

Amendments

Ramseyer Format 9/07/01

Amendments to Chapter 4-70 Hawaii Administrative Rules

1. Subchapter 3, Hawaii Administrative Rules, is amended to read as follows:

“§4-70-12 Notice of quarantine. The board has determined that there exists serious danger to the pineapple industry of Hawaii from the introduction of thrips (Frankliniella moultoni Hood [, Frankliniella shultzei trybom]), pineapple borers ([Anomocaulus fulvovestitus fuern.,] Metamasius spp. and [Thecla basiliodes] Strymon basilides (Geyer)), mealybugs (Dysmicoccus spp.), and other insects, and diseases of pineapple and bromeliaceous plants, that are not now established in Hawaii. [Eff 7/13/81; am] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-6.1

§4-70-13 Prohibited introductions. (a) The introduction into Hawaii of any pineapple plant (any species in the genus Ananas), seed, or other plant [parts,] part thereof, is prohibited except by approved permit in accordance with [§4-70-14.] section 4-70-14.

(b) The introduction of plant and plant parts of all other genera than Ananas in the family [bromeliaceae] Bromeliaceae is prohibited except:

- (1) Seeds;
- (2) Tissue cultured plants [grown in sterile media and is] in a completely enclosed sterile [glass flask or other similar] container; [and]
- (3) [By approved permit in accordance with §4-70-14.] Dried non-living materials; and
- (4) By approved permit in accordance with section 4-70-14. [Eff 7/13/81; am] (Auth: HRS §§141-2, 150A-9) (Imp: HRS § 150A-6.1)

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§4-70-14 Permits. (a) Upon written request, a permit may be issued by the chief authorizing the introduction of pineapple plants or other plants in the family [bromeliaceae] Bromeliaceae for propagation under the branch's supervision in a strictly enforced quarantine pursuant to [§§4-70-3, 4-70-4, 4-70-5, and 4-70-15.] sections 4-70-3, 4-70-4, 4-70-5, and 4-70-15, unless otherwise provided in section 4-70-15.

(b) Upon written request, a permit may be issued by the chief authorizing the introduction of plant and plant parts of pineapple [and other bromeliaceae plants] for processing, manufacturing, or other non-propagative purposes when the conditions for the importation satisfy the chief that the introduction can be made with a reasonable degree of safety relative to the risk of insect, pest, or disease introduction.

(c) Upon written request, a permit may be issued by the chief authorizing the introduction of plants and plant parts in the Bromeliaceae family other than the genus Ananas for processing, manufacturing, or other non-propagative purposes provided the importation is accompanied by a certificate of treatment indicating an approved treatment procedure.
[Eff 7/13/81; am _____](Auth: HRS §§141-2, 150A-9)
(Imp: HRA §§150A-5, 150A-6.1)

§4-70-15 Duration of quarantine. (a) The quarantine period for pineapple plants and plant species in the genus Ananas imported pursuant to [§4-70-14] section 4-70-14 shall be one year provided that the board may exempt from quarantine or shorten the quarantine period for plants imported for manufacturing [or processing purposes or for plants propagated by tissue culture and grown in sterile media.], processing, or propagative purposes under certain conditions of importation or propagation procedure that the board determines are appropriate to prevent the introduction of insects, pests, and diseases.

(b) The quarantine period for plants in all other genera [of] than Ananas in the family [bromeliaceae] Bromeliaceae imported pursuant to [§4-70-14] section 4-70-14 shall be as follows:

- (1) One year for plants from [south and central american] Mexico, South and Central America, and [adjacent] nearby island countries [and other plants not covered by paragraphs (2) (3) and (4)];
- (2) [Six months for plants with an official certificate of origin certifying that the plants originated from south or central american countries but have been grown out of those geographical areas in a commercial nursery for more than 6

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- months but less than one year;] One year for any shipment of plant or plants without an official certificate of origin;
- (3) [Two months for plants with an official certificate of origin certifying that the plants were propagated and grown entirely or for one year or more in a commercial nursery in a foreign country other than a south or central american country or in a non-certified nursery in the United States;] Quarantine requirements may be waived by the chief for any bromeliad plant other than the genus Ananas that is entering under permit and that has been inspected and found free of any signs of pest infestation or symptoms of disease provided that the shipment meets one of the following conditions:
- (A) The plants are accompanied by an official certificate of origin certifying that the plants were grown in the continental United States or;
- (B) The plants are accompanied by an official certificate of origin certifying that the plants were grown in a foreign country other than Mexico, South and Central America or nearby island countries.
- [(4) Exempt from quarantine for plants with an official certificate of origin certifying that the plants were propagated and grown entirely in the United States in an officially certified nursery of the state. Such exempted plants shall be held at the premise of the importer for one month subject to inspection by the branch.]” [Eff 7/13/81; am]
(Auth: HRS §§141-2, 150A-9) (Imp: HRS §150-6.1)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments are not underscored.

4. These amendments to chapter 4-70, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

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Chairperson, Board of Agriculture

APPROVED AS TO FORM:

Deputy Attorney General