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January 9, 2026

Chairperson Sharon Hurd  
Board of Agriculture and Biosecurity  
1428 South King Street  
Honolulu, Hawai‘i 96814

**Petition for Interim Rulemaking To Regulate the Transportation of Coconut Rhinoceros Beetle (*Oryctes Rhinoceros*) Host Material on Hawai‘i Island**

Dear Chairperson Hurd and Members of the Board of Agriculture and Biosecurity,

This petition is made pursuant to section 4-1-23 Hawaii Administrative Rules (HAR) to request the Board of Agriculture and Biosecurity (BAB) and/or the Department of Agriculture and Biosecurity (DAB) adopt an interim rule under section 150A-9.5 Hawaii Revised Statutes (HRS) to contain and/or slow the spread of coconut rhinoceros beetle (*Oryctes rhinoceros*) (CRB) on the Island of Hawai‘i.

We are seeking an interim rule that regulates the transportation of CRB host material from the CRB infested area on Hawai‘i Island to any other area of the State by requiring that any person that transports CRB host material from a CRB infested area on Hawai‘i Island to any other area of the State or that transports, receives (accepts delivery of CRB host material for any purpose), processes (meaning the conversion of solid waste into a useful product or preparing for its disposal), sells, barter, donates, or otherwise gives away CRB host material within the CRB infested area on Hawai‘i Island use best management practices as set out in a DAB permit or a compliance agreement between the person and DAB to contain and/or slow the spread of CRB on Hawai‘i Island and other areas of the State.

CRB was first detected in Hawaii on the Island of Oahu in 2013.<sup>1</sup> Since that time, the Hawaii Department of Agriculture (referred to as DAB in this petition) and its partners worked to prevent the spread of CRB. Ultimately, those efforts were not successful and CRB is now established and widespread on O‘ahu.<sup>2</sup> For the first 10 years, DAB was able to prevent the movement of CRB to other islands of the State. Unfortunately, that changed in May 2023, when

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<sup>1</sup> <https://dab.hawaii.gov/pi/files/2013/01/npa-CRB-5-1-14.pdf>

<sup>2</sup> <https://www.civilbeat.org/2025/02/ravenous-beetles-go-urban-preying-on-honolulus-iconic-coconut-palms/>

CRB was detected on the Island of Kaua‘i, where it is now widespread,<sup>3</sup> and in October 2023, when CRB larvae were collected in the Waikōloa Village area of Hawai‘i Island.<sup>4</sup>

After the initial detection on Hawai‘i Island, adult CRB were detected in the Waikōloa area in 2024.<sup>5</sup> Beginning in March 2025, CRB was detected outside the Waikōloa area at multiple sites on west Hawai‘i Island, near the Kona International Airport and within the Keāhole Agricultural Park. These detections set off a multi-agency response that included the County of Hawai‘i, DAB, the Hawai‘i Department of Transportation, the Hawai‘i Invasive Species Council, CRB Response, and the Big Island Invasive Species Committee.<sup>6</sup> 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 Island, pesticide application to coconut trees, public outreach, and a three-month voluntary Compliance Order for CRB Host Materials issued by the County of Hawai‘i, in coordination with DAB. The Voluntary Compliance Order was in effect from July 1 through September 30, 2025, and requested that residents and businesses not transport CRB host material from the area bordered by Waikōloa Road, Māmalahoa Highway (Highway 190) from Waikōloa Road to Palani Road in Kailua-Kona, and along the coastline from Palani Road to Waikōloa Road to any location outside that area. The County’s Voluntary Compliance Order was intended as “a precursor to a mandatory compliance structure that is being prepared by [DAB].”<sup>7</sup> Unfortunately, as CRB continues to spread in west Hawai‘i Island, DAB has not issued a mandatory compliance structure or other interim rule to contain CRB on Hawai‘i Island. To address this regulatory gap, in November 2025, the County renewed its Voluntary Compliance Order until January 31, 2026 (Attachment C). Despite the County’s efforts, the renewed Voluntary Compliance is likely to be unsuccessful in containing CRB yet again.

We are grateful for all the efforts undertaken to detect and treat CRB breeding sites on Hawai‘i Island. However, as we have seen on O‘ahu and Kaua‘i, treating trees and breeding sites alone will not ultimately be effective to prevent the spread of CRB across an island, and a regulatory structure is needed to prevent the movement of CRB on host material. Hawai‘i Island has an opportunity to be that example, if such measures are put into place immediately.

