRB host palm has been growing in a pot or other container for more than 30 days and will be transported in that container, the 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 entirety of each hole in the trunk will be inspected for any presence of CRB; and
 - ii. All rotting parts of the trunk will 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.
4. CRB Host Palms shall be transported from the origin to the destination within 48 hours of inspection.

Section 3: Transport of CRB Host Material, other than CRB Host Palms and Potted Plants, from or within the Quarantine Area

The Participant shall comply with all requirements of this section when Transporting, or preparing to Transport including through sale, CRB Host Material from or within the Quarantine 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:

1. Participant shall ensure that CRB Host Material shall not be Transported unless it meets 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.
 - 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.
 - 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. 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 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.
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.

Section 4: Movement of Potted Plants

The Participant shall comply with all requirements of this section when transporting or selling potted plants within the Quarantine Area or that will be transported from the Quarantine Area.

Potted plants of all species may harbor CRB, and the 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:

1. Participants that sells potted plants on a retail basis to the final consumer shall:
 - a. Have all potted plants inspected by Program trained Participant staff and a written record of inspections shall be maintained on an on-going basis.
 - b. Post educational signage on the detection and risks of CRB; and
 - c. Provide purchasers of their potted plants with educational materials related to CRB detection, inspection, and risks.
2. Participants that sell wholesale or otherwise provide potted plants to a person who is not the final consumer shall
 - a. Have all potted plants inspected by Program trained Participant staff and a written record of inspections shall be maintained on an on-going basis.
 - b. For potted plants that will be transported outside the Quarantine Area, work with the Program Officer or designee to develop protocols include 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.

Section 5: CRB Host Material Receiver or Processing Center

The Participant shall comply with all requirements of this section when operating a Receiver or Processing Site for CRB Host Material within the Quarantine Area.

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 within the Quarantine Area. To minimize the risk of CRB being transported to a Receiver or Processing Center, each Participant that is a Receiver or operating a Processing Center that receives or processes CRB Host Material from within the Quarantine Area shall comply with the following:

1. Transporter/Hauler Verification:
 - a. The Processing Center shall only accept CRB Host Material 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 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, it is considered Completely Processed. 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. 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.

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.

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."
3. A list of compliant contractors will be provided by HDAB.
4. 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)

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 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 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 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 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 Program Officer has the discretion to require additional terms and conditions to ensure compliance. The HDOA 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 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: _____

- Home
- County Commission
- Legislation
- County Board of Commissioners
- County Council
- County Executive
- County Engineer
- County Finance
- County Health
- County Planning
- County Public Works
- County Safety
- County Social Services
- County Transportation
- County Utilities
- County Veterans Affairs
- County Workers' Compensation

County of Hawai'i News

Hawai'i County Renews Voluntary Compliance Order for CRB Host Materials

Post Date: 11/18/2025 11:02 AM

The County of Hawai'i is renewing a voluntary compliance order for parts of West Hawai'i to stop the movement of host materials for the coconut rhinoceros beetle (CRB).

This voluntary order, in effect through Jan. 31, 2026, is put in place while the Hawai'i Department of Agriculture and Forestry (HDAR) drafts enforcement rules for Hawai'i Island. (See updated map for voluntary compliance order area boundaries.)

"Stopping the coconut rhinoceros beetle requires all of us working together," said Mayor Kevin Alameda. "By preventing the movement of host materials, we can contain this invasive species and ensure its eradication before it gets out of Hawai'i Island."

To stop the spread of CRB, residents and business operators in this area are asked not to transport CRB host materials that include:

- Decomposing plant material such as compost, wood or tree chips, and mulch.
- Plant propagation material.
- Other items, such as landscaping material, that are composed of decomposing organic plant material.
- All live palm plants in the genera *Coccothrinax* (coconut palm), *Livistona* (fountain palm or Christmas palm), *Phoenix* (date palm, Canary Island date palm, *Pythecoradus* (tassel), *Ropisonia* (Royal palm), and Washingtonia (California fan palm, Mexican fan palm) — except unspouted seeds of these palms.

