

DEPARTMENT OF AGRICULTURE

Amendment and Compilation of Chapter 4-72
Hawaii Administrative Rules
February 21, 1991

SUMMARY

1. §4-72-4 is amended.
2. §4-72-5 is amended.
3. §4-72-11 is added.
4. Chapter 72 is compiled.

DEPARTMENT OF AGRICULTURE

Amendments to and compilation of chapter 72, title 4, Hawaii Administrative Rules, on the Summary Page dated February 21, 1991, were adopted on February 21, 1991, following public hearings held on September 4, 6, 7, 11, 14, 18, and 20, 1990, after public notices were given in The Garden Island, West Hawaii Today, Hawaii Tribune Herald, The Molokai Dispatch, The Maui News, Honolulu Star Bulletin, and Honolulu Advertiser on August 1, 1990.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

Yukio Kitagawa
YUKIO KITAGAWA
Chairperson, Board of Agriculture

John Waihee
JOHN WAIHEE
Governor, State of Hawaii

Dated: SEP 09 1991

SEP 09 1991
Filed

APPROVED AS TO FORM:

Haunani Burns
Deputy Attorney General

SEP 9 1991

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HAWAII ADMINISTRATIVE RULES
TITLE 4 DEPARTMENT OF AGRICULTURE
SUBTITLE 6 DIVISION OF PLANT INDUSTRY
CHAPTER 72
PLANT AND NON-DOMESTIC ANIMAL QUARANTINE
PLANT INTRASTATE RULES

- §4-72-1 Objectives
- §4-72-2 Definitions
- §4-72-3 Inspectional requirements
- §4-72-4 Prohibited transportations
- §4-72-5 Examples of regulated pests
- §4-72-6 Restrictions on sugar cane
- §4-72-7 Restrictions on soil, sand, and animal manure
- §4-72-8 Restrictions on harboring, rearing, or breeding of pest
- §4-72-9 Restrictions on dasheen and taro corms
- §4-72-10 Restrictions on papaya and cucurbit
- §4-72-11 Restrictions on banana

Historical note: Chapter 72 of Title 4 is based substantially upon Regulation 4 Entitled "Concerning Transportation of Plant or Parts of Same, Plant Materials and Plant Products Between the Hawaiian Islands," of the Division of Entomology, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41 as Reg 14; ren Reg 4 8/30/47; R 7/13/81]; Regulation 4.1 Entitled "Concerning Transportation of Plants or Parts of Same, Plant Materials or Plant Products from Oahu to Other Islands of the Hawaiian Group," of the Division of Entomology, board of Commissioners of Agriculture and Forestry [Eff. 12/12/41 as §2 of Reg 14; ren Re 4.1 8/30/47; R 7/13/81]; Regulation 4.2 Entitled "Concerning the Transportation of Soil, Earth or Sand from the Islands of Oahu, Hawaii, Lanai and Kauai to Other Islands of the Hawaiian Group," of the Division of Entomology, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41 as §§4. and 5 of Reg 14; ren Reg 4.2 8/30/47; R 7/13/81]; Regulation 4.3 Entitled "Concerning the Movement of Fern Plants or Parts

Thereof Between the Islands of the Hawaiian Group," of the Division of Entomology, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41 as Reg 15; ren Reg 4.3 8/30/47; R 7/13/81]; Regulation 4.4 Entitled "Concerning the Giant African Snail (Achatina Fulica Bowdich)," of the Division of Plant Industry, Department of Agriculture [Eff. 7/1/42 as Reg 18; ren Reg 4.4 8/30/47; am 5/26/64; R 7/13/81]; and Regulation 4.7 Entitled "Concerning the Transportation of Cactus or Cactaceous Plants or Parts Thereof from the Island of Hawaii to Other Islands of the Hawaiian Group," of the Division of Entomology, Board of Commissioners of Agriculture and Forestry. [Eff. 4/30/50; R 7/13/81]

§4-72-1 Objective. The objective of this chapter is to implement the requirements of chapter 150A, Hawaii Revised Statutes, by restricting or prohibiting the interisland transportation of plant pests and their plant or commodity hosts to prevent the spread and establishment of plant pests detrimental to agriculture, horticultural industries and forest lands on uninfested islands of the State. [Eff. 7/13/81; comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-8)

§4-72-2 Definitions. As used in this chapter:
"Animal manure" means manure from poultry or livestock;
"Chief" means chief of the plant quarantine branch;
"Infested area" means an island or locality within the State where a specific pest is known to be established; and
"Restricted area" means an island or locality within the State where a specific pest is not known to be established or where an eradication or control project for a specified pest is being conducted by the plant pest control branch. [Eff. 7/13/81; comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-3 Inspectional requirements. (a) Plant and propagative plant parts shall be inspected prior

to being transported between the islands of the State.

