

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

July 28, 2026

Board of Agriculture and Biosecurity
Honolulu, Hawai'i

Subject: Request for: Review and Approval of the Petition From the Lahaina Community Land Trust 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 Potted Plants, Coconut Fruit, 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 Any Other Area in the State to the Islands of Maui and Lāna'i.

I. Background:

A revised version of the Lahaina Community Land Trust's (Petitioner) proposed interim rule is attached as APPENDIX D for the Board's consideration. APPENDIX D is the result of multiple discussions with the Plant Quarantine Branch (PQB) and Petitioner and the July 17, 2026, meeting of the Advisory Committee on Plants and Animals (Committee).

On June 8th, the Office of the Chairperson received the Petition for Emergency and Interim Rulemaking (Petition) from Petitioner requesting the Board of Agriculture and Biosecurity (Board) to simultaneously adopt an (1) interim rule pursuant to section 150A-9.5, Hawaii Revised Statutes (HRS), and (2) emergency rules pursuant to section 91-3(b), HRS, to prohibit the movement of coconut rhinoceros beetle (CRB) host material (which includes live plants of any size if there are any organic material attached to the roots; coconut fruit; untreated decomposing plant material such as compost, wood, tree chips, and untreated mulch; and plant propagation media and other items comprised of decomposing organic plant material such as landscaping material or erosion control socks) from any other area in the State to the islands of Maui and Lāna'i. The June 8th Petition is included as APPENDIX A, and includes a proposed interim and emergency rule, located on pages 12 and 13 of the Petition.

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The June 8th Petition was reviewed by the Board at its June 23, 2026, meeting under the Board's Rules of Practice and Procedure, section 4-1-23, HAR, which allows rulemaking to be initiated by petition of an interested person upon Board approval. The Petitioners submitted as written testimony, revised proposed emergency and interim rule language that was in response to the PQB's analysis, which is attached as APPENDIX B. Ultimately, the Board did not approve the Petitioner's request for emergency rulemaking, but directed the Plant Quarantine Branch (PQB) to work with the Petitioners to revise their proposed interim rule, present it to the Committee for review to comply with the requirements of section 150A-9.5(b), HRS, and bring the Petition request back before the Board, preferably at its July meeting for final review and approval.

PQB staff met with the Petitioners on June 29, 2026, and July 7, 2026, to discuss and revise the proposed interim rule. The June discussion was based on the interim rule language from APPENDIX B, with a subsequent revision that was discussed at the July 7th meeting, which is included as APPENDIX C.

APPENDIX C was presented to the Committee on July 17, 2026, to comply with the requirements of section 150A-9.5(b), HRS. The Committee unanimously made a finding 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 and that an interim rule was necessary to prevent the spread of CRB to Maui and Lānaʻi. A summary of the meeting is found in Section IV below.

At the Committee meeting on July 17th, PQB staff raised 2 issues with the July 7th version of the rules (Appendix C): 1) allowing only the Department of Land and Natural Resources (DLNR) Rare Plant Program (RPP) to move potted plants under section B(6) should not be revised because anyone who is able to implement the same process/procedure that the RPP uses to prevent CRB infestation should be afforded to all others who are doing the same or have a similar process and/or procedure, subject to verification by PQB prior to movement; and 2) various instances (particularly sections A(1)(C), A(1)(E), and A(3), and to a lesser extent sections A(1)(B), A(4), and A(5)) that required inspection upon arrival to Maui and Lānaʻi. As PQB does not have staff on Lānaʻi, the PQB is not sure how compliance could occur there.

As a result of the Committee's discussion and confirmation with the Petitioner, the Committee revised the interim rule to address PQB's concerns, including clarification on the movement of CRB host material between Maui and Lānaʻi, and is included as APPENDIX D for the Board's consideration.

II. Authority

Pursuant to section 150A-9.5, HRS, the Hawaii Department of Agriculture and Biosecurity (DAB) may establish an interim rule governing the transport of flora and fauna into and within the State. Pursuant to section 150A-9.5(b), HRS, **an interim rule may be adopted if the Advisory Committee on Plants and Animals finds 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.** (emphasis added).

Once an interim rule is adopted by DAB, the interim rule must be published within twelve days of issuance at least once in any newspaper of general circulation in the State and shall be effective for not more than one year.

III. Summary of Proposed Interim Rule

The most recent version of the interim rule (APPENDIX D) would prohibit live plants of any size if there is any organic material attached to the roots; coconut fruit; untreated decomposing plant material such as compost, wood, tree chips, and untreated mulch; and untreated plant propagation media and other items comprised of decomposing organic plant material such as landscaping material or erosion control mats/socks, or gravel free of organic/landscaping material, from any other area in the State to the islands of Maui and Lānaʻi. Movement of materials may be subject to secondary inspections on Maui or Lānaʻi. The Petition exempts fresh plant products intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices (except coconut fruit); 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, gravel, and sand, not mixed with any organic material; plants grown in pots no greater than 2 inches in diameter, in media that is sterilized before use, grown entirely in a laboratory, transported within CRB-proof containers, subject to DAB inspection and approval before transport; and tissue cultured or other micropropagated live plants in sterile media. The proposed rule does not impose restrictions on materials moving between Maui and Lānaʻi.

IV. Advisory Committee on Plants and Animals Review

The Petition was presented to the Committee at its meeting on July 17, 2026, via a hybrid meeting (in-person at the PQB conference room and Zoom virtual meeting). PQB Manager Jonathan Ho provided a synopsis of the request. Regarding PQB's concerns, Mr. Ho said that the PQB recognized the importance of DLNR's RPP and that the specific things they do should be what is indicated in the rule so that anyone who follows the same requirements can ship plants, and to address the requirement of inspection upon arrival on Maui and Lānaʻi, suggested those requirements be changed to "may" so that inspections could still occur, but there would be no issues on Lānaʻi because there are no PQB inspectors there. There 16 written testimonies received (see ATTACHMENTS 1-16) that were mostly in support, with specific concerns raised related to the impacts to orchid growers.

Committee Chair Dr. Yeong Lau asked for a motion to approve the request. Committee Member Robert Hauff made a motion to approve. It was seconded by Committee Member Thomas Eisen. Dr. Lau then called for public testimony.

Ms. Carolyn Auwelo, Lahaina Community Land Trust, said she was one of the petitioners and said she met with PQB staff earlier this month to work on the interim rules. She thanked the Committee for their time and consideration of the rules. She said that the Maui community, particularly Lahaina believe CRB are a significant risk to Maui's agriculture, economy, and culturally important plants and that what is happening on Oʻahu and Kauaʻi cannot happen on Maui. She said the existing processes are inadequate and if CRB were to become established the communities would feel the pain. She said she is talking to West Hawaiʻi and Molokaʻi to strategize a set of rules that would work for everyone. She said she was ok with the "may" language that Mr. Ho suggested due to the lack of inspectors on Lānaʻi, but a solution needs to be found to address this and understood that resources are shared between Maui and Lānaʻi. Regarding the Rare Plant Program, she was ok with removing the exemption to move the rule forward or reconsidering it at a future edition of these rules.

Ms. Christy Martin, Coordinating Group on Alien Pest Species (CGAPS), said CGAPS is in support of this effort and it creates a situation that is an emergency to the ecological health of flora. She said they supported the RPP and they have stringent protocols including sterilized media, growth in a contained lab and no live soil. She said the plants are inspected by DAB before transport so there was no real biosecurity risk. She said the program was well thought out, poses a low risk and is not aware of a similar program in the State.

Ms. Mya Hunter, Maui County Department of Agriculture (MDOA), thanked PQB staff for working with the Petitioners to find solutions and thanked the Petitioners for all the work they have done to move this forward. She said that everyone at the Committee meeting did not want CRB to go to Maui County. She said they want to preserve their cultural

crops but not block local businesses. She said MDOA is not regulatory, so advocacy and education can only go so far without the interim rule. She said they were in support of Mr. Ho's suggestions regarding the rule and thanked the other testifiers for supporting.

Mr. Matt Keir, DLNR-Division of Forestry and Wildlife-RPP, thanked Ms. Martin for her description of the growing conditions and for the Petitioners consideration and suggested pause on operations. He explained that all media is autoclaved before use, plants placed into growth chambers, and grown inside a University of Hawai'i laboratory. He said one of the plants they specialize in is loulu, *Pritchardia* palms. He said CRB are lethal to this species and it is urgent to act now to prevent extinction of the species native to Maui. He said the RPP has collected seed and they are being propagated in sterile conditions at Lyon Arboretum and when they reach transport size, would like them to be returned home to Maui. He said CRB could have a profound impact to loulu populations on Maui, making this an emergency.

Mr. Kapali Keahi, Lahaina Community Land Trust, said the question before the Committee is not if CRB is a threat, but if the existing regulatory framework is enough to prevent its spread. He said the existing rules are not enough. He appreciated DAB's willingness to engage and it demonstrated that everyone has the same objective to prevent the spread of CRB. He said the differences in the specific regulatory language does not diminish the underlying emergency and should CRB become established, eradication is exponentially more difficult and costly. He said the community is still recovering from the 2023 wildfires, so the introduction of a destructive invasive pest would be especially consequential and urged the Committee to make the necessary finding.

Dr. Helmuth Rogg, Hawaii Invasive Species Committee (HISC), asked a question clarifying what articles require secondary inspection upon arrival on Maui and Lānaʻi if it prohibited in the first place? He said that his suggestion for how plants could be transported should be under specific requirements such as micropropagated, tissue cultured, bare root, grown in a lab, that have negligible risk for spreading CRB. He said that orchids are usually shipped internationally and domestically bare root so there is minimal risk. He said that the Committee should go away from exempting the RPP and define the conditions for shipping plant to mitigate CRB risk. He said that the possibility of shipping delays for the RPP could jeopardize the program as waiting another 1-2 years may result in the loss of the plants. He said the bigger risk is the global shipment of plants and this is an opportunity to add specific mitigations.

Mr. Wayne Tanaka, Sierra Club of Hawaii, said they were in strong support and that this situation is an emergency. He thanked the Petitioners for their efforts and initiative. He urged the Committee to make a decision on the RPP based on the information that has

been presented as they are the subject matter experts. He said if something does not make sense, including from staff, to probe it. He said it is ultimately the Board that make the final decision and urged the Committee to make the necessary finding so the interim rule can be adopted as soon as possible.

Ms. Leila Kealoha, Pōhaku Pelemaka, said this is an emergency and that she supports the Maui 'ohana. She said this is more than a food issue, and that it was an ecological and cultural one and it defines who we are as a people as it is part of the cultural identity of the people of Hawai'i. She asked for the Committee's support and referencing the interim rule on Hawai'i island, noted that work needed to be done on permanent rules. She said this issue isn't about us or our children, but our grandchildren and no one should have to imagine a Hawai'i with no coconuts, 'ulu, hala, banana, or kalo.

Dr. Lau asked Mr. Ho to answer Dr. Rogg's question about the inspections upon arrival. Mr. Ho noted his proposed changes of "shall" to "may" appeared ok with the Petitioners and that PQB is ok with the secondary inspection. Committee Member Hauff asked if everything is banned, what is the need for the secondary inspection and there are things like the bare rooted plants that can go, would they need an additional inspection? Mr. Ho said it's two different things. Chapter 4-72 already requires the inspection of propagative plant material moving interisland and also allow for periodic random inspections. However, for those things that have additional requirements, such as inspection, they can move if subjected to the treatment but could be inspected again upon arrival. He said he didn't think anyone had an issue with the ability to conduct an inspection upon arrival, but rather the issue is the requirement for it to occur. He said that the Petitioners should be consulted to ensure that he was correct with his assessment.

Ms. Auwelo said the inspection upon arrival was precautionary and they still want the ability to conduct inspections upon arrival. Committee Member Eisen asked if the "may" is adequate. Ms. Auwelo said it was a concession because of Lānaʻi. She said that Maui DAB staff are already inspecting and that they were going to try to work on something with their Lānaʻi contacts. She said if it was what was needed to get the rule passed, they were ok with the use of "may".

Committee Member Hauff asked about the status of treatments, such as research and pesticide regulations, and is there anything on the horizon. Mr. Ho said work is being done with a fumigant call Eco2Fume by CRB Response and they are working to find a way to kill all CRB life stages and not the plants themselves. He said that it has shown some effectiveness, but his understanding is there are challenges with the eggs. He said CRB is a problem in other places so there may be other treatments found, however, if none are found, movement without treatment would be prohibited and shipments would not be certified. He said he was appreciative of the Petitioner's

willingness to create a similar standard for treatment as with mulch. Mr. Hauff asked if it would require only PQB certification or would it also need to be registered with the Pesticides Branch? Mr. Ho said the fumigant was already registered.

Committee Member Joshua Fisher asked Mr. Keir, RPP, what the scale and scope of the RPP was? Mr. Keir said they expect monthly shipments of less than 100 plants. He said it would be multiple species, including loulu from Maui, and all would be in 2-inch square pots in sterile media. He said that plants are typically 1-3 centimeters tall, with several seedlings per pot, and less than 100 at a time.

Committee Member Fisher asked if this regulation would restrict movement between Maui and Lānaʻi? Mr. Ho said he believed it did because it was restricting from other areas in the state to Maui and Lānaʻi. He said he did not believe that was the Petitioner's intent and could add some language to part B that would clarify that movement between Maui and Lānaʻi would be exempt from the interim rule, but that this should be confirmed with the Petitioner.

Mr. Ho then said that to address the RRP issue, to amend section B(6) to allow the movement of plants grown in media that is sterilized before use, grown entirely in a laboratory at a site inspected and approved by the PQB, with language that included inspection that would not expose them to CRB infestation. Mr. Ho said his suggested language should be confirmed by Mr. Keir and the Petitioners.

Committee Member Eisen thanked everyone who has been working on this and that the finding is obvious but wanted to account for the concerns of the orchid growers, such as coming up with a specification on how they should be prepared to be excluded. He said that a solution should be made today and that if something cannot be determined, move this forward because it is very important. Mr. Ho said that the proposed rule already allows for things such as micro-propagation and grow-out in sterile flasks. He said the issue is that most orchid growers likely are selling potted orchids, which are epiphytic and do not grow in soil, but rather things like cinder or blue rock. Mr. Ho said that finding the appropriate language to allow potted orchids in artificial or inorganic media would best. Mr. Ho believed the issue regarding the RPP is addressed provided it was something that could be confirmed by Mr. Keir.

Committee Member Greg Takeshima said that from the Department of Health's jurisdiction the main fumigants are phosphene gas and methyl bromide for CRB treatment, and asked Mr. Ho to confirm. Mr. Ho said methyl bromide is not being used as there are some regulatory processes through the Clean Air Branch. Mr. Takeshima said that there are clean air permits for the fumigants and that nothing has officially been submitted for methyl bromide, and he said the one for phosphene gas is currently under review with the permittee, emphasizing there are other regulatory steps that need to be considered for those fumigants.