Residents and business operators within the compliance area who need to get rid of green waste should take the material to proper disposal sites located at the West Hawai'i Organics Facility at 71-1111 Queen Kaahumanu Highway and Kealahou Transfer Station at 14-590 Hale Moku Place. These facilities, located within the compliance area, heat compost piles to at least 131 degrees to kill CRB larvae.

Host materials, such as decomposing plant material, can contain CRB eggs, larvae, and adults. Moving such infested materials outside the compliance area could unintentionally spread CRB far beyond its current range, complicating eradication efforts and hindering control measures.

CRB primarily targets coconut and other palm species. However, it will feed on other important crops such as *Albizia* and *Leucaena* when the palm food sources are eliminated.

Best Management Practices for CRB Host Materials

Residents can take the following steps to minimize the risk of spreading CRB larvae and adults:

- Inspect CRB host materials at least every 4 months, especially freshly compost and nearby host palms, for signs of CRB or damage.
- Examine incoming CRB host materials before accepting them to ensure they are not infested with CRB.
- Collect any suspected CRB and report findings or visible CRB damage to HDAR at 808-643-PEST (1-3781) or the Big Island Invasive Species Committee (BIIISC) at 808-933-3340. Reports can also be made online at [i43pest.org](#).
- If you cannot inspect CRB host materials yourself, contact BIIISC, CRB Response (808-679-5244), or HDAR for assistance.

Properly Manage Materials

- Chip incoming CRB host materials within 48 hours.
- Properly compost CRB host materials by heating piles to at least 131 degrees Fahrenheit.
- Monitor finished materials at least every 4 months (visual during harvest). Once compost cools to around 110 degrees Fahrenheit, it can be inverted and is a good breeding material for CRB.
- Do not store or keep a mound of CRB host material. Routinely distribute around plants or thinly spread up to 4 inches in depth to enable it to dry completely.

Protect the Spread

- Utilize or protect CRB host materials that are already on site for existing, eliminating the need to move potentially infested materials.
- Safeguard CRB host materials that have been properly composted in treated, completely sealed containers that prevent CRB entry. Containers made of metal, concrete, or glass are acceptable. CRB can chew through many plastics.
- Ensure CRB host materials are still at acceptable temperatures or are subjected to effective treatment before being transported off site.
- Proflume, a restricted use pesticide, is one option for treating certain CRB host materials, such as compost. Call HDAR for additional information about the use of this chemical.
- If you receive CRB host materials, ensure it comes from a reputable source that follows CRB Best Management Practices. Ask suppliers to provide documentation of their CRB prevention efforts.

For questions about moving CRB host materials, please contact Glenn Sako, County Economic Development Specialist, at 808-961-6811.



Return to Full Site >>

QUICK LINKS

- Registration
- Online Services
- Public Hearing
- Public Information

- County Executive
- County Council
- County Board of Commissioners
- County Finance

CONTACT US

- County of Hawai'i
- County Executive
- County Council
- County Board of Commissioners

KEEP IN TOUCH



DAVID Y. IGE
Governor

ATTACHMENT D



JOSH GREEN
Lt. Governor

APPENDIX A
PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

HAWAII DEPARTMENT OF AGRICULTURE

PLANT QUARANTINE INTERIM RULE 22-1

Prohibits The Intra- And Inter-Island Movement Of Coconut Rhinoceros Beetle (*Oryctes Rhinoceros*) Host Material, Including But Not Limited To Entire Trees, Green Waste, Compost, Mulch, Trimmings, Fruit And Vegetative Scraps And Decaying Stumps Of Palmeceous Plants And Trees, Within And From The Island Of Oahu Except By Permit Issued By The Hawaii Department Of Agriculture

Under authorization granted in Section 150A-9.5, Hawaii Revised Statutes (HRS), the Hawaii Department of Agriculture (Department) hereby establishes this interim rule to impose a quarantine on the movement of coconut rhinoceros beetle host material, including but not limited to entire trees, green waste, compost, mulch, trimmings, fruit and vegetative scraps and decaying stumps of Palmeceous plants and trees, within and from the Island of Oahu except by permit issued by the Hawaii Department of Agriculture. These quarantine areas are established to address the emergency and prevent the spread of the coconut rhinoceros beetle (*Oryctes rhinoceros*) (CRB), from areas infested by CRB to un-infested areas within the State.