Currently, CRB host material is moving out of infested areas of Hawai‘i Island to other areas of the County and potentially the State, with no requirements to use best management practices (BMPs) to prevent CRB from moving with the host material. As we have seen on O‘ahu and Kaua‘i, this approach of not restricting movement and relying solely on chemical treatments to contain the spread of CRB is ultimately ineffective. Hawai‘i Island still has the opportunity to contain this invasion and protect uninfested areas of the island, the ultimate goal of our petition. Generally, CRB spreads slowly without the assistance of human intervention, such as the movement of infested materials. Requiring BMPs will slow or prevent the human-assisted

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<sup>3</sup> <https://dab.hawaii.gov/blog/main/nr23-11crbonkauai/>

<sup>4</sup> <https://www.hawaiinewsnow.com/2024/04/23/3-invasive-coconut-rhinoceros-beetles-captured-hawaii-island/>

<sup>5</sup> <https://governor.hawaii.gov/newsroom/news-release-on-crb-found-in-waikoloa/>

<sup>6</sup> <https://mauinow.com/2025/08/28/discovery-of-coconut-rhinoceros-beetles-in-west-hawai-i-initiates-multiagency-response/>; <https://dab.hawaii.gov/blog/main/nr25-21keahole-fumigation/>

<sup>7</sup> <https://dab.hawaii.gov/blog/main/hawaii-island-crb-stop-movement/>

spread of CRB and will allow business that sell material that could host CRB to continue operations, using common sense BMPs.

An additional risk of CRB moving on potted plants not typically considered CRB host palms was detected when CRB was detected in multiple shipments made to the Island of Lānaʻi.<sup>8</sup> Potted plants are sold within the Keāhole Agricultural Park and move from there across the island without inspection or treatment for CRB.

In light of this dire situation, we believe the threat and likelihood of the continued spread of CRB across Hawaiʻi Island 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. This petition respectfully requests BAB and/or DAB: convene a meeting of the Advisory Committee on Plants and Animals to consider the Proposed Interim Rule (Attachment A) and the Proposed Model Compliance Agreement to Prevent the Spread of Coconut Rhinoceros Beetle (Attachment B) for business that transport, receive, process, sell, or export CRB host material within and from a CRB infested area on Hawaiʻi Island, as set out in Attachment A to contain and/or slow the spread of CRB on Hawaiʻi Island; and if the Advisory Committee determines the proposed Interim Rule is an effective rule to address an emergency situation that the Chairperson of DAB be authorized to sign the proposed interim rule so that it may take effect at the earliest possible date.

Alternatively, if the BAB and/or DAB determines that an interim rule may not be initiated by this petition, we request BAB interpret this petition to require BAB and/or DAB initiate emergency rulemaking under sections 91-3(b) HRS and 4-1-30 HAR, and find that an imminent peril to the public health, safety, or morals, to livestock and poultry health, or to natural resources requires adoption of the emergency rule that includes the substance of the restrictions set out in Attachments A and B, upon less than thirty days' notice of hearing, and state in writing the reasons for such finding.

### **Statement of petitioner's interest in the subject matter of the proposed interim rule**

#### **Hawaiʻi Wildlife Fund**

Founded in 1996, Hawaiʻi Wildlife Fund is a 501(c)(3) nonprofit organization dedicated to the conservation of Hawaiʻi's wildlife. We protect native species and habitats, and provide environmental education opportunities for our community members and visitors. Hawaiʻi Wildlife Fund's (HWF) mission is to protect Hawaiʻi's native wildlife, particularly coastal and marine species, through research, education, and restoration. This is achieved by engaging communities and volunteers, habitat restoration, advocating for conservation, and supporting research programs.

HWF has been actively working to restore populations of loulu, an endemic Hawaiian fan palm, specifically the Federally-listed endangered *Pritchardia maideniana* which was once a dominate

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<sup>8</sup> <https://www.hawaiinewsnow.com/2025/08/07/changes-underway-after-coconut-rhinoceros-beetles-found-lanai/>

species from Kona through Ka‘ū but is now restricted to approximately only 25 individuals remaining in the wild. HWF, in partnership with the Plant Extinction and Prevention Program (PEPP), has been working to reintroduce this species across protected sites in Ka‘ū.

Of the 24 species of loulu in Hawai‘i, 11 are considered threatened or listed as endangered<sup>9</sup>, with the other species not far behind. Many have gone extinct. Since the expansion of CRB on O‘ahu, biologists from the Department of Land and Natural Resources, Department of Forestry and Wildlife, and partners have witnessed kūpuna loulu be impacted by the beetle, some of which have been lost forever. The situation is dire. Biologists across the State have had to make difficult decisions in regards to which species’ and which individuals’ genetics to preserve, sending bare root seedlings overseas to mainland zoos and botanical gardens. From a species protection standpoint, this is the worst situation to be in. Feeding trials have shown that loulu are the second most-preferred consumable by CRB, after coconut palms. Without increasing protections of *P. maideniana* on Hawai‘i Island, we will undoubtedly lose this species too.