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Committee Member Takeshima said that the orchid growers referenced the certified nursery program and asked for details on the certification process. Mr. Ho said there is an agreement with the California Department of Food and Agriculture that requires PQB to ensure nurseries meet a specific standard that allows for self-certification. Basically, it requires the plants have to be grown on benches of a certain height off the ground; cannot have weeds on the ground; weed barrier; certified plants have to be enclosed from, or excluded from, non-certified plants; and have to be free of pests. PQB staff go twice a year to inspect their sites for pests, and the nurseries need to be annually tested for regulated nematodes. He noted this regulation would supersede the certification, so if this goes into effect, they can't use their certifications to ship.

Committee Member Hauff said he was wondering why the Committee was enacting an interim rule due to an emergency, by the Board did not do emergency rulemaking? Mr. Ho said that the use of the same term "emergency" likely caused confusion. The Board's emergency rulemaking bypasses all public comment upon a written determination and cannot exceed 120 days, whereas the interim rule process also provides an expedited process. Ultimately, Mr. Ho said that all emergencies are not the same and that the public process is designed as a check so that everything isn't considered an emergency.

There was discussion with the Committee on how to address the standing motion because changes were going to be made to address the RPP, mandatory inspections upon arrival, and clarifying that movement between Maui and Lānaʻi was not regulated under this rule. Mr. Ho suggested that the Petitioner speak on it before a motion is made. Ms. Auwelo said the rule was not intended to regulate movement between Maui and Lānaʻi and she believed the rule was clear but did not have an issue with clarification. Regarding the RPP, she said it should include that the plants should only be in 2 inch pots and contained the entire time. She said they investigated the certified nursery program and said it was insufficient to protect against CRB. She said any grower that can meet the same proposed standard can move material. There was additional discussion clarifying the actual language for inclusion.

Mr. Ho asked Mr. Kier if the discussion on the requirements is something that works for the RPP. Mr. Kier said he appreciated the discussion and that what is being proposed works for the RPP.

Committee Member Hauff asked how the motion should be amended to approve this? Deputy Attorney General Travis Moon said that the Committee needs to make a finding pursuant to section 150A-9.5(B) that 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.

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

Vote: 6/0 – Lau, Haws, Fisher, Eisen, Hauff, and Takeshima, for 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 APPENDIX C of the interim rule that includes: 1) changes to section B(6) that allows for the movement of potted plants grown in sterilized media, in a laboratory, in 2 inch or smaller pots, subject to inspection and containment to prevent reinfestation; 2) changes from “shall” to “may” regarding inspections upon arrival in Maui or Lānaʻi; and 3) inclusion of language that clarifies that shipments moving between Maui and Lānaʻi and not subject to this interim rule.

V. Analysis

After working with the Petitioners and the discussion at the Advisory Committee on Plants and Animals, the PQB has only two points that require clarification:

- Regarding the ATTACHMENT D Section B(6) requirement for pots being limited to only 2 inches in size, the PQB believes this requirement to be unnecessary as plants of any size that are grown in sterile media inside a laboratory and are continually secured to prevent CRB reinfestation should be allowed.
- As was presented in testimony by the orchid growers, potential inclusion of a provision that would allow the movement of orchids (including possibly other epiphytic plants) that are not grown in any kind of decomposing potting media should be allowed as orchids themselves are not hosts of CRB and the potting media is not suitable for CRB development.

APPENDIX D does not contain language that addresses these points, but they are being raised for discussion and consideration by the Board. These points have not been discussed with the Petitioner.

VI. Staff Recommendation

Based on the Committee's finding of an emergency pursuant to HRS 150A-9.5 and working with the Petitioners to create a consensus interim rule, the PQB recommends that the Board adopt the APPENDIX D version of the interim rule.

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Respectfully Submitted,



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BEFORE THE BOARD & DEPARTMENT OF AGRICULTURE AND BIOSECURITY
 STATE OF HAWAII

In re the Petition of:	)
LAHAINA COMMUNITY LAND TRUST,	) PETITION FOR INTERIM AND
	) EMERGENCY RULEMAKING;
For adoption of interim and emergency rules to	) DECLARATION OF KAPALI KEAHI;
regulate transportation of Coconut Rhinoceros	) APPENDIX "A"
Beetle host material and potential such material to	)
Maui and Lāna'i islands.	)

PETITION FOR INTERIM AND EMERGENCY RULEMAKING

Petitioner LAHAINA COMMUNITY LAND TRUST, a Hawai'i nonprofit organization ("Community Trust" or "Petitioner"), submits this Petition for Interim and Emergency Rulemaking pursuant to Hawai'i Revised Statutes ("HRS") §§ 91-1, 91-3, 91-4, 91-6, 141-2, and 150-9.5, and Hawai'i Administrative Rules ("HAR") §§ 4-1-23 and -30. Petitioner seeks adoption and implementation of rules regulating transportation of material that may host Coconut Rhinoceros Beetle (*Oryctes rhinoceros*) ("CRB") to Maui and Lāna'i islands. Proposed rules are substantially similar to those currently in effect for the Island of Moloka'i.

I. PROPOSED INTERIM & EMERGENCY RULE

A draft of the substantive terms of the proposed interim and emergency rule is below. A fully formatted draft is attached as Appendix "A."

Rule § -A: Regulation of CRB material transport.

- (1) CRB host material and materials that may host CRB originating in the State of Hawai'i, and transported to Maui and Lāna'i islands, are regulated as follows:
 - (A) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lāna'i

islands under any circumstances.

- (B) Bareroot plants may be transported to Maui and Lānaʻi islands after inspection and approval by the Department.
- (C) Decomposing plant material, including mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, soil, plant propagation media including commercially bagged plant propagation media, erosion socks, erosion mats, or gravel (which must be free from all organic or landscaping material) may not be transported to Maui and Lānaʻi islands, unless such material has been subjected to an treatment to kill all life stages of CRB. The treatment protocol, completion of this treatment, and storage and transportation plan must be approved in writing by CRB Response and the Department prior to transport to Maui and Lānaʻi islands.
- (D) Coconuts may not be transported to Maui and Lānaʻi islands.
- (E) Potted plants and other material described in paragraphs (A) through (D) that have not been present, staged, or stored in any other area of the State may be transported to Maui and Lānaʻi islands.

The above regulations supersede and control over HAR § 4-72-23(d) exceptions for the transportation of CRB host material or materials that may host CRB.

- (2) Any plant or other material that may be transported to Maui and Lānaʻi islands under paragraphs (B), (C), or (E) is subject to inspection by the Department upon or after arrival on the island of Maui. Any such plant or other material found to be infested with CRB or shows signs of CRB damage shall be refused and returned, treated, or destroyed, at the discretion of the Department and at the expense of the person who initiated transport, usually the person shipping the plant or other material.
- (3) The Department may revoke or otherwise terminate their approvals if the Department determines treatment, storage, or transportation conditions have materially changed, were premised on a mistake, or previously misrepresented to the Department.

Rule § -B: Exclusions from regulation. This rule does not regulate the transportation of the following to Maui and Lānaʻi islands:

- (A) Plant products (other than coconuts) intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (B) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (C) Seeds for planting,
- (D) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- (E) Rock, coral, and sand, not mixed with any organic material,
- (F) Potted plants transported by the Department of Land and Natural Resources to the Maui and Lānaʻi islands pursuant to a permit issued by the Department; or,
- (G) Tissue cultured or other micropropagated live plants in sterile media.

Rule § -C: Definitions. As used in this rule:

- (1) "CRB Response" refers to the publicly-funded entity established as an emergency response under the incident command system after CRB was first detected on Oʻahu in 2013 and managed through the University of Hawaiʻi and staffed through the Research Corporation of the University of Hawaiʻi.

- (2) "Department" refers to the Department of Agriculture and Biosecurity.
- (3) "Transport" means movement of CRB host material out of a single Tax Map Key ("TMK") parcel or portion thereof to another TMK.

Rule § -D: Construction of Rule. The requirements set out in this Rule are in addition to, and do not replace, any other requirements and authorities set out in statute or rule, including HAR chapter 4-72, "Plant and Pest Host Material Intrastate Rules" and other interim rules regulating the spread of CRB. To the extent other rules conflict with this Rule, this Rule controls regulation of transportation of CRB host materials and materials that may contain CRB to Maui and Lānaʻi islands.

II. REASONS TO SUPPORT PROPOSED RULES

A. Existing regulation has not stopped CRB from spreading.

CRB feeds on important plants, including coconut trees, various palm species, hala, kalo, banana, pineapple, and sugarcane. CRB was first detected in Hawaiʻi on Oʻahu in 2013.¹ Since then, the Department and its partners have worked to prevent CRB from spreading, but these efforts have not been successful. CRB is now reported to be established on Oʻahu and is spreading to other islands.²

In an attempt to contain CRB, DAB adopted interim rules under HRS § 150A-9.5 in June 2022, October 2023, and October 2024³ to require permits for transportation of CRB host material, including palm plants in the genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; decomposing plant material, such as compost, wood or tree chips, and mulch; plant propagation media; and other items comprised of decomposing organic plant material such as landscaping material or erosion control socks from Oʻahu to other areas of the State.⁴ These interim rules expired in 2025. Currently, there is no comprehensive rule to reduce CRB on Oʻahu or Kauaʻi or to prevent CRB from spreading to other islands.

The result is CRB is continuing to spread throughout the State. In 2023, CRB was detected

¹ Dep't of Agriculture, New Pest Advisory No. 14-1 (May 2014) dab.hawaii.gov/pi/files/2013/01/npa-CRB-5-1-14.pdf.

² Thomas Heaton, "Ravenous Beetles go Urban, Preying on Honolulu's Iconic Coconut Palms," *Civil Beat* (Feb. 18, 2025) www.civilbeat.org/2025/02/ravenous-beetles-go-urban-preying-on-honolulu-iconic-coconut-palms/.

³ Dep't, Plant Quarantine Interim Rule 24-2, (Oct. 11, 2024) <https://dab.hawaii.gov/wp-content/uploads/2025/03/CRB-Interim-Rule-24-2-Signed.pdf>.

⁴ HAR §4-23.1-1; see Plant Quarantine Interim Rule 24-2 (Oct. 11, 2024) dab.hawaii.gov/wp-content/uploads/2018/05/CRB-Interim-Rule-10-11-2024.pdf.

on Hawai'i island, Maui, and Kaua'i. The Kaua'i infestation spread.⁵ Initial introductions on Hawai'i Island, at Waikōloa, and Maui, in Kīhei, were controlled and the Waikōloa and Kīhei sites have been free of CRB for years.

Beginning in March 2025, CRB was detected at multiple sites in West Hawai'i, near the Kona International Airport and within the Keāhole Agricultural Park. These detections set off a multi-agency response that included the Department, the County of Hawai'i, the State 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, pesticide application to coconut trees, public outreach, and two three-month Voluntary Compliance Order for CRB Host Materials issued by the County of Hawai'i, in coordination with the Department.

Motivated by concern about the spread of CRB on Hawai'i island, community members petitioned for an interim rule requiring businesses transporting CRB host material to use best management practices. The Board approved this interim rule, effective on March 25, 2026.⁷

On September 23, 2025, the Board unanimously voted to adopt Moloka'i community petitioners' proposed interim rules governing CRB host material transport to Moloka'i.⁸

In April 2026, three dead CRB were collected in traps on Moloka'i and one dead CRB was collected in a trap on Maui.⁹ In June and July 2025, CRB was detected in separate shipments of potted plants transported from O'ahu to Lāna'i.¹⁰

⁵ Dep't of Agriculture, "Coconut Rhinoceros Beetles Detected on Kauai" NR23-11 (June 5, 2023) <https://dab.hawaii.gov/blog/main/nr23-11crbonkauai/>.

⁶ "Discovery of coconut rhinoceros beetles in West Hawai'i initiates multiagency response," *Maui News* (Aug. 28, 2025) mauiinow.com/2025/08/28/discovery-of-coconut-rhinoceros-beetles-in-west-hawai-i-initiates-multiagency-response/; Dep't of Agriculture & Biosecurity, "Multi-Agency Effort to Fumigate CRB Green Waste at Keāhole Ag Park," <https://dab.hawaii.gov/blog/main/nr25-21keahole-fumigation/>.

⁷ Department Plant Quarantine Interim Rule 26-1 (Mar. 25, 2026) [https://records.hawaiicounty.gov/WebLink/1/edoc/154877/CRB-Interim Rule 26-1.pdf](https://records.hawaiicounty.gov/WebLink/1/edoc/154877/CRB-Interim%20Rule%2026-1.pdf).

⁸ Minutes of the Board of Agriculture, at 10 (Sep. 23, 2025) <https://dab.hawaii.gov/wp-content/uploads/2025/11/BAB-meeting-minutes-approved-9-23-25.pdf> (voting to adopt "appendix E" without staff proposed changes); see Dep't Interim Rule 25-1, effective on September 24, 2025.

⁹ Department, "Dead CRB found near Kahului Airport," NR26-05, (Apr. 8, 2026) <https://dab.hawaii.gov/blog/main/nr26-05-crb/>; Coconut Rhinoceros Beetle Response, "Maui and Moloka'i Coconut Rhinoceros Beetle (CRB) Response Timeline (Apr. 30, 2026) www.crbhawaii.org/post/maui-and-moloka-i-coconut-rhinoceros-beetle-crb-response-timeline.

¹⁰ Department, "Coconut Rhinoceros Beetles Detected on Lāna'i" (Aug. 6, 2025) <https://dab.hawaii.gov/blog/main/nr25-18-crb-lanai/>

In May 2026, two adult CRBs and one larva were found in a shipment of potted plants from O‘ahu to Lāna‘i.¹¹ Pūlama Lāna‘i, a land management company with a landscape and biosecurity program that services Lāna‘i, required additional biosecurity measures once plants are moved to Lāna‘i thus detected the CRB. Other islands do not have the authority from the Department to require similar measures.

B. Proposed rules enable Department to prevent CRB spread to Maui/ Lāna‘i islands.

Counties are preempted from banning or regulating the movement of material to prevent the introduction of a pest or invasive species.¹² That authority rests solely with this Board and Department. Therefore, the County of Maui is limited in its ability to regulate the transport, quarantine, or treatment of plants, soil, and other CRB host material to Maui and Lāna‘i islands.

Increased regulation of materials that may host CRB: Proposed rules expand the Department’s authority to regulate and inspect not only CRB host material as defined by HAR § 4-72-23(b)(1), but material that may host CRB, such as coconuts. CRB can bore into the coconut fruit, particularly in heavily infested areas.

Potted plants prohibited: The proposed rule prohibits the movement of potted plants of any size to the Maui and Lāna‘i islands from other areas of the State. At this time, there is no acceptable CRB treatment for potted plants. This leaves visual inspection at the island of export as the only prevention tool. As demonstrated by recent CRB detections, these inspections are not effective at stopping CRB from moving within the State. Visual inspections and other requirements failed to prevent CRB from becoming established on Kaua‘i, reaching and spreading on the Island of Hawai‘i, moving to the Lāna‘i in potted plants not typically considered hosts of CRB, or reaching the island of Maui, as shown by recent trap detections.

