

LINDA LINGLE
Governor



STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
Plant Quarantine Branch
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PLANT QUARANTINE INTERIM RULE 07-2

Restrictions on the Importation into Hawaii of Plants and Plant Parts in the Family Myrtaceae

Under authorization granted in Section 150A-9.5, Hawaii Revised Statutes (HRS), the Hawaii Department of Agriculture ("Department") hereby establishes this interim rule to impose a quarantine restricting the importation into Hawaii of hosts of the rust fungus disease, *Puccinia psidii*, now referred to in Hawaii and in this interim rule as "'ohi`a rust." Hosts known to spread `ohi`a rust are all plants and plant parts in the family Myrtaceae from areas known to be infested with `ohi`a rust. South America, and the states of Florida and California have been determined to be areas infested by `ohi`a rust. This quarantine is established to prevent the introduction of additional and possibly more virulent strains of the plant pathogen, `ohi`a rust, into Hawaii.

The introduction into Hawaii of plants and plant parts in the family Myrtaceae from South America and the states of Florida and California is prohibited except for: (1) seeds which have been subject to treatment approved by the Department's Plant Quarantine Branch, (2) tissue cultured plants in a completely enclosed container accompanied by a certificate issued by an official of the state or country of origin affirming that the plants are certified by a qualified plant pathologist to be free of the pathogen, *Puccinia psidii*, now known in Hawaii as `ohi`a rust, and (3) plants and plant parts in the family Myrtaceae from areas not known to be infested with *Puccinia psidii* when accompanied by an official certificate of origin.

Pursuant to section 150A-14, HRS, violation of this interim rule is a misdemeanor subject to a fine not less than \$100 and not more than \$10,000 per violation. For a second offense committed within five years of a prior offense, the fine shall be not less than \$500 and not more than \$25,000.

This interim rule shall be effective for not more than one year from date of issuance.

Dated at Honolulu, Hawaii this 28th day of August 2007

SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

Effective August 28, 2007