### **Pōhaku Pelemaka**

Pōhaku Pelemaka’s mission is focused on the preservation and protection of natural and cultural resources, native Hawaiian well-being and the transmission of intergenerational knowledge and practices in Puna makai, Hawai‘i. The imminent threat of CRB spreading across the island and coming to Puna directly affects our cultural practices of niu, other food sources, and the native ecosystems that we currently protect.

Puna is the fastest growing district in the State and is being rapidly developed while landowners import mulch and plants from Kona, interisland and out of state. We currently steward an area that houses an ancient uluniu (coconut grove) with over 1,400 niu trees. It is vital that we ensure CRB does not reach this grove and others along Puna makai. It is imperative that DAB addresses the biosecurity measures of CRB and its spread on Hawaii Island. Now is the time, not tomorrow.

### **Statement of reasons in support of the proposed interim rule**

In Hawai‘i, counties and other units of local government are preempted by State law from banning or regulating the movement of material to prevent the introduction of a pest or invasive species.<sup>10</sup> That authority rests solely with DAB. This leaves Hawai‘i County unable to make rules to contain and/or slow the spread of CRB on Hawai‘i Island.

The interim rule we are seeking is based on, and similar to, the Plant Quarantine Interim Rule 22-1 that was in effect from July 1, 2022, through June 30, 2023, on O‘ahu (Attachment D) and

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<sup>9</sup> [Listed Plants](#)

<sup>10</sup> 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); and *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’i Papaya Indus. Ass’n v. Cty. of Hawaii*, 666 F. App’x 631 (9th Cir. 2016)

section 4-72-23, HAR, which regulates the movement of CRB host material within and from O'ahu. These rules require a person who transports, receives, processes, sells, or exports CRB host material to utilize protocols and best management practices set out in a permit or compliance agreement between the person and DAB.

We respectfully request that BAB consider this petition at its January 27, 2026 meeting and that BAB inform the petitioners of its decision on whether it will initiate the rulemaking requested by this petition within 30 days, as required by section 4-1-23(c) HAR.

Thank you for your consideration of this petition and for all your efforts to protect Hawai'i from the spread of CRB. Please contact us if we may provide any further information regarding this petition.

Sincerely,



Megan Lamson  
Hawai'i Wildlife Fund



Leila Kcaloha  
Pōhaku Pelemaka

## Attachment A - Proposed Interim Rule

### HAWAII DEPARTMENT OF AGRICULTURE AND BIOSECURITY

#### PLANT QUARANTINE INTERIM RULE 26-\_\_

#### **To Regulate the Transportation of Coconut Rhinoceros Beetle (*Oryctes Rhinoceros*) Host Material on Hawaii Island**

I. Under the authority of section 150A-9.5, Hawaii Revised Statutes (HRS), the Hawaii Department of Agriculture and Biosecurity (Department) hereby establishes this interim rule to regulate the transportation of coconut rhinoceros beetle (*Oryctes Rhinoceros*) (CRB) host material within and from the designated CRB infested area on Hawaii Island. The CRB infested area is established to prevent the spread of CRB on, and from, Hawaii Island, a situation found, in the absence of effective rules, to be so dangerous to the ecological health of flora or fauna present in the State and which is so immediate in nature as to constitute an emergency.

II. As used in this interim rule:

(1) “Compliance agreement” means a written agreement between the Department and a person who carries out commercial activities that includes any terms or conditions the Department determines will slow or prevent the spread of CRB. A compliance agreement between the Department and a person is a permit issued by the Department to that person for the purposes of section 150A-8, HRS.

(2) “CRB host material” means the host material of the coconut rhinoceros beetle; and

(A) Includes bare root CRB host palms, potted plants of any size; and decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks, and

(B) Does not include:

- (i) Plant products intended for consumption, such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices;
- (ii) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
- (iii) Seeds for planting,
- (iv) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements; and
- (v) Rock, coral, sand, and gravel not mixed with any material described in paragraph (A).

(3) “CRB host palms” means live palm plants in any palm genera and does not include unsprouted seeds.

(4) “Person” means an individual, corporation, firm, association, society, community, assembly, or inhabitant of a district or neighborhood, known or unknown, and the public generally. “Person” includes a government and any of its agencies, instrumentalities, or subdivisions.