CRB can get into potted plants two different ways. First, material could be put into the pot from an already infested source, such as a pile of potting medium in a large pile on the ground. Second, an adult CRB could lay eggs in the pot. Current Department rules do not require commercial dealers to address these two pathways. Therefore, prohibiting importation of potted

¹¹ Keila Kamoku, “Invasive Coconut Rhinoceros Beetle detected in plant shipment in Lāna‘i” *KHON News* (May 12, 2026) www.khon2.com/lanai-news/invasive-crb-detected-in-lanai/.

¹² 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); *Hawaii Floriculture & Nursery Ass’n v. Cty. of Hawaii*, No. CIV. 14-00267 BMK, 2014 WL 6685817, (D. Haw. Nov. 26, 2014), *aff’d sub nom. Hawaii Papaya Indus. Ass’n v. Cty. of Hawaii*, 666 F. App’x 631 (9th Cir. 2016).

plants onto Maui and Lānaʻi islands immediately and for at least a year is necessary, during which time treatment and best management practices should be developed for potted plants.

Treatment required for some CRB host material: Some CRB host material, such as soil, mulch, and wood chips, are already regulated would be required to be treated under the proposed rule. Treatments for these CRB host materials currently exist and are available in Hawaiʻi. Treating these materials prior to transport will significantly reduce the risk of spreading CRB to Maui and Lānaʻi islands. Gravel is often unintentionally mixed with decaying organic material such as soil. Unless gravel can be demonstrated to be free from organic material, it should be treated as a CRB host material and treated prior to transport. Exceptions to transportation prohibitions are narrower than those existing.

The Department is already familiar with pest-infestation treatment protocols implemented for non-domestic plants, animals, and micro-organisms, as are set out in existing HAR chapters 4-71A and -73. Therefore, the Department is well-situated to determine how to implement treatment protocols and to determine their successful completion. CRB Response, a publicly-funded entity, has particular expertise in CRB life cycles and therefore their approval is also required.

C. Imminent peril posed by CRB spread constitutes an emergency.

The transportation of potentially infested host material around the State threatens to exacerbate the spread of CRB on Maui and Lānaʻi islands. This constitutes a situation dangerous to the public health and safety and the ecological health of flora or fauna present in the State – and is so immediate in nature as to constitute an emergency under HRS §§ 127A-2 and 150A-9.5(b).

CRB particularly attack coconut trees (*Cocos nucifera*) and other palm species. Maui and Lānaʻi residents use coconut trees for subsistence, agriculture, traditional Hawaiian cultural practices, and landscaping. Should CRB spread, the treatment of coconut trees will significantly impact their usability, require ongoing pesticide application, imperil native and endemic palms, and potentially interfere with important traditional and cultural practices.

CRB establishment on Maui would thus impact native and endemic palm species, including the loulu palms. Resource managers have noted loulu damage and mortality in areas hard-hit by CRB across Oʻahu, Kauaʻi, and Hawaiʻi Island.¹³ Maui is home to five loulu species,

¹³ “Coconut Rhinoceros Beetle Puts Hawaii’s Endemic Loulu Palms at Risk,” *Maui Now* (Feb. 27, 2026) <https://mauinow.com/2026/02/27/coconut-rhinoceros-beetle-puts-hawai%CA%BBis-endemic-loulu-palms-at-risk/>

each endangered and endemic to Maui County. The most abundant loulu, *Pritchardia arecina*, found only on the eastern slopes of Haleakalā, has a wild population of about 500 individuals. In Ukumehame Valley, the loulu *Pritchardia munroi* has just two wild individuals left. To lose loulu would mean losing a piece of Hawaii's cultural identity. Ecologically, loulu provides essential habitat for native birds and insects and aids in soil stabilization and carbon sequestration.

Preventing CRB from reaching and becoming established on Maui is an emergency situation, with CRB being established on O'ahu, widespread on Kaua'i, spreading on Hawai'i Island, and recent detections in traps and potted plants on Maui and Lāna'i islands. An interim and emergency rule is needed to prevent the spread of CRB to Maui and Lāna'i islands.

D. Coextensive Interim and Emergency rules are necessary.

Pursuant to HRS § 150A-9.5(b), the Department may adopt an interim rule:

in the event that the importation or movement of any flora or fauna, in the absence of effective rules, creates a situation dangerous to the public health and safety or to the ecological health of flora or fauna present in the State which is so immediate in nature as to constitute an emergency. No interim rule shall be adopted without such a finding by the advisory committee on plants and animals created under section 150A-10.

Id. Therefore, the Department must refer the matter to an Advisory Committee, which must then convene in order to make required findings, and the interim rule must be published within 12 days of issuance. *Id.*(c). The Advisory Committee's findings and the interim rule are both subject to the appeal by "[a]ny person." *Id.* §-9.5(d). Once adopted, "[n]o interim rule shall be effective for more than one year." HRS § 150A-9.5(c)(2).

By contrast, an emergency rule may proceed upon written findings and without notice or hearing, "if an agency finds that an imminent peril to the public health, safety, or morals, to livestock and poultry health, or to natural resources" requires the rule. HRS § 91-3(b). The emergency rule is immediately effective upon filing with the lieutenant governor. HRS § 91-4(b)(2). However, its duration is limited to 120 days. *Id.*

The Board and Department's adoption of written findings of imminent peril would support an emergency rule that would become immediately effective upon filing. That would give the Department and Advisory Committee to meet and enter their findings and issue required notice for an Interim Rule.

III. PETITIONER'S INTEREST IN CRB SPREAD TO MAUI & LĀNA'I

In 2023, Maui community members organized the Community Trust out of deep concern

for the future and stewardship of Maui's Lahaina lands after the August 2023 fires. Declaration of Kapali Keahi ("Keahi Decl.") ¶3. The Community Trust's mission is to protect and perpetuate Lahaina, by empowering the Lahaina community to live, engage, and prosper, restoring and caring for its 'āina and ea. Our goal is to help keep Lahaina families in Lahaina, protect cultural and environmental sites and explore values-based economies as Lahaina rebuilds. Keahi Decl. ¶4.

Rooted in Lahaina and dedicated to the long-term stewardship of 'āina, housing, environmental restoration, and cultural resilience, the Community Trust understands CRB as more than simply an agricultural pest. Keahi Decl. ¶5. The spread of CRB threatens the ecological, cultural, and economic foundations of our communities. Lahaina and West Maui are already confronting compounding crises: wildfire recovery, watershed degradation, loss of canopy cover, climate stress, invasive species proliferation, and the broader ecological consequences of overdevelopment and extractive land use practices. In Lahaina, where vegetation loss from wildfire has already intensified heat, dust, and erosion, the destruction of remaining tree canopy would deepen environmental instability and diminish the quality of life for residents. The introduction and spread of CRB threatens to accelerate these vulnerabilities. *Id.*

CRB infestation severely impacts coconut palms and other palm species that are culturally and economically important to the communities our Community Trust serves. Keahi Decl. ¶6. Beyond their aesthetic value, these trees provide shade, erosion control, cooling effects in urban heat conditions, habitat support, and cultural identity across Maui's coastal landscapes. *Id.*

The pathways through which CRB spreads are well documented. Beetles and larvae are commonly transported through compost, mulch, decaying organic material, nursery stock, and potted plants. Keahi Decl. ¶7. Allowing unrestricted importation of potentially contaminated materials creates unnecessary risk to Maui County at a time when prevention remains far less costly and far more effective than long-term containment. This is inseparable from the Community Trust's mission. The work of rebuilding Lahaina requires restoring healthy and resilient landscapes around homes, community spaces, cultural sites, and agricultural areas. An unchecked CRB outbreak would increase maintenance costs, weaken restoration projects, threaten urban and cultural forestry efforts, and further burden already strained local resources. It would also undermine efforts toward food security, ecological restoration, and community self-sufficiency. *Id.*

The Community Trust is concerned, based on previous instances in Hawai'i, invasive species management cannot rely solely on reactive measures after establishment. Keahi Decl. ¶8.

Once invasive species become widespread, the burden of mitigation falls disproportionately on local communities rather than on the industries and import systems that facilitated their arrival. Prevention and strict biosecurity protocols are essential. *Id.*

The Community Trust is therefore petitioning for an interim and emergency rule to more strictly regulate the transportation of CRB host materials and materials that *may* host CRB to the islands of Maui and Lānaʻi. Keahi Decl. ¶9.

IV. RELIEF REQUESTED

For the foregoing reasons, Petitioner requests the Board and/ or Department:

- (1) Convene a meeting of the Advisory Committee on Plants and Animals (“Advisory Committee”) as soon as possible to consider an Interim Rule as proposed *supra* Part I and in Appendix A to protect Maui and Lānaʻi islands from the spread of CRB;
- (2) Delegate authority to the Board chairperson to sign any Interim Rule, should the Advisory Committee determine the proposed interim rule is necessary to address an emergency situation, in order for the Interim Rule to take effect at the earliest possible date without requiring further meetings of the Board or Department;
- (3) Find, based on the above, immediate adoption of an emergency Rule is necessary because of imminent peril to the public health, safety, or morals, or to natural resources, and file the emergency rule with the lieutenant governor’s office so that the rule may immediately take effect for the maximum of 120 days to cover the period between this meeting and the promulgation of any Interim Rule (HRS §§ 91-3(b), -4(b)(2), HAR § 4-1-30); and,
- (4) Prepare internal Department management procedures to ensure the Interim and emergency rules may be implemented upon effectivity.

DATED: Makawao, Hawaiʻi

June 8, 2026

/s/ Lance D. Collins
LAW OFFICE OF LANCE D. COLLINS
LANCE D. COLLINS

DATED: Honolulu, Hawaiʻi

June 8, 2026

/s/ Bianca Isaki
LAW OFFICE OF BIANCA ISAKI
BIANCA ISAKI
Attorneys for Petitioner
LAHAINA COMMUNITY LAND TRUST

BEFORE THE BOARD & DEPARTMENT OF AGRICULTURE AND BIOSECURITY
STATE OF HAWAII

In re the Petition of:)
LAHAINA COMMUNITY LAND TRUST) DECLARATION OF KAPALI KEAHI
)
)

DECLARATION OF KAPALI KEAHI

I, KAPALI KEAHI, declare under penalty of law the following is true and correct.

1. I am a resident of the island and County of Maui and make this declaration based upon my personal knowledge, information and belief.

2. I am a Board officer of Petitioner LAHAINA COMMUNITY LAND TRUST ("Community Trust"), a nonprofit corporation, in the above-captioned proceeding. LCLT's address is P.O. Box 12580, Lahaina, Hawai'i, 96761. The Community Trust's telephone number is 808-830-5258.

3. In 2023, Maui community members, including myself, organized the Community Trust out of deep concern for the future and stewardship of Maui's Lahaina lands after the August 2023 fires.

4. The Community Trust's mission is to protect and perpetuate Lahaina, by empowering the Lahaina community to live, engage, and prosper, restoring and caring for its 'āina and ea. Our goal is to help keep Lahaina families in Lahaina, protect cultural and environmental sites and explore values-based economies as Lahaina rebuilds.

5. Rooted in Lahaina and dedicated to the long-term stewardship of 'āina, housing, environmental restoration, and cultural resilience, the Community Trust understands CRB as more than simply an agricultural pest. The spread of CRB threatens the ecological, cultural, and economic foundations of our communities. Lahaina and West Maui are already confronting compounding crises: wildfire recovery, watershed degradation, loss of canopy cover, climate stress, invasive species proliferation, and the broader ecological consequences of overdevelopment and extractive land use practices. In Lahaina, where vegetation loss from wildfire has already intensified heat, dust, and erosion, the destruction of remaining tree canopy would deepen environmental instability and diminish the quality of life for residents. The introduction and spread of CRB threatens to accelerate these vulnerabilities.

6. CRB infestation severely impacts coconut palms and other palm species that are

culturally and economically important to the communities our Community Trust serves. Beyond their aesthetic value, these trees provide shade, erosion control, cooling effects in urban heat conditions, habitat support, and cultural identity across Maui's coastal landscapes.

7. The pathways through which CRB spreads are well documented. Beetles and larvae are commonly transported through compost, mulch, decaying organic material, nursery stock, and potted plants. Allowing unrestricted importation of potentially contaminated materials creates unnecessary risk to Maui County at a time when prevention remains far less costly and far more effective than long-term containment. This is inseparable from the Community Trust's mission. The work of rebuilding Lahaina requires restoring healthy and resilient landscapes around homes, community spaces, cultural sites, and agricultural areas. An unchecked CRB outbreak would increase maintenance costs, weaken restoration projects, threaten urban and cultural forestry efforts, and further burden already strained local resources. It would also undermine efforts toward food security, ecological restoration, and community self-sufficiency.

8. The Community Trust is concerned, based on previous instances in Hawai'i, invasive species management cannot rely solely on reactive measures after establishment. Once invasive species become widespread, the burden of mitigation falls disproportionately on local communities rather than on the industries and import systems that facilitated their arrival. Prevention and strict biosecurity protocols are essential.

9. The Community Trust is therefore petitioning for an interim and emergency rule to more strictly regulate the transportation of CRB host materials and materials that *may* host CRB to the islands of Maui and Lāna'i.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Lahaina, Maui, Hawai'i June 5, 2026


KAPALI KEAHI
DECLARANT

Draft Interim & Emergency Rule

To Regulate the Transportation of CRB Host Material to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, to Maui and Lānaʻi Islands from Other Areas of the State

Under authorization of Hawaiʻi Revised Statutes ("HRS") §§ 91-1, 91-3, 91-4, 141-2, and 150-9.5 and Hawaiʻi Administrative Rules ("HAR") §§ 4-1-23 and -30, the State Department of Agriculture and Biosecurity ("Department") hereby establishes this interim and emergency rule to regulate the movement of coconut rhinoceros beetle host material to prevent the spread of coconut rhinoceros beetle, *Oryctes rhinoceros*, ("CRB") to Maui and Lānaʻi islands, where CRB is not known to be established.

The rule is needed to prevent the spread of CRB to Maui and Lānaʻi islands from other areas of the State, which poses imminent peril to the public health and safety and natural resources of Maui and Lānaʻi islands.

Rule § -A: Regulation of CRB material transport.

- (4) CRB host material and materials that may host CRB originating in the State of Hawaiʻi, and transported to Maui and Lānaʻi islands, are regulated as follows:
 - (F) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lānaʻi islands under any circumstances.
 - (G) Bareroot plants may be transported to Maui and Lānaʻi islands after inspection and approval by the Department.
 - (H) Decomposing plant material, including mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, soil, plant propagation media including commercially bagged plant propagation media, erosion socks, erosion mats, or gravel (which must be free from all organic or landscaping material) may not be transported to Maui and Lānaʻi islands, unless such material has been subjected to an treatment to kill all life stages of CRB. The treatment protocol, completion of this treatment, and storage and transportation plan must be approved in writing by CRB Response and the Department prior to transport to Maui and Lānaʻi islands.
 - (I) Coconuts may not be transported to Maui and Lānaʻi islands.
 - (J) Potted plants and other material described in paragraphs (A) through (D) that have not been present, staged, or stored in any other area of the State may be transported to Maui and Lānaʻi islands.