(b) Cut or harvested flowers, foliage, fruits, vegetable, and other non-propagative plant parts need not be inspected prior to being transported between the islands of the State; provided that these commodities shall be subject to periodic random inspection at either the port of departure or port of entry. [Eff. 7/13/81; comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-4 Prohibited transportations. (a) The interisland transportation of a commodity not inspected pursuant to §4-72-3 is prohibited.

(b) A commodity infested with any pest defined in §150A-2, Hawaii Revised Statutes, shall not be transported between the islands unless it has been treated with an appropriate pesticide that exterminates the pest. The chief may, however, authorize the transportation of an untreated infested commodity to an island where the pest is known to be established.

(c) Specific commodities shall not be transported pursuant to their respective restrictions in §§4-72-6, 4-72-7, 4-72-8, 4-72-9, 4-72-10, and 4-72-11. [Eff. 7/13/81; am and comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-5 Examples of regulated pests. Examples of pests for the purposes of §4-72-4 shall include, but not be limited to the following:

- (1) Oriental beetle - Anomala orientalis Waterhouse, a serious insect pest of sugarcane;
- (2) Fern weevil - Syagrus fulvitaris Pascoe, an insect pest injurious to fern plants;
- (3) Giant African snail - Achatina fulica Bowdich, a serious pest of horticultural and vegetable crops;
- (4) Cactus mealybug - Dactylopius opuntiae (Cockerell) and other insects feeding on opuntia spp. of cactus, pests injurious to cactus utilized for forage or ornamental purposes;
- (5) Hunting billbug - Sphenophorus venatus vestitus Chittenden, a serious insect pest of turf and range grasses;

- (6) Coconut scale - Aspidiotus destructor Signoret, a serious insect pest of palms, bananas, and more than 400 more plants;
- (7) Sugarcane smut - Ustilago scitaminea Syd., a serious fungus disease of sugarcane;
- (8) Papaya mosaic, a serious virus disease of papaya;
- (9) Orange spiny whitefly - Aleurocanthus spiniferus (Quaintance), a serious insect pest of rose and citrus;
- (10) Bristly rose slug - Cladius differmis Panzar, a pest injurious to the rose plant;
- (11) Croton whitefly - Orchamoplatus mammaeferus (Quaintance and Baker), a serious insect pest of croton and citrus;
- (12) Anthurium whitefly - Aleurotulus sp., a serious insect pest of anthurium;
- (13) An anthurium whitefly - Crenidorsum sp., a serious insect pest of anthurium, philodendron, and monstera;
- (14) Eurasian pine aphid - Pineus pini Koch, a serious insect pest of pine;
- (15) Fiery skipper - Hylephila phyleus Drury, a serious pest of turf and pasture grasses and ornamental sedges;
- (16) Taro root aphid - Pemphigus sp., a serious pest of dryland taro; and
- (17) Eucalyptus canker - Cryphonectria cubensis (Bruner) Hodges, a serious disease of Eucalyptus spp. [Eff. 7/13/81; am and comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§171-2, 150A-8)

§4-72-6 Restrictions on sugarcane. (a)

Transportation of sugarcane plants and parts thereof including leaves, roots, and cuttings which are hosts of the oriental beetle and sugarcane smut disease shall be prohibited from an infested area to a restricted area for the oriental beetle and sugarcane smut disease except by permit pursuant to subsection (b).

(b) A permit may be issued by the chief to the Hawaiian Sugar Planters' Association (HSPA) and to persons conducting research under the auspices of the HSPA for the transportation of a limited quantity of sugarcane plants and parts from an infested area to a

restricted area for the oriental beetle or sugarcane smut disease. [Eff. 7/13/81; comp SEP 19 1991]
(Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-7 Restrictions on soil, sand, and animal manure. (a) Transportation of the following is prohibited from an infested island to a restricted island for the oriental beetle.

- (1) Soil, sand contaminated with visible amounts of soil, and animal manure in bulk shipment or in individual containers except by permit issued pursuant to subsection (b); and
- (2) A plant in soil, sand, or artificial planting media except;
 - (A) A plant from a certified nursery;
 - (B) A plant from a commercial nursery located 1/4 mile or further from a field planted in sugarcane;
 - (C) A plant that has been verified by an inspector as grown in a locality 1/4 mile or further from a field planted in sugarcane;
 - (D) A plant that has been treated with an appropriate soil pesticide;
 - (E) A plant that has been bare-rooted; or
 - (F) Orchid plants in cinders, hapuu or other artificial planting media.