(5) “Transport” and “Transportation” mean movement of CRB host material out of a single Tax Map Key (TMK) parcel.

III. In this Interim Rule, the “infested area” is the voluntary compliance order area on Hawai‘i Island set out in the Voluntary Compliance Order for CRB Host Materials renewed by the County of Hawaii in November 2025, as shown below, with the opportunity to expand the infested area if CRB are detected beyond the confines on the map pursuant to section 4-72-10, Hawaii Administrative Rules.



IV. No person may transport CRB host material from a CRB infested area on Hawaii Island to any other area within the State, or transport, receive (accept delivery of CRB host material for any purpose), process (meaning the conversion of solid waste into a useful product or preparing for its disposal), sell, barter, donate or otherwise give away CRB host material within a CRB infested area on Hawaii Island, except:

- (1) By the Department, CRB Response, or the Big Island Invasive Species Committee for monitoring, control, eradication, scientific, or educational purposes;
- (2) Pursuant to a permit issued by the Department for purposes of coconut rhinoceros beetle monitoring, control, eradication, scientific, or educational purposes at a site inspected and approved by the Department prior to transportation;
- (3) Pursuant to a permit issued by the Department for noncommercial activities, subject to an appropriate treatment or mitigation, as required by the Department;
- (4) Pursuant to a compliance agreement issued by the Department for commercial activities;
- (5) A person may transport CRB host material, on a noncommercial basis, within a CRB infested area of Hawaii Island, directly to a CRB host material processing center within that infested area that is operating under a compliance agreement described in paragraph (4), without a permit or compliance agreement;
- (6) A person that purchases CRB host material originating from, or within, a CRB infested area on Hawaii Island that is sold by a person operating under a compliance agreement or permit issued under this Interim Rule, and in full compliance with the requirements thereof, may transport that CRB host material without a permit or compliance agreement issued by the Department; and
- (7) In addition to any other requirements, any transportation of CRB host material from or within a CRB infested area is subject to inspection and approved mitigation and decontamination measures by the Department.

V. Any person who violates this Interim Rule shall be guilty of a misdemeanor and fined not less than \$100. The provisions of HRS section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a subsequent offense committed within five years of a prior conviction, the person shall be responsible for clean-up and decontamination fees to remove contaminated material and to fully eradicate any CRB that may have been caused by their violation of not following this Interim Rule and shall be fined not less than \$500 and not more than \$25,000. Each item moved in violation of this rule and each day of violation shall be considered a separate offense.

The Department may revoke or otherwise terminate a permit or compliance agreement issued under this Interim Rule if the person issued the permit or compliance agreement is not in material compliance with the terms and conditions thereof.



VI If any provision of this interim rule is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, or any part of the finding made by the Advisory Committee on Plants and Animals for this interim rule is found by a court to be unreasonable, the constitutionality, validity, and reasonableness of the remainder of this interim rule and applicability thereof to other persons and circumstances shall not be affected.

VII. This interim rule shall become effective on \_\_\_\_\_, 2026, and is valid for no longer than one year from its inception.

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SHARON HURD  
Chairperson  
Board of Agriculture and Biosecurity

## **Proposed Model Compliance Agreement to Prevent the Spread of Coconut Rhinoceros Beetle**

**Authority:** This Compliance Agreement is made pursuant to the authority of Hawaii Department of Agriculture and Biosecurity (HDAB) Plant Quarantine Interim Rule 26-\_\_\_\_ and sections 141-1 and 150A-9.5, Hawaii Revised Statutes (HRS).

**Purpose:** The purpose of this Compliance Agreement is to provide direction and protocols for the proper Transportation, movement, Processing, and disposal of Coconut Rhinoceros Beetle (CRB) host material and CRB host palms in the Quarantine Area to prevent the spread of the CRB to other areas in the State that are not known to be infested with CRB.

**Parties:** This Compliance Agreement is made between the HDAB and the Participant, as set out below:

**Hawaii Department of Agriculture** and Biosecurity  
Plant Industry Division  
1428 South King Street  
Honolulu, HI 96814  
Contact: *Administrator of the Plant Industry Division*

### **Participant Information (the “Participant”):**

Participant Name (Company or Individual):

Participant Representative:

Mailing Address:

City: Zip:

Physical Address (If different from above):

City: Zip:

Phone: E-Mail:

Contact (If different from Participant Representative):

Type of activity conducted with CRB Host Material or CRB Host Palms (check all that apply):

- ☐ Transport
- ☐ Processing
- ☐ Import/Export
- ☐ Sale or wholesale purchase
- ☐ Nursery activities
- ☐ Mulching or composting
- ☐ Other (please explain): \_\_\_\_\_

**Program:**

The HDAB and CRB Response with Big Island Invasive Species Committee (BIISC) cooperating as the Coconut Rhinoceros Beetle Host Material Quarantine Program, hereafter referred to as the "Program".