The above regulations supersede and control over HAR § 4-72-23(d) exceptions for the transportation of CRB host material or materials that may host CRB.

- (5) Any plant or other material that may be transported to Maui and Lānaʻi islands under paragraphs (B), (C), or (E) is subject to inspection by the Department upon or after arrival on the island of Maui. Any such plant or other material found to be infested with CRB or shows signs of CRB damage shall be refused and returned, treated, or destroyed, at the discretion of the Department and at the expense of the person who initiated transport,

APPENDIX "A"

usually the person shipping the plant or other material.

- (6) The Department may revoke or otherwise terminate their approvals if the Department determines treatment, storage, or transportation conditions have materially changed, were premised on a mistake, or previously misrepresented to the Department.

Rule § -B: Exclusions from regulation. This rule does not regulate the transportation of the following to Maui and Lānaʻi islands:

- (B) Plant products (other than coconuts) intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (B) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (C) Seeds for planting,
- (D) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- (E) Rock, coral, and sand, not mixed with any organic material,
- (F) Potted plants transported by the Department of Land and Natural Resources to the Maui and Lānaʻi islands pursuant to a permit issued by the Department; or,
- (G) Tissue cultured or other micropropagated live plants in sterile media.

Rule § -C: Definitions. As used in this rule:

- (4) "CRB Response" refers to the publicly-funded entity established as an emergency response under the incident command system after CRB was first detected on Oʻahu in 2013 and managed through the University of Hawaiʻi and staffed through the Research Corporation of the University of Hawaiʻi.
- (5) "Department" refers to the Department of Agriculture and Biosecurity.
- (6) "Transport" means movement of CRB host material out of a single Tax Map Key ("TMK") parcel or portion thereof to another TMK.

Rule § -D: Construction of Rule. The requirements set out in this Rule are in addition to, and do not replace, any other requirements and authorities set out in statute or rule, including HAR chapter 4-72, "Plant and Pest Host Material Intrastate Rules" and other interim rules regulating the spread of CRB. To the extent other rules conflict with this Rule, this Rule controls regulation of transportation of CRB host materials and materials that may contain CRB to Maui and Lānaʻi islands.

This Interim Rule is effective _____ 2026 and is valid for no longer than one year from this date.

This Emergency Rule is effective _____ 2026 and is valid for no longer than 120 days from this date.

SHARON HURD

Chairperson, Board of Agriculture and Biosecurity

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June 21, 2026

VIA EMAIL

Sharon Hurd, Chairperson
Board of Agriculture & Biosecurity
Office of the Chairperson
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Honolulu, Hawai'i 96814
sharon.k.hurd@hawaii.gov
dab.board.testimony@hawaii.gov

Re: Petitioner LAHAINA COMMUNITY LAND TRUST's proposed REVISED Interim and Emergency Rule regulating transportation of material that may host Coconut Rhinoceros Beetle (*Oryctes rhinoceros*) ("CRB") to Maui and Lāna'i islands.

Dear Chairperson Sharon Hurd and Members,

I am co-counsel for Petitioner LAHAINA COMMUNITY LAND TRUST, a Hawai'i nonprofit organization ("Community Trust" or "Petitioner"). On June 8, 2026, we submitted a Petition for Interim and Emergency Rulemaking, seeking adoption and implementation of rules regulating transportation of material that may host Coconut Rhinoceros Beetle (*Oryctes rhinoceros*) ("CRB") to Maui and Lāna'i islands ("petition").

We reviewed the Plant Quarantine Branch's ("PQB") insightful analysis and provide the following revisions to the proposed rules in advance of your June 23, 2026 meeting in order to facilitate timely approval and adoption of these rules. Additionally, we dispute certain of PQB's proposed revisions and provide our rationale herein.

I. REVISED PROPOSED INTERIM & EMERGENCY RULE

A draft of the substantive terms of the proposed interim and emergency rule is below. Fully formatted "clean" draft rules are appended to this testimony.

Rule § -A: Regulation of CRB material transport.

(1) CRB host material and materials that may host CRB originating in the State of Hawai'i, and transported to Maui and Lāna'i islands, are regulated as follows:

(A) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lāna'i islands under any circumstances except as provided by this rule.

(A) Bareroot plants may be transported to Maui and Lāna'i islands after inspection and

approval by the Department.

- (B) Decomposing plant material, including mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, soil, plant propagation media including commercially bagged plant propagation media, erosion socks, erosion mats, or gravel (which ~~must the shipper has not demonstrated to~~ be free from all organic or landscaping material) may not be transported to Maui and Lānaʻi islands, unless such material has been ~~treated subjected to an treatment~~ to kill all life stages of CRB. The treatment ~~must consist of evidence-based treatment and post-treatment storage protocols developed or approved by accredited researchers with demonstrated experience with CRB in Hawaiʻi, or a research organization such as CRB Response, that will kill CRB present in any life stage, including eggs, and proven post treatment reinfestation.~~ The protocol, completion of this treatment, and storage and transportation plan must be approved in writing by ~~CRB Response and~~ the Department prior to transport to Maui and Lānaʻi islands.
- (C) Coconuts may not be transported to Maui and Lānaʻi islands.
- (D) Potted plants and other material described in paragraphs (A) through (D) that have not been present, staged, or stored in any other area of the State may be transported to Maui and Lānaʻi islands.
- (2) The above regulations supersede and control over HAR § 4-72-23(d) exceptions for the transportation of CRB host material or materials that may host CRB.
- (3) Any plant or other material that may be transported to Maui and Lānaʻi islands under paragraphs (B), (C), or (E) is subject to inspection by the Department upon or after arrival on the island of Maui. Any such plant or other material found to be infested with CRB or shows signs of CRB damage shall be refused and returned, treated, or destroyed, at the discretion of the Department and at the expense of the person who initiated transport, usually the person shipping the plant or other material.
- (4) The Department may revoke or otherwise terminate their approvals if the Department determines treatment, storage, or transportation conditions have materially changed, were premised on a mistake, or previously misrepresented to the Department.

Rule § -B: Exclusions from regulation. This rule does not ~~impose additional restrictions on regulate~~ the transportation of the following to Maui and Lānaʻi islands:

- (A) Plant products (other than coconuts) intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (B) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (C) Seeds for planting,
- (D) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- (E) Rock, coral, ~~gravel~~, and sand, not mixed with any organic material,
- (F) Potted plants transported by the Department of Land and Natural Resources ~~as part of the Division of Forestry and Wildlife Rare Plant Program to the Maui and Lānaʻi islands pursuant to a permit issued by the Department;~~ or,

(G) Tissue cultured or other micropropagated live plants in sterile media.

Rule § -C: Definitions. As used in this rule:

- (1) “CRB Response” refers to the publicly-funded entity established as an emergency response under the incident command system after CRB was first detected on O‘ahu in 2013 and managed through the University of Hawai‘i and staffed through the Research Corporation of the University of Hawai‘i.
- (2) “Department” refers to the Department of Agriculture and Biosecurity.
- (3) “Transport” means movement of CRB host material out of a single Tax Map Key (“TMK”) parcel or portion thereof to another TMK.

Rule § -D: Construction of Rule. The requirements set out in this Rule are in addition to, and do not replace, any other requirements and authorities set out in statute or rule, including HAR chapter 4-72, “Plant and Pest Host Material Intrastate Rules” and other interim rules regulating the spread of CRB. To the extent other rules conflict with this Rule, this Rule controls regulation of transportation of CRB host materials and materials that may contain CRB to Maui and Lāna‘i islands.

II. RESPONSE TO PQB ANALYSIS & RATIONALE

The following paraphrases PQB’s analytical points and responds with rationale supporting the proposed revised Interim and Emergency rules.

1. PQB: Adopt headings from the Petition, pages 1-3. Agreed.
2. PQB: Allow treated potted plants if a scientifically verified treatment is developed. Because there is no treatment, the Board, Petitioner, and the public lack information to assess whether a rule allowing treated potted plants is warranted. Adult and larval CRB have been detected in potted plants that were being moved interisland. Currently, as no effective treatment exists, the prudent approach is to prohibit potted plant transport to Maui and Lāna‘i with a narrow exception discussed *infra* Part I.6. Petitioners added the following clause in underlined red text to “Regulation of CRB material transport”:
 - (1) CRB host material and materials that may host CRB originating in the State of Hawai‘i, and transported to Maui and Lāna‘i islands, are regulated as follows:
 - (A) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lāna‘i islands under any circumstances except as provided by this rule.
3. PQB: Emergency and Interim rules should be prepared in separate documents. Agreed, see the attached [Revised] Emergency Rule and [Revised] Interim Rule.
4. PQB: Remove gravel without organic material from regulation: Agreed. For clarification purposes, gravel which “the shipper has not demonstrated to be free from all organic or landscaping material” is retained as a regulated material, and gravel “not mixed with any organic material” is added to the provision governing exclusions from regulation.

Revisions utilize the Department's authority to prohibit interisland transport of gravel infested with an insect, disease, or pest under HAR § 4-72-4. Because gravel is often stored on the ground and could include organic matter, the shipper is properly burdened with demonstrating gravel is free from any organic material prior to transport.

5. PQB: CRB Response written approval for treatment/ transport unreasonable. The proposed rule is revised to focus on standards for treatment and expands the scope of peer-reviewers to provide quality control instead of CRB Response alone as follows:

The treatment must consist of evidence-based treatment and post-treatment storage protocols developed or approved by accredited researchers with demonstrated experience with CRB in Hawai'i, or a research organization such as CRB Response, that will kill CRB present in any life stage, including eggs, and proven post treatment reinfestation. The protocol, completion of this treatment, and storage and transportation plan must be approved in writing by CRB Response and the Department prior to transport to Maui and Lāna'i islands.

The expanded scope of expertise addresses PQB's concern about lack of authority over CRB Response and recourse for persons affected by CRB Response's involvement. Involving accredited researchers and research organizations in the development or approvals will enhance public confidence and assist the Department in executing these complex treatments and protocols.

6. PQB: Remove bareroot plants from regulation; inspection and approval requirements redundant of HAR chapter 4-72 requirements. Bareroot plants are included in proposed regulation because CRB may exist in the crowns or other parts of plants other than roots. The Department's Interim Rule 26-1, governing CRB host material transport on Hawai'i island, defines "CRB Host Material" to include bare root CRB host palms. Interim Rule 26-1(II)(2)(A). However, CRB has been detected in plants other than palm species. Therefore, requiring Department inspection and approval of bare root plants is prudent.

PQB correctly notes plant materials already require inspection and certification prior to interisland transport, with exceptions for diagnostic, testing, educational, or permitted purposes. HAR §§ 4-72-3, -4. Concerns include practices of allowing uninspected plant materials from, for example, "certified nurseries" to move without inspection. The proposed rule would require Department inspection and approval for bareroot plants in every instance without exception. To the extent the proposed rule is redundant, emphasizing inspection requirements may further dissuade interisland movement of plant materials during weekends and other periods with the PQB inspection office is closed. For these reasons, bareroot plants should remain subject to inspection and approval.

7. PQB: clarify the rule does not impose additional restrictions on transport. Adopted.
8. PQB: Provisions for revoking Department approvals redundant of existing practice. To the extent the Department already practices termination of their approvals where conditions have materially changed, were premised on a mistake, or previously misrepresented, the proposed rule properly provides notice to affected persons and should be retained. The proposed rule is similar to Interim Rule 26-1, which provides: "The Department may revoke or otherwise terminate a permit or compliance agreement if the person issued the permit or compliance agreement is not in material compliance with the terms and

conditions thereof.”

9. PQB: Remove exceptions for DLNR potted plants given absence of effective treatment. Proposed rules are revised to narrow the exception as follows: “Potted plants transported by the Department of Land and Natural Resources as part of the Division of Forestry and Wildlife Rare Plant Program to the Maui and Lānaʻi islands pursuant to a permit issued by the Department;”

The DOFAW Rare Plant Program (“RPP”) is operated under highly controlled conditions and its mission of surveying, monitoring, and especially recovery of plant species on the brink of extinction warrant this narrow exception.

RPP requires interisland transport for operations. One of RPP’s primary activities is collecting seeds for nursery propagation where the plants can be grown until they are old enough to be planted back into protected areas. To do this, the RPP operates native plant conservation nurseries on Kauaʻi, Oʻahu, Molokaʻi, Maui, and Hawaiʻi Island. Sometimes seeds and cuttings from native plant populations can stay on-island to be propagated at the local DOFAW nursery. More often, propagation require specialized techniques such as seed banking, micropropagation, or cryo-preservation. The only facilities in Hawaiʻi with those services are at the Lyon Arboretum on Oʻahu, where plants are grown in sterile lab conditions in glass tubes or in closed incubators at the seed bank.

No risk of CRB infestation under RPP procedures. When the plants are ready to be transferred, they are first inspected by laboratory staff, then brought to the Department by DOFAW for additional inspections. The Department only authorizes “clean” plants for shipment and the plants are hand-carried or transferred off-island via air cargo.

Because all plants are grown in sterile conditions in a laboratory environment, there is zero risk of infestation by CRB or other pests. Over the last decade, RPP has never had a single plant fail inspection for inter-island transport. Most plants being sent inter-island are very small seedlings grown in 2-inch pots with sterile media in a growth chamber incubator with deionized water and synthetic fertilizer. At this stage, fragile seedlings are extremely susceptible to root damage and cannot be removed from the media. Furthermore, the 2-inch pots they are grown in at the seed bank are much too small for CRB larvae to survive.

Absence of RPP’s work may do more harm to recovery. Since the moratorium on interisland movement of plants to Molokaʻi last year, no plants have been transferred to Molokaʻi, halting all RPP recovery work there. Because recovery efforts were stopped, rare plant populations have continued to decline. Inter-island transport by the RPP is critical to the recovery of Hawaiʻi’s endemic plants. This includes loulu (*Pritchardia spp.*), Hawaiʻi’s only native palm, which is currently being decimated by CRB on Oʻahu and Kauaʻi. One of the main activities for combatting CRB impacts on wild populations is to plant younger palms, which are less susceptible to CRB. Preventing RPP operations Maui/ Lānaʻi for low-risk activities may prevent loulu recovery.

In sum, the risk associated with interisland transport of RPP potted plants is low and the need for their ongoing work, including Maui and Lānaʻi islands, is high. While PQB correctly points out a blanket exemption for DLNR potted plants under permit is unwarranted, the revised rule appropriately narrows the exception to RPP.

III. BOARD MAY ADOPT REVISED RULES ON JUNE 23, 2026

The Board may adopt proposed revised Interim and Emergency rule at its June 23, 2026 meeting without running afoul of Hawai'i's Sunshine Law, Hawai'i Revised Statutes ("HRS") chapter 92. The Board's agenda lists "review" of the proposed Interim and Emergency rule as an "item to be considered at the forthcoming meeting" pursuant to HRS § 92-7(a). The Office of Information Practices ("OIP") concluded "the term 'consider' must ordinarily be interpreted to include possible decision-making on the item." OIP Op. Ltr. 07-06, at 4.¹ Here, the Board's agenda noticed matters to be considered at the meeting "with enough detail to reasonably allow the public to understand the subject of the matter to be considered." *Id.* at 2.

