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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 bound by the following: Waikōloa Road from Highway 190 to the coast, continuing south to La‘aloa Avenue and from the coast to its intersection with Highway 11 to the east (mauka), 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 March 25, 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