Movement or transportation of CRB host material, including but not limited to entire trees, green waste, compost, mulch, trimmings, fruit and vegetative scraps and decaying stumps of Palmeceous plants and trees, within and from the Island of Oahu is prohibited except by permit issued by the Department:



Interim Rule 22-1
June 30, 2022
Page 2

1) Movement of any host material for the CRB, including Palmeceous palms and trees, compost, and green waste under state compliance agreement or with a state phytosanitary certificate; 2) All host material being moved within the quarantine area must be completely enclosed or covered with a secure lid to prevent the spread of CRB during transport to the approved green waste disposal site. Subcontractors must transport chipped green waste to an approved offsite disposal/processing center in approved containers. These containers must be completely enclosed or covered with a lid during the transport to the offsite disposal/processing center; 3) Processing of any host material for the coconut rhinoceros beetle in approved facilities is allowed under HDOA state compliance agreements; 4) Inter-island movement of any CRB host material is allowed only under HDOA state compliance agreements or permit; 5) Sale and trade of any CRB host material is allowed under HDOA state compliance agreements; and 6) Nursery stock material considered CRB host material is allowed to leave the quarantine areas only under HDOA state compliance agreements.

All movement is subject to inspection and approved mitigation and decontamination measures. This interim rule does not affect the movement of approved nursery stock material, provided it is shipped directly from an infested area to a destination outside of the State.

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 or organization shall be fined not less than \$500 and not more

Interim Rule 22-1
June 30, 2022
Page 3

than \$25,000.

This interim rule shall become effective on Friday, July 1st, 2022, and is valid for no longer than one year from its inception.


PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9560 FAX: (808) 973-9613

APPENDIX B
SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

HAWAII DEPARTMENT OF AGRICULTURE AND BIOSECURITY

PLANT QUARANTINE INTERIM RULE 26-1

To Regulate the Transportation of Coconut Rhinoceros Beetle 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;
 - (v) Rock, coral, sand, and gravel not mixed with any material described in paragraph (A);
 - (vi) Live bare rooted plants that are not CRB host palms, including propagative cuttings; and
 - (vii) Tissue cultured or other micropropagated live plants in sterile media.
- (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.
- (6) "Transport" and "Transportation" mean movement of CRB host material out of a single Tax Map Key (TMK) parcel.

III. In this Interim Rule, the designated CRB infested area on Hawaii Island is the geographic area generally within Waikōloa Road, Māmalahoa Highway (Highway 190), La'aloa Avenue in Kailua-Kona, and along the coastline from La'aloa Avenue to Waikōloa Road, as shown in Figure 1 below. The designated CRB infested area is the same as the voluntary compliance order area set out in the Voluntary Compliance Order for CRB Host Materials renewed by the County of Hawaii in November 2025, as shown on the map below, with opportunities to expand the infested area if CRB are detected beyond the designated infested area 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) For official purposes by the Department;
- (2) Pursuant to a permit issued by the Department for purposes of CRB 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 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) Noncommercial transport 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);
- (6) Transport of CRB host material purchased from a person operating under a compliance agreement or permit issued under this Interim Rule, who is in full compliance with the requirements thereof;
- (7) Transporting CRB host material to a designated collection bin; and
- (8) In addition to any other requirements, any transportation of CRB host material from or within a CRB infested area may be subject to inspection and approved mitigation and decontamination measures by the Department.

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 has 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.

A person may conduct activities related to CRB host material without a permit or compliance agreement until May 1, 2026, if the person is acting in good faith to complete any required training and enter into a compliance agreement or obtain a permit within 30 days after the effective date.

Sharon Hurd, Chairperson
Board of Agriculture and Biosecurity



Figure 1. CRB Infested Area