Revisions to proposed rules fall within the matters to be considered and there is a sufficient nexus between the proposed rule and the revisions. HRS § 92-7(a). "So long as there is a sufficient nexus between what was noticed and what the discussion resulted in, there would be no violation of the Sunshine Law." OIP Op. Ltr. 02-09, at 2-3. In reviewing a claim that a state agency's proposed rules substantively changed between drafts, *Ala Moana Boat Owners v. State*, 50 Haw. 156, 434 P.2d 516 (1967) noted, "[t]o permit the original proposal to be completely ignored and adopt another proposal which was not advocated or discussed at the public hearing may destroy the statutory requirement for a public hearing." *Id.*, 50 Haw. at 160, 434 P.2d at 519. Relying on *Ala Moana, Carlsmith, Carlsmith, Wichman & Case v. CPB Properties*, 64 Haw. 584, 645 P.2d 873 (1982), held notice of proposed legislative enactments is sufficient unless the proposal is "so substantially different from the changes proposed in the notice as to amount to an entirely new proposal." *Id.*, 64 Haw. at 588, 645 P.2d at 877.

Here, proposed revisions are minimal and sufficiently overlap with the noticed proposal. Therefore, the Board may approve the revised Interim and Emergency Rule at its June 23, 2026 meeting without delay.

Very truly yours,



LAW OFFICE OF BIANCA ISAKI

cc: Lance D. Collins, Esq.
Kapali Keahi
Autumn Rae Ness
Carolyn Auwelo

¹ OIP noted in all relevant Sunshine Law provisions, "the term 'consider' only makes sense if it is construed to include all actions a board is likely to take at a meeting with respect to an agenda item." *Id.* (citing HRS §§ 92-5 (use of "consider" in list of purposes for executive meetings impliedly includes all discussion, deliberation and decision-making); -7(d) (at continued meetings, board may "consider" items, which includes all discussion, deliberation and decision-making)).

REVISED DRAFT INTERIM RULE

To Regulate the Transportation of CRB Host Material to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, to Maui and Lānaʻi Islands from Other Areas of the State

Under authority provided by Hawaiʻi Revised Statutes (“HRS”) §§ 91-1, 91-3, 91-4, 141-2, and 150A-9.5 and Hawaiʻi Administrative Rules (“HAR”) §§ 4-1-23 and -30, the State Department of Agriculture and Biosecurity (“Department”) hereby establishes this interim rule to regulate the movement of coconut rhinoceros beetle host material to prevent the spread of coconut rhinoceros beetle, *Oryctes rhinoceros*, (“CRB”) to Maui and Lānaʻi islands, where CRB is not known to be established.

The rule is needed to prevent the spread of CRB to Maui and Lānaʻi islands from other areas of the State, which poses imminent peril to the public health and safety and natural resources of Maui and Lānaʻi islands.

Rule § -A: Regulation of CRB material transport.

- (1) CRB host material and materials that may host CRB originating in the State of Hawaiʻi, and transported to Maui and Lānaʻi islands, are regulated as follows:
 - (A) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lānaʻi islands under any circumstances except as provided by this rule.
 - (B) Bareroot plants may be transported to Maui and Lānaʻi islands after inspection and approval by the Department.
 - (C) Decomposing plant material, including mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, soil, plant propagation media including commercially bagged plant propagation media, erosion socks, erosion mats, or gravel (which the shipper has not demonstrated to be free from all organic or landscaping material) may not be transported to Maui and Lānaʻi islands, unless such material has been treated ~~subjected to an treatment~~ to kill all life stages of CRB. The treatment must consist of evidence-based treatment and post-treatment storage protocols developed or approved by accredited researchers with demonstrated experience with CRB in Hawaiʻi, or a research organization such as CRB Response, that will kill CRB present in any life stage, including eggs, and proven post treatment reinfestation. The protocol, completion of this treatment, and storage and transportation plan must be approved in writing by the Department prior to transport to Maui and Lānaʻi islands.
 - (D) Coconuts may not be transported to Maui and Lānaʻi islands.
 - (E) Potted plants and other material described in paragraphs (A) through (D) that have not been present, staged, or stored in any other area of the State may be transported to Maui and Lānaʻi islands.
- (2) The above regulations supersede and control over HAR § 4-72-23(d) exceptions for the transportation of CRB host material or materials that may host CRB.
- (3) Any plant or other material that may be transported to Maui and Lānaʻi islands under paragraphs (B), (C), or (E) is subject to inspection by the Department upon or after arrival on the island of Maui. Any such plant or other material found to be infested with CRB or shows signs of CRB damage shall be refused and returned, treated, or destroyed, at the discretion of the Department and at the expense of the person who initiated transport, usually the person shipping the plant or other material.

- (4) The Department may revoke or otherwise terminate their approvals if the Department determines treatment, storage, or transportation conditions have materially changed, were premised on a mistake, or previously misrepresented to the Department.

Rule § -B: Exclusions from regulation. This rule does not impose additional restrictions on the transportation of the following to Maui and Lānaʻi islands:

- (A) Plant products (other than coconuts) intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (B) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (C) Seeds for planting,
- (D) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- (E) Rock, coral, gravel, and sand, not mixed with any organic material,
- (F) Potted plants transported by the Department of Land and Natural Resources as part of the Division of Forestry and Wildlife Rare Plant Program to the Maui and Lānaʻi islands; or,
- (G) Tissue cultured or other micropropagated live plants in sterile media.

Rule § -C: Definitions. As used in this rule:

- (1) “CRB Response” refers to the publicly-funded entity established as an emergency response under the incident command system after CRB was first detected on Oʻahu in 2013 and managed through the University of Hawaiʻi and staffed through the Research Corporation of the University of Hawaiʻi.
- (2) “Department” refers to the Department of Agriculture and Biosecurity.
- (3) “Transport” means movement of CRB host material out of a single Tax Map Key (“TMK”) parcel or portion thereof to another TMK.

Rule § -D: Construction of Rule. The requirements set out in this Rule are in addition to, and do not replace, any other requirements and authorities set out in statute or rule, including HAR chapter 4-72, “Plant and Pest Host Material Intrastate Rules” and other interim rules regulating the spread of CRB. To the extent other rules conflict with this Rule, this Rule controls regulation of transportation of CRB host materials and materials that may contain CRB to Maui and Lānaʻi islands.

This Interim Rule is effective _____ 2026 and is valid for no longer than one year from this date.

SHARON HURD

Chairperson, Department of Agriculture and Biosecurity

REVISED DRAFT EMERGENCY RULE

To Regulate the Transportation of CRB Host Material to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, to Maui and Lānaʻi Islands from Other Areas of the State

Under authority provided by Hawaiʻi Revised Statutes (“HRS”) §§ 91-1, 91-3, 91-4, and 141-2, and Hawaiʻi Administrative Rules (“HAR”) § 4-1-23, the State Department of Agriculture and Biosecurity (“Department”) hereby establishes this emergency rule to regulate the movement of coconut rhinoceros beetle host material to prevent the spread of coconut rhinoceros beetle, *Oryctes rhinoceros*, (“CRB”) to Maui and Lānaʻi islands, where CRB is not known to be established.

The rule is needed to prevent the spread of CRB to Maui and Lānaʻi islands from other areas of the State, which poses imminent peril to the public health and safety and natural resources of Maui and Lānaʻi islands.

Rule § -A: Regulation of CRB material transport.

- (1) CRB host material and materials that may host CRB originating in the State of Hawaiʻi, and transported to Maui and Lānaʻi islands, are regulated as follows:
 - (A) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lānaʻi islands under any circumstances except as provided by this rule.
 - (B) Bareroot plants may be transported to Maui and Lānaʻi islands after inspection and approval by the Department.
 - (C) Decomposing plant material, including mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, soil, plant propagation media including commercially bagged plant propagation media, erosion socks, erosion mats, or gravel (which the shipper has not demonstrated to be free from all organic or landscaping material) may not be transported to Maui and Lānaʻi islands, unless such material has been treated ~~subjected to an treatment~~ to kill all life stages of CRB. The treatment must consist of evidence-based treatment and post-treatment storage protocols developed or approved by accredited researchers with demonstrated experience with CRB in Hawaiʻi, or a research organization such as CRB Response, that will kill CRB present in any life stage, including eggs, and proven post treatment reinfestation. The protocol, completion of this treatment, and storage and transportation plan must be approved in writing by the Department prior to transport to Maui and Lānaʻi islands.
 - (D) Coconuts may not be transported to Maui and Lānaʻi islands.
 - (E) Potted plants and other material described in paragraphs (A) through (D) that have not been present, staged, or stored in any other area of the State may be transported to Maui and Lānaʻi islands.
- (2) The above regulations supersede and control over HAR § 4-72-23(d) exceptions for the transportation of CRB host material or materials that may host CRB.
- (3) Any plant or other material that may be transported to Maui and Lānaʻi islands under paragraphs (B), (C), or (E) is subject to inspection by the Department upon or after arrival on the island of Maui. Any such plant or other material found to be infested with CRB or shows signs of CRB damage shall be refused and returned, treated, or destroyed, at the discretion of the Department and at the expense of the person who initiated transport, usually the person shipping the plant or other material.

- (4) The Department may revoke or otherwise terminate their approvals if the Department determines treatment, storage, or transportation conditions have materially changed, were premised on a mistake, or previously misrepresented to the Department.

Rule § -B: Exclusions from regulation. This rule does not impose additional restrictions on the transportation of the following to Maui and Lānaʻi islands:

- (H) Plant products (other than coconuts) intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (I) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (J) Seeds for planting,
- (K) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- (L) Rock, coral, gravel, and sand, not mixed with any organic material,
- (M) Potted plants transported by the Department of Land and Natural Resources as part of the Division of Forestry and Wildlife Rare Plant Program to the Maui and Lānaʻi islands; or,
- (N) Tissue cultured or other micropropagated live plants in sterile media.

Rule § -C: Definitions. As used in this rule:

- (4) “CRB Response” refers to the publicly-funded entity established as an emergency response under the incident command system after CRB was first detected on Oʻahu in 2013 and managed through the University of Hawaiʻi and staffed through the Research Corporation of the University of Hawaiʻi.
- (5) “Department” refers to the Department of Agriculture and Biosecurity.
- (6) “Transport” means movement of CRB host material out of a single Tax Map Key (“TMK”) parcel or portion thereof to another TMK.

Rule § -D: Construction of Rule. The requirements set out in this Rule are in addition to, and do not replace, any other requirements and authorities set out in statute or rule, including HAR chapter 4-72, “Plant and Pest Host Material Intrastate Rules” and other interim rules regulating the spread of CRB. To the extent other rules conflict with this Rule, this Rule controls regulation of transportation of CRB host materials and materials that may contain CRB to Maui and Lānaʻi islands.

This Emergency Rule is effective _____ 2026 and is valid for no longer than 120 days from this date.

SHARON HURD
Chairperson, Board of Agriculture and Biosecurity

REVISED DRAFT INTERIM RULE

To Regulate the Transportation of CRB Host Material to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, to Maui and Lānaʻi Islands from Other Areas of the State.

Under authority provided by Hawaii Revised Statutes (“HRS”) §150A-9.5 and Hawaii Administrative Rules (“HAR”) § 4-1-23, the Hawaii Department of Agriculture and Biosecurity hereby establishes this interim rule to regulate the movement of coconut rhinoceros beetle host material to prevent the spread of coconut rhinoceros beetle, *Oryctes rhinoceros*, (“CRB”) to Maui and Lānaʻi islands, where CRB is not known to be established.

This interim rule is needed to prevent the spread of CRB to Maui and Lānaʻi islands from other areas of the State, which poses imminent peril to the public health and safety and natural resources of Maui and Lānaʻi islands.

Rule § -A: Regulation of CRB material transport. This interim rule regulates the following:

- (1) CRB host material transported to Maui and Lānaʻi islands, are regulated as follows:
 - (A) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lānaʻi islands under any circumstances except as provided by this interim rule.
 - (B) Bareroot plants may be transported to Maui and Lānaʻi islands after inspection and approval by the Department. If a bareroot plant shows signs of CRB damage, the Department shall prohibit the movement of that plant to the island of Maui or Lānaʻi. If the CRB damage is detected upon arrival on the island of Maui or Lānaʻi, the plant shipment shall be destroyed, or quarantined and returned to the island of origin.
 - (C) Decomposing plant material, including mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, soil, plant propagation media including commercially bagged plant propagation media, erosion socks, erosion mats, or gravel which the shipper has not demonstrated to be free from all organic material may not be transported to Maui and Lānaʻi islands, unless such material has been treated to kill all life stages of CRB. The treatment must consist of evidence-based treatment and post-treatment storage protocols developed or approved by accredited researchers with demonstrated experience with CRB in Hawaii, or a research organization such as CRB Response, that will kill CRB present in any life stage, including eggs, and

proven post treatment reinfestation protection. The protocol, completion of this treatment, and storage and transportation plan must be approved in writing by the Department prior to transport to Maui and Lānaʻi islands. Such material is subject to inspection on the island of origin and upon arrival on the island of Maui or Lānaʻi.

- (D) Coconut fruit may not be transported to Maui and Lānaʻi islands.
 - (E) Potted plants and other material described in subparagraphs (A) through (D) that originated outside the State and that is transshipped through another area of the State in a container that is CRB resistant and that was not opened may be transported to Maui or Lānaʻi island and must be inspected upon arrival in Maui or Lānaʻi.
 - (F) Potted plants that have undergone treatment to kill all life stages of CRB may be transported to the islands of Maui and Lānaʻi after inspection and approval by the Department. The treatment must consist of evidence-based treatment that will kill CRB present in any life stage, including eggs, and post-treatment storage protocols developed or approved by accredited researchers and approved by a Hawaii-based research organization such as CRB Response and made publicly available. The protocols, completion of this treatment, and storage and transportation plan must be approved in writing by the Department prior to transport to Maui and Lānaʻi islands.
 - (G) Imported erosion control mats and socks that are in unopened containers or have been stored in an enclosed facility with low risk of CRB exposure may be transported to Maui and Lānaʻi after inspection to confirm no signs of CRB damage.
- (2) The above regulations supersede and control over HAR § 4-72-23(d) exceptions for the transportation of CRB host material.
- (3) Any plant or other material that may be transported to Maui and Lānaʻi islands under paragraphs (1)(B), (1)(C), (1)(E) (1)(F), or (1)(G) is subject to inspection, including inspection of documents evidencing treatment, by the Department upon arrival on the island of Maui or Lānaʻi. Any such plant or other material found to be hosting living CRB adults or larvae shall be destroyed by the Department at the expense of the owner or the owner's agent. Any such other material, other than living plants, showing signs of CRB damage but has documented evidence of treatment shall be quarantined, at the expense of the owner or owner's agent, for a period of not less than 2 weeks and subject to re-treatment after such period. If any living CRB are detected, the shipment shall be

- destroyed at the expense of the owner or the owner's agent.
- (4) Any material regulated by the interim rule may be inspected by the Department after its arrival on the island of Maui or Lānaʻi.
 - (5) The Department may revoke or otherwise terminate an approval provided under this interim rule if the Department determines treatment, storage, or transportation conditions have materially changed, were premised on a mistake, or previously misrepresented to the Department.