(b) Permits required pursuant to subsection (a)(1) shall be issued by the chief under either one of the following circumstances:

- (1) Fresh or composted animal manure that has not supported any plant growth from an area located 1/4 mile or further from any field planted in sugarcane; or
- (2) Animal manure, soil, and sand contaminated with soil that has been fumigated or treated with an appropriate pesticide.

[Eff. 7/13/81; comp SEP 19 1991]
(Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-8 Restrictions on harboring, rearing, or breeding of pests. (a) The harboring, rearing, or breeding of any pest defined in §150A-2, Hawaii

Revised Statutes is prohibited except under safeguarded conditions in an area infested by the pest involved for research, testing, or educational purposes by:

- (1) The plant pest control branch;
- (2) An agency, school, or university via permit issued by the chief. [Eff. 7/13/81; comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-9 Restrictions on dasheen and taro corms. Transportation of dasheen and taro corms are prohibited from an infested island to a restricted island for taro root aphid except:

- (1) Taro corms consigned to a poi factory or other food processing plant;
- (2) Dasheen and taro corms consigned to produce wholesalers, supermarkets, retail food stores, and restaurants;
- (3) Taro corms verified as wetland taro; and
- (4) Taro consigned to individuals for food preparation with the corm's "huli" removed [Eff. 7/13/81; comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-10 Restrictions on papaya and cucurbit. Transportation of papaya and cucurbit (plants in the family cucurbitaceae) plants and plant parts except seed and fruit are prohibited from an infested area to a restricted area for papaya mosaic virus disease. [Eff. 7/13/81; comp SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

§4-72-11 Restrictions on banana. Transportation of banana plants and plant parts except fruits is prohibited from Oahu, which is an infested area for banana bunchy top virus, to other islands within the State. [Eff. SEP 19 1991] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

DEPARTMENT OF AGRICULTURE
Amendments to Chapter 4-72
Hawaii Administrative Rules

February 12, 1998

SUMMARY

1. §4-72-1 is amended.
2. §4-72-11 is amended.

§4-72-1 Objective. The objective of this chapter is to implement the requirements of chapter 150A, Hawaii Revised Statutes, by restricting or prohibiting the interisland and intrainland transportation of plant pests and their plant or commodity hosts to prevent the spread and establishment of plant pests detrimental to agriculture, horticultural industries and forest lands on uninfested islands and in uninfested localities of the State. [Eff. 7/13/81; comp 9/19/91; am **APR 13 1998**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-8)

§4-72-11 Restrictions on banana. (a)

Transportation of banana plants and plant parts except fruits is prohibited from the island of Oahu and from the North Kona and South Kona Districts on the island of Hawaii, which are infested areas for banana bunchy top virus, to other islands and localities within the State except by permit pursuant to subsection (b).

(b) A permit to allow transportation of banana plants and plant parts from an infested area may be issued by the chief subject to permit conditions established by the board to prevent the movement of banana bunchy top virus from the infested areas. The chief may, without submitting a permit application to the board, approve the issuance of a permit with conditions previously mandated by the board upon the chief's determination that, for the proposed transport, the previously established conditions are adequate to preserve the quarantine. [Eff. 7/13/81; comp 9/19/91; am **APR 13 1998**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §§141-2, 150A-8)

DEPARTMENT OF AGRICULTURE

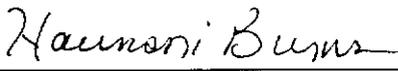
Amendments to chapter 72, title 4, Hawaii Administrative Rules, on the Summary Page dated February 12, 1998, were adopted on February 12, 1998, following public hearing held on January 13, 1998, after public notices were given in the Honolulu Advertiser and West Hawaii Today on December 7, 1997 and December 8, 1997, respectively.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.



JAMES J. NAKATANI
Chairperson, Board of Agriculture

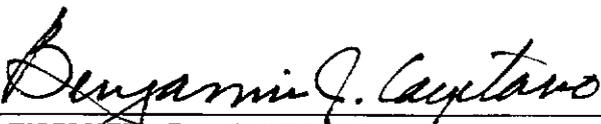
APPROVED AS TO FORM:



Deputy Attorney General

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LIEUTENANT GOVERNOR'S
OFFICE



BENJAMIN J. CAYETANO
Governor, State of Hawaii

Dated: April 2, 1998

APR 03 1998

Filed