Rule § -B: Exclusions from regulation. This rule does not impose additional restrictions on the transportation of the following to Maui and Lānaʻi islands:

- (1) Fresh plant products (other than coconuts) intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (2) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (3) Seeds for planting;
- (4) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- (5) Rock, coral, gravel, and sand, not mixed with any organic material;
- (6) Potted plants transported by the Department of Land and Natural Resources as part of the Division of Forestry and Wildlife Rare Plant Program to Maui and Lānaʻi islands, after inspection and approval by the Department; or
- (7) Tissue cultured or other micro-propagated live plants in sterile media.

Rule § -C: Definitions. As used in this interim rule:

- (1) "CRB Response" refers to the publicly-funded entity established as an emergency response under the incident command system after CRB was first detected on Oʻahu in 2013 and managed through the University of Hawaii and staffed through the Research Corporation of the University of Hawaiʻi.
- (2) "Department" refers to the Department of Agriculture and Biosecurity.
- (3) "Transport" means movement of CRB host material out of a single Tax Map Key ("TMK") parcel or portion thereof to another TMK.

Rule § -D: Construction of Rule. Except as specifically provided, the requirements set out in this Rule are in addition to, and do not replace, any other requirements and authorities set out in statute or rule, including HAR

chapter 4-72, "Plant and Pest Host Material Intrastate Rules" and other interim rules regulating the spread of CRB. To the extent other rules conflict with this Rule, this Rule controls regulation of transportation of CRB host materials and materials that may contain CRB to Maui and Lānaʻi islands.

Rule § -E: The State shall not be responsible for any economic loss or damages related to any actions by the Department pursuant to this interim rule. Actions include treatment, quarantine, or destruction of any item.

This Interim Rule is effective _____ 2026 and is valid for no longer than one year from this date.

SHARON HURD

Chairperson, Department of Agriculture and
Biosecurity

7-19-2026 REVISED DRAFT INTERIM RULE

To Regulate the Transportation of CRB Host Material to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, to Maui and Lānaʻi Islands from Other Areas of the State.

Under authority provided by Hawaii Revised Statutes (“HRS”) §150A-9.5 and Hawaii Administrative Rules (“HAR”) § 4-1-23, the Hawaii Department of Agriculture and Biosecurity hereby establishes this interim rule to regulate the movement of coconut rhinoceros beetle host material to prevent the spread of coconut rhinoceros beetle, *Oryctes rhinoceros*, (“CRB”) to Maui and Lānaʻi islands, where CRB is not known to be established.

This interim rule is needed to prevent the spread of CRB to Maui and Lānaʻi islands from other areas of the State, which poses imminent peril to the public health and safety and natural resources of Maui and Lānaʻi islands. This interim rule does not impose additional restrictions on CRB host material transported between Maui and Lānaʻi islands.

Rule § -A: Regulation of CRB material transport. This interim rule regulates the following:

- (I) CRB host material transported to Maui and Lānaʻi islands, are regulated as follows:
 - (A) Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lānaʻi islands under any circumstances except as provided by this interim rule.
 - (B) Bareroot plants may be transported to Maui and Lānaʻi islands after inspection and approval by the Department. If a bareroot plant shows signs of CRB damage, the Department shall prohibit the movement of that plant to the island of Maui or Lānaʻi. If the CRB damage is detected upon arrival on the island of Maui or Lānaʻi, the plant shipment shall be destroyed, or quarantined and returned to the island of origin.
 - (C) Decomposing plant material, including mulch, trimmings, fruit and vegetative scraps, wood, stumps, compost, soil, plant propagation media including commercially bagged plant propagation media, erosion socks, erosion mats, or gravel which the shipper has not demonstrated to be free from all organic material may not be transported to Maui and Lānaʻi islands, unless such material has been treated to kill all life stages of CRB. The treatment must consist of evidence-based treatment and post-treatment storage protocols developed or approved by accredited researchers with demonstrated experience with CRB in Hawaii, or a research organization such as CRB Response,

that will kill CRB present in any life stage, including eggs, and proven post treatment reinfestation protection. The protocol, completion of this treatment, and storage and transportation plan must be approved in writing by the Department prior to transport to Maui and Lānaʻi islands. Such material is subject to inspection on the island of origin and may be subject to inspection upon arrival on the island of Maui or Lānaʻi.

- (D) Coconut fruit may not be transported to Maui and Lānaʻi islands.
 - (E) Potted plants and other material described in subparagraphs (A) through (D) that originated outside the State and that is transshipped through another area of the State in a container that is CRB resistant and that was not opened may be transported to Maui or Lānaʻi island and may be inspected upon arrival in Maui or Lānaʻi.
 - (F) Potted plants that have undergone treatment to kill all life stages of CRB may be transported to the islands of Maui and Lānaʻi after inspection and approval by the Department. The treatment must consist of evidence-based treatment that will kill CRB present in any life stage, including eggs, and post-treatment storage protocols developed or approved by accredited researchers and approved by a Hawaii-based research organization such as CRB Response and made publicly available. The protocols, completion of this treatment, and storage and transportation plan must be approved in writing by the Department prior to transport to Maui and Lānaʻi islands.
 - (G) Imported erosion control mats and socks that are in unopened containers or have been stored in an enclosed facility with low risk of CRB exposure may be transported to Maui and Lānaʻi after inspection to confirm no signs of CRB damage.
- (2) The above regulations supersede and control over HAR § 4-72-23(d) exceptions for the transportation of CRB host material.
 - (3) Any plant or other material that may be transported to Maui and Lānaʻi islands under paragraphs (1)(B), (1)(C), (1)(E) (1)(F), or (1)(G) may be subject to inspection, including inspection of documents evidencing treatment, by the Department upon arrival on the island of Maui or Lānaʻi. Any such plant or other material found to be hosting living CRB adults or larvae shall be destroyed by the Department at the expense of the owner or the owner's agent. Any such other material, other than living plants, showing signs of CRB damage but has documented evidence of treatment shall be quarantined, at the expense of the owner or owner's agent, for a period of not less than 2 weeks and subject to re-treatment after

such period. If any living CRB are detected, the shipment shall be destroyed at the expense of the owner or the owner's agent.

- (4) Any material regulated by the interim rule may be inspected by the Department after its arrival on the island of Maui or Lānaʻi.
- (5) The Department may revoke or otherwise terminate an approval provided under this interim rule if the Department determines treatment, storage, or transportation conditions have materially changed, were premised on a mistake, or previously misrepresented to the Department.

Rule § ____ -B: Exclusions from regulation. This rule does not impose additional restrictions on the transportation of the following to Maui and Lānaʻi islands:

- (1) Fresh plant products (other than coconuts) intended for consumption, such as fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (2) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (3) Seeds for planting;
- (4) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements;
- (5) Rock, coral, gravel, and sand, not mixed with any organic material;
- (6) Potted plants in pots no greater than 2 inches in diameter, using media that has been sterilized before use, grown entirely in a laboratory, and transported in containers that prevent CRB infestation, after inspection and approval by the Department; or
- (7) Tissue cultured or other micro-propagated live plants in sterile media.

Rule § ____ -C: Definitions. As used in this interim rule:

- (1) "CRB Response" refers to the publicly-funded entity established as an emergency response under the incident command system after CRB was first detected on Oʻahu in 2013 and managed through the University of Hawaii and staffed through the Research Corporation of the University of Hawaiʻi.
- (2) "Department" refers to the Department of Agriculture and Biosecurity.
- (3) "Transport" means movement of CRB host material out of a single Tax Map Key ("TMK") parcel or portion thereof to another TMK.

Rule § ____ -D: Construction of Rule. Except as specifically provided, the requirements set out in this Rule are in addition to, and do not replace, any

other requirements and authorities set out in statute or rule, including HAR chapter 4-72, "Plant and Pest Host Material Intrastate Rules" and other interim rules regulating the spread of CRB. To the extent other rules conflict with this Rule, this Rule controls regulation of transportation of CRB host materials and materials that may contain CRB to Maui and Lānaʻi islands.

Rule § ____-E: The State shall not be responsible for any economic loss or damages related to any actions by the Department pursuant to this interim rule. Actions include treatment, quarantine, or destruction of any item.

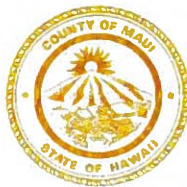
This Interim Rule is effective _____ 2026 and is valid for no longer than one year from this date.

SHARON HURD

Chairperson, Department of Agriculture and
Biosecurity

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

TO: The State of Hawai'i Board & Department of Agriculture and Biosecurity

FROM: Richard T. Bissen, Jr., Mayor
Rogerene Arce, Director of Agriculture

DATE: July 13, 2026

SUBJECT: LETTER OF SUPPORT FOR REVISED 'PETITION FOR INTERIM AND EMERGENCY RULEMAKING' FROM PETITIONER LAHAINA COMMUNITY LAND TRUST

The Maui County Department of Agriculture strongly supports the revised petition submitted by the Lahaina Community Land Trust requesting the adoption of interim and emergency rules to regulate the transportation of coconut rhinoceros beetle (CRB) host materials to the islands of Maui and Lānaʻi.

The threat posed by CRB to Maui County is immediate and severe. As documented in the petition, CRB has already demonstrated its ability to spread between islands through pathways such as potted plants, mulch, compost, and other organic materials. Recent detections on Maui and Lānaʻi, including those associated with interisland plant shipments, underscore the insufficiency of current inspection-based safeguards and highlight the urgent need for stronger preventative measures.

Maui County's agricultural systems, native ecosystems, and cultural landscapes are particularly vulnerable to CRB infestation. Coconut palms, hala, kalo, and other culturally and economically significant plants are at risk, along with endemic species such as the endangered loulu palms found only in Maui County. The loss of these resources would have cascading impacts on food security, watershed health, biodiversity, cultural practices, and the long-term resilience of our communities.

We agree with the petition's findings that prevention is the most effective and responsible strategy. Once CRB becomes established, eradication is extremely difficult and costly, with long-term reliance on chemical treatments and ongoing management burdens placed on local communities and agencies. Strengthening biosecurity measures now will reduce future economic costs and ecological damage.

The proposed rules represent a necessary and science-based response. We support:

- The prohibition on transporting potted plants and other materials containing organic matter attached to roots, given the high risk of hidden infestation.

- The requirement for treatment, inspection, and approval of decomposing plant materials prior to transport.
- The restriction on transporting coconuts and other high-risk materials known to harbor CRB.
- The establishment of clear authority for inspection, refusal, and enforcement upon arrival.

We also recognize that counties are limited in their authority to regulate interisland transport of agricultural materials. For this reason, decisive action by the Hawai'i Department of Agriculture and Biosecurity is essential. The adoption of both an emergency rule and a coextensive interim rule is appropriate given the documented imminent peril to Maui County's natural resources, public welfare, and agricultural economy.

Accordingly, the Maui County Department of Agriculture respectfully urges the Board of Agriculture and Biosecurity to:

1. Adopt the proposed emergency rule without delay to immediately reduce the risk of CRB introduction and spread; and
2. Convene the Advisory Committee on Plants and Animals to advance and implement the proposed interim rule for sustained protection.

Mahalo for your leadership and commitment to safeguarding Hawai'i's agricultural and ecological resources. We stand ready to support implementation, outreach, and compliance efforts to ensure the effectiveness of these measures.

Mahalo for your consideration.

Ho, Jonathan K

From: Ben Oliveros <orchideros.bo@gmail.com>
Sent: Tuesday, July 14, 2026 9:27 AM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] potential interisland potted plant restriction

I am writing in regards to the effect of a potted plant ban for inter-island shipping due to the coconut rhinoceros beetle. I am a commercial orchid grower that does about 20% of my business shipping to Maui. Like with the nematode restrictions of before, orchids are not a host for the beetle. They are not potted in soil. We use imported, fumigated bark or sphagnum moss , thus more like hydroponic growing.

I, and many other Big Island nurseries, would be greatly affected by a restriction to our industry based on a blanket restriction for the CRB, which does not exist in our floriculture products.

We hope that the restriction will be targeted to the crops that are a potential hazard, and that other crops that are not carriers be exempt from a restriction that could greatly impact our local businesses.

Regards,
Ben Oliveros
Owner, Orchid Eros, LLC

Ho, Jonathan K

From: Jessica Joto <jessica@theorchidworks.com>
Sent: Wednesday, July 15, 2026 6:49 AM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] TESTIMONY

Aloha Chair and Members of the Advisory Committee,

My name is Jessica Joto, and I am with The OrchidWorks on Hawai'i Island. Thank you for the opportunity to provide testimony regarding the proposed interim rule to restrict the transportation of Coconut Rhinoceros Beetle host material to Maui and Lāna'i.

As a nursery that ships live plants, we understand the importance of protecting Hawai'i's agriculture, native ecosystems, and communities from invasive pests such as the Coconut Rhinoceros Beetle. Preventing the spread of this destructive pest is a goal that we share.

At the same time, I respectfully ask the Committee to consider the impact that any new restrictions may have on responsible nurseries that already follow best management practices. Many of us carefully inspect our plants, maintain clean growing areas, and take biosecurity seriously. If additional restrictions are adopted, I encourage the Department to provide a clear, practical compliance process that allows qualified nurseries to continue shipping while ensuring strong protections against the spread of CRB.

I also encourage the Department to provide timely guidance, reasonable implementation timelines, and clear communication so that small businesses can adapt without unnecessary disruption to customers who rely on interisland shipments.

Protecting Hawai'i's islands and supporting local agricultural businesses are both important objectives. I believe we can achieve both through science-based, practical biosecurity measures and continued collaboration between the Department and the nursery industry.

Mahalo for your time and for your commitment to protecting Hawai'i's agriculture and natural resources.

Thank you,
Jessica Joto
General Manager
The OrchidWorks

Ho, Jonathan K

From: Mary Monroe <mary@kaleialoha.com>
Sent: Wednesday, July 15, 2026 12:27 PM
To: DAB.PQ.TESTIMONY
Cc: mary@kaleialoha.com
Subject: [EXTERNAL] Interim Emergency Rule to Restrict CRB host material

TO: Advisory Committee on Plants and Animals

FROM: Kaleialoha Orchid Farm, Inc.
Mary Monroe, President
16-1675 35th Ave.
HC2 Box 5782, Keaau, HI 96749
mary@kaleialoha.com
808 937-5155

SUBJECT: Testimony regarding the implementation of emergency rule to restrict CRB host material

We are submitting testimony to respectfully ask for the exclusion of potted orchid plants and/or a postponement of implementation of the proposed rule for prohibiting intra-island shipments to Maui. A postponement would allow time for the orchid industry to fully investigate the impact this rule will have on our businesses.

All orchid planting medium is fumigated prior to importation to the state. Our nursery is currently certified and inspected twice a year by the Department of Agriculture. All plants are grown on certified benches 18 inches off the ground and are routinely treated for all pests in compliance with the zero tolerance for export regulations.

Orchids and orchid medium currently have never been identified as a vector or host for CRB.

The economic effect on our industry will easily exceed hundreds of thousands of dollars if this rule goes into effect. That reduction in intra island sales will further lead to a reduction of tax revenue to the State based on these lost sales.

With consideration of the above, we respectfully request that there be a modification to the proposed rule to add an exemption for potted orchids, or to at least postpone the decision so that our industry can have additional time to research with our industry partners the full impact this rule will have so we can provide research data to the committee.

Respectfully,

Mary Monroe
President, Kaleialoha Orchid Farm, Inc.
mary@kaleialoha.com
808 937-5155

Ho, Jonathan K

From: Jeffrey Parker <jeffy3@gmail.com>
Sent: Wednesday, July 15, 2026 10:19 PM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] Testimony - Advisory Committee Meeting 7-17-26 Agenda Item A - Interim Rule

To:
Members of the Advisory Committee On Plants and Animals
Subject: Written Testimony for Agenda Item A, regarding Interim Rule, July 17, 2026 Meeting

From:
Jeffrey Parker
Pres. Tropical Orchid Farm, Inc.
P.O. Box 170
Haiku, HI
96708
808 572-8569

Dear Members,

I grow orchids at our nursery at Haiku, Maui. We just celebrated our 50th Year in business. My comments and proposals below pertain specifically to impacts of the proposed Interim Rule on the thriving and historically-important Maui and Big Island orchid industries.

First, all of us understand the threat posed by the spread of CRB and agree that there should be a stronger response.

I wonder though, if what is proposed, regarding shipping to Maui of Certified orchid plants specifically, is unnecessary - while potentially putting some of my colleagues out of business. I know several Maui and Big Island orchid growers who would be drastically affected.

(1.) Please allow me to briefly offer some orchid facts to consider: orchids are epiphytes growing on trees in nature. They do not tolerate "mulch or decomposing organic plant material" or soil. All the orchid nurseries currently shipping orchid plants to Maui are HDOA Certified, regulated and inspected by HDOA inspectors. All of the growing media used is clean and sterilized. According to HDOA; to date, there have been no interceptions of CRB in Certified orchid shipments. I ask that you consider a specific exception for orchid plant shipments to Maui from HDOA Certified nurseries only - in clean media only (i.e., without mulch-like material or decomposing plant material) .

(2.) Barring an exception, why can't these Certified orchid plant shipments, on a temporary basis, be shipped directly to the Maui HDOA office or ASAP Facility at Kahului Airport for re-inspection? After all, exactly this service is currently provided, and required, for plants sent to Maui from the Mainland USA. And the businesses receiving the re-inspected shipment, if necessary, could pay a fee for inspection. HDOA charging a fee is not unusual at all, we are already paying a fee for our the Nursery Inspections.

(3.) Separate issue: we rely on super-compressed New Zealand sphagnum moss shipped to us from the Big Island. The sterilized packs come to Hawaii in a container which has been fumigated in New Zealand, and the completely dried solid moss blocks are completely sealed, airtight in thick clear plastic (it's actually difficult to cut open). A CRB cannot be in that. Is it necessary to ban 100% of plant medias, even when it can be shown that there is no threat with some specific items? There should be a process to obtain an exception for non-threatening items. As a last resort, on a temporary basis, why can't small inter-island shipments of non-threatening items be shipped directly to the HDOA facility in Kahului?

Thank you very much for considering what I believe are my rational and informed proposals to help prevent the possible collapse of our local orchid industry. And thank you sincerely for your hard work in these challenging times.

Aloha
Jeffrey Parker



MAUI COUNTY FARM BUREAU

PO Box 148, Kula, HI 96790
mauicountyfarmbureau.org

July 17, 2026

Department of Agriculture and Biosecurity
Advisory Committee on Plants and Animals

Chair Hurd and Members of the Committee:

MCFB on behalf of our member farm and ranch families appreciates this opportunity to provide our opinion on the proposed Interim Rule for movement of plants and material to restrict the transportation of Coconut Rhinoceros Beetle to Maui and Lanai.

MCFB has submitted comments on this subject at the Board meeting in June. We are attaching the testimony for your convenience but am reiterating key points that should be considered.

1. **Invasive species management should implement Best Management Practices** that cover a range of conditions and therefore be uniform across the State. Terms such as the transport of tissue culture should not vary from island to island. This Rule should institute BMPs that can be implemented across the State rather than unique rules for each island.
2. **A primary goal of Biosecurity is to protect Hawaii from the introduction of new invasive species.** As written, this rule encourages the importation of plants from destinations outside of Hawaii, increasing the risk of new pest introductions. While management of CRB is critical, the risks associated with the management practices should be evaluated and BMPs implemented to ensure that the risk of introduction of new species is mitigated. Vendors on Maui have already evolved to importation of plants from the continent rather than Oahu. This reduces Hawaii's goal of increased self sufficiency, import replacement and overall economy as money is being exported rather than supporting local businesses.
3. **Hawaii State Laws and Rules should apply equally to all entities whether public or private.** This rule proposes to exempt DLNR under certain circumstances. If that is the case the measures used by DLNR should be shared to the general public to allow intrastate transport of material.

MCFB urges the Committee to reevaluate the terms of the interim rule to ensure that unintended consequences are considered and mitigated. Attached is our original testimony with proposed language changes.

Thank you for this opportunity to provide our opinion on this important matter.

Respectfully submitted,

Warren K. Watanabe

Warren K. Watanabe

Executive Director

Maui County Farm Bureau



MAUI COUNTY FARM BUREAU

PO Box 148, Kula, HI 96790
mauicountyfarmbureau.org

June 23, 2026

Testimony on Item B. 2

Request for Review of the Petition From the Lahaina Community Land Trust to Simultaneously Initiate Interim Rulemaking, Pursuant to Hawaii Revised Statutes §150A-9.5, and Emergency Rulemaking Pursuant to Hawaii Revised Statutes §91-3(b) to Regulate the Interisland Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, Host Materials Originating From Any Area in the State to the Islands of Maui and Lānaʻi.

Aloha Chair Hurd and Members of the Board,

The Maui County Farm Bureau on behalf of our member farmers, ranchers, and farm organizations appreciates this opportunity to provide our opinion on the Petition for Interim and Emergency Rulemaking before the Board of Agriculture and Biosecurity.

MCFB is in full support of implementing management practices to manage not only CRB but the many invasive species that impact the environment as well as our fragile farm and ranch operations. One cannot deny that the closure of some of our long time farms is not in the interest of Hawaii.

However, as we develop management solutions, we need to ensure that we minimize unintended consequences that result in detrimental conditions far outweigh the solution that is put into place. The traditional rulemaking procedure provides for public hearings giving everyone a chance to review the proposal and voice their opinions on its' impact. The path taken for the Molokai rule and now the Maui and Lanai rule bypasses this forcing a rapid decision that may result in dire consequences. The difference between the two rules demonstrates that the fast process of the Molokai rule resulted in language that was found to be inappropriate. There must be an expedient process to modify a promulgated rule as needed. We suggest amendments as follows (in italics and underlined):

- **Rule (1) (A)**

Live plants of any size, if there is any organic material attached to the roots, including potted plants and sod, are prohibited from being transported to Maui and Lanai islands under any circumstances, provided that if a treatment is developed to ensure

the absence of viable CRB grubs or eggs is developed and approved by the Department, an exemption permit process will be implemented.

There is significant movement of potted plants between islands. This reduces the need for import from areas outside of Hawaii that can carry invasive species that may be as or more detrimental than CRB. A phytosanitary certificate only checks for species on the Federal Prohibited List and does not consider pests and diseases of concern to Hawaii. Development of a treatment must be a high priority for UH-CTAHR and the CRB Response Team.

- Rule (1)(C)

.....gravel (which must be free from all organic or landscaping material) may not be transported to Maui and Lanai islands, unless such material ...

If the gravel is free of organic or landscaping material why would there be a presence of CRB grubs requiring further treatment. Was this intended or meant to be a permitted transport listed in section B(E) along with rocks, coral and sand?

“The treatment protocol, completion of this treatment, and storage and transportation plan must be approved in writing by CRB Response and the Department prior to transport to Maui and Lanai islands.”

What is unique criteria, distinct from that of the Department, that will be used by the CRB Response in the added review required in this section? What is the basis for the criteria?

- Rule (1)(E)

Potted plants and other material described in paragraphs (A) through (D) that have not been present, staged or stored in any other area of the State may be transported to Maui and Lanai islands, provided that containers that were opened for inspection and staged awaiting transport to Maui or Lanai by the interisland carrier will also be allowed transport.

Containers from the continent or foreign ports arrive in Honolulu and may require inspection including customs. These containers then need to be staged awaiting transport by Young Bros. They do not pose any risk for CRB infection and should be permitted passage. Otherwise, there will be unintended impacts on critical inputs e.g. potting media for our growers.

- Rule(B)(F)

Potted plants transported by the Department of Land and Natural Resources to the Maui and Lanai islands pursuant to a permit issued by the Department ..

What is the treatment or condition that allows DLNR to obtain a permit for shipment. The treatment or conditions should be shared with the public so conditional transport will also be permitted for our commercial growers. Exemption only for DLNR does not seem to be in the public interest.

Page 6-7 Potted plants prohibited.

The justification proposes that the prohibition is **for at least a year is necessary, ...**

However, the rule does not state any time period for this rule. Titled as "interim and emergency" there is also question whether the terms of interim rules will apply. Given the rapid pace for approval of this rule, we suggest that it be stated that:

A review of the impact of the rule shall be conducted six months after the date of implementation. The rule shall be amended as necessary. The rule shall sunset one year after implementation. A review of the effectiveness of the rule and impacts to state priorities shall be conducted to determine need for further action.

These reviews will provide guidance whether rules such as this provide benefits without increased risk to not only our environment but to our fragile agricultural industry. This comes at a time when the State demand increased local production for the Farm to School program and Department statistics show that nursery and landscape imports are the biggest source of new invasive species.

The State has just undergone a difficult budget process. It is clear that State funds need to be used in a manner that brings benefit to the most people and beneficially impact our environment. It is also critical that every citizen be part of invasive species management and not depend on Federal or State resources. Farmers and ranchers daily combat invasives utilizing their own resources, as they have historically done. Yet their products benefit the general public and are not just for personal gain.

While management of CRB is important, there are other important areas of concern. We need to matters that have large impacts are not addressed adequately as rules such as this are implemented.

Finally, Molokai has a rule that is different from the Maui Lanai rule. We respectfully question whether the rule should be amended to duplicate the Maui Lanai rule. It does not seem fair if Molokai continues to have requirements that have been deemed unnecessary.

County specific rules for the same pest should be reconsidered. It places undue burden on everyone to remember which rules apply to which county.

This is an important issue with wide range of consequences. We appreciate this opportunity to provide our comments and respectfully request your support of our concerns. If there are any questions, please contact Warren Watanabe at warrenmcfb@gmail.com, 8082819718 for clarification.

Thank you.

Respectfully submitted,

Warren K. Watanabe

Warren K. Watanabe
Executive Director
Maui County Farm Bureau



Advisory Committee on Plants and Animals

July 17, 2026

1:30 p.m. Plant Quarantine Branch Conference Room and Videoconference

1849 Auiki Street

Honolulu, Hawaii 96819

**Testimony in Support of the Petition and Interim Rule to Restrict the Transportation of CRB
Host Material To the Islands of Maui and Lanai**

Aloha Advisory Committee Chair and Members,

The Coordinating Group on Alien Pest Species (CGAPS) **supports the petition for an interim rule** to Restrict the Transportation of Coconut Rhinoceros Beetle Host Material to the Islands of Maui and Lanai.

Section 150A-9.5, Hawaii Revised Statutes (HRS), authorizes the Hawaii Department of Agriculture and Biosecurity (DAB) to adopt an interim rule for a period of up to one year if this Committee makes a finding that “movement of any flora or fauna, in the absence of effective rules, creates a situation dangerous to the public health and safety or to the ecological health of flora or fauna present in the State which is so immediate in nature as to constitute an emergency.” (§150A-9.5(b) HRS)

We believe that the lack of rules to effectively address coconut rhinoceros beetle host material movement from infested areas of the State to the islands of Maui and Lanai creates a situation that is an emergency for the ecological health of flora or fauna on those islands and urge this Committee to make that finding.

CGAPS also strongly supports allowing the Department of Land and Natural Resources Rare Plants Program (RPP) to continue to move threatened and rare plants to Maui and Lanai for conservation purposes to address this emergency for the ecological health of flora and fauna. The growing media RPP uses at the lab has no live soil. It is a mix of dried sphagnum moss, perlite, and vermiculite and is autoclaved before use. The seeds are removed from the freezer in sealed foil packs, sown on sterilized growing media or agar for viability testing, then kept in growth chamber incubators until they are a few centimeters tall. The seedlings never leave the laboratory until they are taken directly to DAB for inspection. RPP is important to support

conservation of our rare and threatened plant species and to address the statewide emergency caused by the coconut rhinoceros beetle.

Thank you for your consideration of the Petitioners' proposed interim rule. We hope you will move it forward for consideration by the Board of Agriculture and Biosecurity.

Thank you for the opportunity to submit testimony on the proposed interim rule and for considering our comments.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow



SIERRA CLUB OF HAWAI'I

Testimony to Advisory Committee on Plants and Animals

July 17, 2026

9:00 AM

PQB Conference Room

Agenda Item III.A

In SUPPORT of the Petition From the Lahaina Community Land Trust to Implement an Interim Rule Pursuant to Hawai'i Revised Statutes §150A-9.5, to Restrict the Transportation of Coconut Rhinoceros Beetle (CRB) Host Material which Includes Potted Plants, Coconut Fruit, 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 Any Other Area in the State to the Islands of Maui and Lāna'i

Aloha mai e Advisory Committee Members,

The Sierra Club of Hawai'i strongly urges you to recommend the **adoption** of interim rules as proposed by the Lahaina Community Land Trust, **with the requisite findings outlined in the agenda**, to prevent the devastating and multigenerational agricultural, cultural, environmental, and economic impacts and cultural erasure that would result from the widespread establishment of coconut rhinoceros beetles (CRB) on Maui and Lāna'i. The Sierra Club also offers **comments** on assertions in the staff submittal regarding the **availability of staff to inspect shipments of CRB host material on Lāna'i**, and the **exclusion of an exception for the movement of endangered flora under the Department of Land and Natural Resources' (DLNR's) Rare Plants Program**.

The Advisory Committee on Plants and Animals (ACPA) is well aware of the need for timely and proactive regulatory action to address the spread and potentially irreversible establishment of CRB in our islands, as reflected in your support of the Moloka'i rules prohibiting the importation of CRB host material to that island, and the West Hawai'i Island rules requiring compliance agreements before the sale or movement of CRB host material from the CRB-infested region there.

Recent detections of CRB in shipments to Lāna'i, at Kahului, and in Waikapū, make it abundantly clear that additional regulatory interventions are needed now, to prevent or minimize any further introductions of CRB from the neighbor islands to Maui and Lāna'i.

The emergency nature of this situation is underscored by growing CRB populations in

West Hawai'i and on O'ahu, where potted plants and untreated host material are known to be shipped to the neighbor islands, including to Maui and Lāna'i. While compliance agreements have finally begun to be issued under the West Hawai'i rules after a months-long delay, compliance with the rules remains inconsistent, no enforcement actions have been taken against noncompliant businesses, and there is still no designated Department of Agriculture and Biosecurity (DAB) staff point of contact to assist the community with rule implementation.

Moreover, the Sierra Club understands that a multi-agency effort is currently underway to detect and eradicate suspected CRB breeding sites on Maui, a process that may take months. This critical effort means that less resources will be available to respond to new introductions of CRB, which could also confound efforts to discover CRB sources that may already exist on-island.

Similarly, the recent detection of a CRB in Hilo is also requiring the dedication of biosecurity resources on Hawai'i Island, which may not be available to help respond to new CRB introductions and detections on Maui and Lāna'i.

In other words, this situation is an emergency, and things are getting worse. Interim regulatory interventions to protect Maui and Lāna'i are needed immediately.

To the extent that DAB claims not to have staff capacity to inspect landed shipments of CRB host material on Lāna'i, as envisioned under the proposed rules, **the ACPA may wish to recommend that Lāna'i be subject to a CRB host material import ban, similar to that adopted for Moloka'i.** Such a ban would minimize the need for staff to inspect imported materials on the island.

The Sierra Club does also urge the ACPA to critically assess DAB's claim that no exception should be made for the movement of endangered potted plants by Department of Land and Natural Resources' (DLNR's) Rare Plants Program. **As presented to both DAB staff and the Board of Agriculture and Biosecurity last month, the chances of CRB being transported by such plants are essentially nonexistent.** These plants are grown in a lab using no live soil, but a mix of dried sphagnum moss, perlite, and vermiculite that is autoclaved (sterilized) before use. They are also grown from seeds stored in a freezer in sealed foil packs, sown on sterilized growing media or agar, and then kept in growth chamber incubators until they are a few centimeters tall. Plant seedlings are only removed from the lab when they are taken directly to HDAB for inspection. **Given the singularly intense level of controls, and the unique purpose of the Rare Plant program – to propagate and stave off the extinction of native plants, including the very species being threatened by CRB itself – DAB's claim that an exception for the program would somehow be unfair is both legally and logically suspect.**

In any case, the Sierra Club urges the ACPA to recommend that the Board of Agriculture and Biosecurity take advantage of the opportunity to fulfill its constitutional, statutory, and generational kuleana, by adopting the proposed interim rules to protect

Maui and Lāna'i from the tragic consequences of the CRB. In making the recommendation, please ensure that you also make the following legally critical and common-sense findings: 1) that current rules are inadequate to prevent the spread of CRB to Maui and Lāna'i, creating a situation dangerous to public health and safety or to the ecological health of flora and fauna in Hawai'i that constitutes an emergency requiring additional rules; and 2) that an interim rule to restrict the movement of potted plants and other CRB host material to Maui and Lāna'i is needed to prevent the spread of CRB to those islands.

Mahalo nui for the opportunity to testify.

Ho, Jonathan K

From: John Shockley <shockleyjr@gmail.com>
Sent: Thursday, July 16, 2026 4:12 PM
To: DAB.PQ.TESTIMONY
Cc: Rita Shockley; Wayne (O'ahu Sierra Club) Tanaka
Subject: [EXTERNAL] LIVE NOTE: Maui & Lanai CRB Rules
Attachments: favicon.ico

Aloha Advisory Committee on Plants and Animals,

The Free Access Coalition urges your support of the interim rules as called for by the Lahaina Community Land Trust, to address critical biosecurity gaps that have likely contributed to the multiple recent detections of coconut rhinoceros beetles (CRB) on Maui and Lāna'i.

This is an emergency. The CRB situation on O'ahu and West Hawai'i Island, where potted plants and CRB host material are regularly shipped to the neighbor islands - including Maui and Lāna'i - is getting worse by the day. Multiple CRB detections and suspected breeding sites in Central Maui are also diverting critical local biosecurity resources needed to respond to new CRB introductions in Maui County. Meanwhile, the needed response to the discovery of a live female CRB in Hilo means less biosecurity resources are available to share between these islands.

As you know, any additional CRB introductions to Maui or Lāna'i could easily lead to outbreaks that become exponentially harder and more expensive to detect and eradicate - and that could result in the same devastating consequences now unfolding on O'ahu and Kaua'i.

The excuse put forward by DAB staff as to why this is not an emergency situation - that CRB has been in the islands for over a decade, and that a solution *might* be found soon - is preposterous.

Please don't let illogical excuses divert your attention from what is at stake. Please make the common sense findings that 1) existing rules are clearly insufficient to prevent the spread and establishment of CRB on Maui and Lāna'i; 2) the resulting risk to public health and safety and/or the ecological health of flora and fauna in Hawai'i is an emergency, justifying interim rulemaking; and 3) the adoption of an interim rule to prohibit the movement of potted plants or untreated CRB host material to Maui and Lāna'i from anywhere else in Hawai'i is necessary to prevent the spread of CRB to these islands.

Mahalo nui for your consideration of this matter.

John & Rita Shockley Coordinators



Ho, Jonathan K

From: Beppie Shapiro <beppie@hawaii.edu>
Sent: Thursday, July 16, 2026 5:05 PM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] "Testimony: Maui Lāna'i CRB Rules"

The Lahaina Community Land Trust is trying to get the Department of Agriculture to prohibit the movement of potted plants and untreated CRB host material to Maui and Lāna'i. This absolutely necessary prohibition is the most obvious and immediate way to prevent further introductions of CRBs to Maui County. Without effective ways to deal with CRB infestations, preventive actions are critical and should already have been implemented and enforced. High time to get this done immediately to save palms and other iconic plants.

Mahalo,
Beppie Shapiro
Honolulu where my own beloved coconut trees have CRBs. Too late for Oahu

Ho, Jonathan K

From: Mary Trotto <Mary.Trotto@liu.edu>
Sent: Thursday, July 16, 2026 11:24 PM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] getting fid of the CRB before it becomes a major problem here on Maui

Aloha

We need to act now -strong and fast, to make sure we protect our trees from the Devastating CRB - we do not want to look back a few years from now and say, “we should have taken stronger action to curb the invasion of the CRB to all of our Hawaiian islands.” The time to act is now and we can not be fast enough or strong enough to protect our trees from this beetle. Our quality of life in Hawaii depends on our actions today!

Thank you for helping to eradicate the CRB from our islands NOW.

With much Aloha

Dr Mary Trotto

**Member of the board of Maui Green and Beautiful
Kihei resident. Maui County Hawaii**

Ho, Jonathan K

From: Pete Wilson <perhansahi@gmail.com>
Sent: Friday, July 17, 2026 7:44 AM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] Testimony: Maui Lāna'i CRB Rules

To: DAB.PQ.TESTIMONY@HAWAII.GOV
Subject: Testimony: Maui Lāna'i CRB Rules

Aloha Advisory Committee on Plants and Animals,

My name is **Peter Wilson** and I am writing to urge your support of the interim rules as called for by the Lahaina Community Land Trust, to address critical biosecurity gaps that have likely contributed to the multiple recent detections of coconut rhinoceros beetles (CRB) on Maui and Lāna'i.

This is an emergency. The CRB situation on O'ahu and West Hawai'i Island, where potted plants and CRB host material are regularly shipped to the neighbor islands - including Maui and Lāna'i - is getting worse by the day. Multiple CRB detections and suspected breeding sites in Central Maui are also diverting critical local biosecurity resources needed to respond to new CRB introductions in Maui County. Meanwhile, the needed response to the discovery of a live female CRB in Hilo means less biosecurity resources are available to share between these islands.

As you know, any additional CRB introductions to Maui or Lāna'i could easily lead to outbreaks that become exponentially harder and more expensive to detect and eradicate - and that could result in the same devastating consequences now unfolding on O'ahu and Kaua'i.

The excuse put forward by DAB staff as to why this is not an emergency situation - that CRB has been in the islands for over a decade, and that a solution *might* be found soon - is preposterous.

Please don't let illogical excuses divert your attention from what is at stake. Please make the common sense findings that 1) existing rules are clearly insufficient to prevent the spread and establishment of CRB on Maui and Lāna'i; 2) the resulting risk to public health and safety and/or the ecological health of flora and fauna in Hawai'i is an emergency, justifying interim rulemaking; and 3) the adoption of an interim rule to prohibit the movement of potted plants or untreated CRB host material to Maui and Lāna'i from anywhere else in Hawai'i is necessary to prevent the spread of CRB to these islands.

Mahalo nui for your consideration of this matter.

--

Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778
808-557-8108

Ho, Jonathan K

From: Bo Breda <bobreda@gmail.com>
Sent: Friday, July 17, 2026 7:50 AM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] Testimony: Maui Lāna'i CRB Rules

Aloha Advisory Committee on Plants and Animals,

My name is **Bo Breda** and I am writing to urge your support of the interim rules as called for by the Lahaina Community Land Trust, to address critical biosecurity gaps that have likely contributed to the multiple recent detections of coconut rhinoceros beetles (CRB) on Maui and Lāna'i.

This is an emergency. The CRB situation on O'ahu and West Hawai'i Island, where potted plants and CRB host material are regularly shipped to the neighbor islands - including Maui and Lāna'i - is getting worse by the day. Multiple CRB detections and suspected breeding sites in Central Maui are also diverting critical local biosecurity resources needed to respond to new CRB introductions in Maui County. Meanwhile, the needed response to the discovery of a live female CRB in Hilo means less biosecurity resources are available to share between these islands.

As you know, any additional CRB introductions to Maui or Lāna'i could easily lead to outbreaks that become exponentially harder and more expensive to detect and eradicate - and that could result in the same devastating consequences now unfolding on O'ahu and Kaua'i.

The excuse put forward by DAB staff as to why this is not an emergency situation - that CRB has been in the islands for over a decade, and that a solution *might* be found soon - is preposterous.

Please don't let illogical excuses divert your attention from what is at stake. Please make the common sense findings that 1) existing rules are clearly insufficient to prevent the spread and establishment of CRB on Maui and Lāna'i; 2) the resulting risk to public health and safety and/or the ecological health of flora and fauna in Hawai'i is an emergency, justifying interim rulemaking; and 3) the adoption of an interim rule to prohibit the movement of potted plants or untreated CRB host material to Maui and Lāna'i from anywhere else in Hawai'i is necessary to prevent the spread of CRB to these islands.

Mahalo nui for your consideration of this matter.

Ho, Jonathan K

From: Lauren Ballesteros <esta.asi24@gmail.com>
Sent: Friday, July 17, 2026 8:42 AM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] Testimony: Maui Lānaʻi CRB Rules

Aloha Advisory Committee on Plants and Animals,

My name is Lauren Ballesteros-Watanabe and I am writing to urge your support of the interim rules as called for by the Lahaina Community Land Trust, to address critical biosecurity gaps that have likely contributed to the multiple recent detections of coconut rhinoceros beetles (CRB) on Maui and Lānaʻi.

This is an emergency. The CRB situation on Oʻahu and West Hawaiʻi Island, where potted plants and CRB host material are regularly shipped to the neighbor islands - including Maui and Lānaʻi - is getting worse by the day. Multiple CRB detections and suspected breeding sites in Central Maui are also diverting critical local biosecurity resources needed to respond to new CRB introductions in Maui County. Meanwhile, the needed response to the discovery of a live female CRB in Hilo means less biosecurity resources are available to share between these islands.

As you know, any additional CRB introductions to Maui or Lānaʻi could easily lead to outbreaks that become exponentially harder and more expensive to detect and eradicate - and that could result in the same devastating consequences now unfolding on Oʻahu and Kauaʻi.

The excuse put forward by DAB staff as to why this is not an emergency situation - that CRB has been in the islands for over a decade, and that a solution *might* be found soon - is preposterous.

Please don't let illogical excuses divert your attention from what is at stake. Please make the common sense findings that 1) existing rules are clearly insufficient to prevent the spread and establishment of CRB on Maui and Lānaʻi; 2) the resulting risk to public health and safety and/or the ecological health of flora and fauna in Hawaiʻi is an emergency, justifying interim rulemaking; and 3) the adoption of an interim rule to prohibit the movement of potted plants or untreated CRB host material to Maui and Lānaʻi from anywhere else in Hawaiʻi is necessary to prevent the spread of CRB to these islands.

Mahalo nui for your consideration of this matter.

Sincerely,
Lauren Ballesteros-Watanabe

Ho, Jonathan K

From: Kaleiheana Stormcrow <kaleiheanaapohaku@gmail.com>
Sent: Friday, July 17, 2026 11:19 AM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] Testimony: Maui Lānaʻi CRB Rules

Aloha Advisory Committee on Plants and Animals,

My name is Kaleiheana Stormcrow and I am writing to urge your support of the interim rules as called for by the Lahaina Community Land Trust, to address critical biosecurity gaps that have likely contributed to the multiple recent detections of coconut rhinoceros beetles (CRB) on Maui and Lānaʻi.

This is an emergency. The CRB situation on Oʻahu and West Hawaiʻi Island, where potted plants and CRB host material are regularly shipped to the neighbor islands - including Maui and Lānaʻi - is getting worse by the day. Multiple CRB detections and suspected breeding sites in Central Maui are also diverting critical local biosecurity resources needed to respond to new CRB introductions in Maui County. Meanwhile, the needed response to the discovery of a live female CRB in Hilo means less biosecurity resources are available to share between these islands.

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Mahalo nui for your consideration of this matter.

Ho, Jonathan K

From: Leo Nahe Smith <its.leonahe@gmail.com>
Sent: Friday, July 17, 2026 11:45 AM
To: DAB.PQ.TESTIMONY
Subject: [EXTERNAL] Testimony: Maui Lāna'i CRB Rules

Aloha Advisory Committee on Plants and Animals,

My name is Leo Nahe and I am writing to urge your support of the interim rules as called for by the Lahaina Community Land Trust, to address critical biosecurity gaps that have likely contributed to the multiple recent detections of coconut rhinoceros beetles (CRB) on Maui and Lāna'i.

This is an emergency. The CRB situation on O'ahu and West Hawai'i Island, where potted plants and CRB host material are regularly shipped to the neighbor islands - including Maui and Lāna'i - is getting worse by the day. Multiple CRB detections and suspected breeding sites in Central Maui are also diverting critical local biosecurity resources needed to respond to new CRB introductions in Maui County. Meanwhile, the needed response to the discovery of a live female CRB in Hilo means less biosecurity resources are available to share between these islands.

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Mahalo nui for your consideration of this matter.