**Background:**

*Oryctes rhinoceros*, the CRB, is a large scarab that is a major pest to palms outside of its natural range of Southeast Asia. Adult beetles bore into the crowns of coconut and other palms to feed on sap. This adult feeding is the primary source of damage and impact of CRB. Larval stages typically feed on decaying plant matter with a strong preference for dead coconut palms or any decaying vegetation. Occasionally, under high CRB densities, larval stages will be found in the crowns of unmanicured living palm trees that have accumulated a large mass of decaying leaf material in the crown of the palm. Unrestricted movement of CRB Host Material is recognized as an important pathway for the spread of CRB from infested areas to new locations. The Program is a cooperative effort between public entities responsible for mitigating the spread of CRB from infested areas on Hawaii Island to new locations within Hawaii Island and other islands within the State.

**Definitions:** As used in this document:

- **“Canine Survey”** means a survey conducted by a trained CRB detection canine team that includes a pre-survey to mark search areas, the survey where the canines are escorted through the marked search areas, and a post-survey where the field crew follows up on responses the canines expressed during the survey to determine the presence or absence of CRB.
- **“Chipping”** means using a woodchipper to process plant matter to achieve a reduced particle size material.
- **“Completely Processed”** means CRB Host Material that has been subjected to a Heat Treatment that elevates the core temperature to at least 131° Fahrenheit (55° Celsius) for at least 72 hours.
- **“Compliance Agreement”** means this Compliance Agreement.
- **“Compliant”** means having a valid Compliance Agreement with HDAB and actively following the procedures and protocols outlined in the Compliance Agreement.
- **“Compost”** means a relatively stable, decomposed, organic, humus-like material that is suitable for landscaping or soil amendment purposes.
- **“CRB Host Material”** means the host material of the coconut rhinoceros beetle; and  
(A) Includes bare root CRB host palms, potted plants of any size; and decomposing plant material, such as mulch, trimmings, wood or tree chips, stumps, compost, plant propagation media, including commercially bagged plant propagation media, and other items comprised of or containing decomposing plant material such as landscaping material or erosion control socks, and  
(B) Does not include:
  - (i) Plant products intended for consumption, such as coconuts, fruits, nuts, edible leaves, leaves used for cooking, and spices;
  - (ii) Plant products preserved from decay by treatment or use, such as lumber, woven hats, dried and painted coconuts, wooden posts, wood carvings, and firewood;
  - (iii) Seeds for planting,
  - (iv) Cut flowers and foliage for decoration, such as lei, floral bouquets, or arrangements; and
  - (v) Rock, coral, sand, and gravel not mixed with any material described in paragraph (A).
- The term CRB Host Material applies regardless of whether the material has CRB in any life stages or is devoid.
- **“CRB Host Palms”** means live palm plants in any palm genera. This does not include unsprouted seeds.
- **“Facility”** means all contiguous land including buffer zones and structures, and improvements on the land used for the handling of solid waste. \*
- **“Full Turn Over”** means a survey method in which the entire pile is thoroughly searched for the presence of CRB at any life stage.
- **“Grinding”** means using a tub grinder or horizontal grinder to process plant matter to achieve a reduced particle size material.

- **“Heat Treatment”** means a method, including but not limited to hot composting, in which microbial activity brings the average temperature at the core of the material to at least 131° Fahrenheit (55° Celsius) for at least 72 hours.
- **“Mulch”** means plant matter that has been chipped, ground, or shredded and is intended to be used as a protective covering for establishing a vegetative landscape that is spread or left on the ground to reduce evaporation, maintain even soil temperature, reduce erosion, control weeds, or enrich the soil.
- **“Processing”** means an operation to convert solid waste into a useful product or to prepare it for disposal.
- **“Processing Center”** means a Compliant waste-handling facility performing Processing of CRB host material.
- **“Program Officer”** means an employee of HDAB or their designated representative who is authorized to enter into a Compliance Agreement with a Participant.
- **“Provisional Compliance Agreement”** means a Compliance Agreement with additional requirements as approved by the Program Officer. Participants shall be placed on Provisional Compliance Agreements if they violate any terms of the Compliance Agreement. The additional requirements may vary based on the circumstances and scope of the violation.
- **“Quarantine Area”** means the infested area of Hawaii Island as set out in the interim rule
- **“Receiver”** means an entity that knowingly accepts deliveries of CRB Host Material, to include CRB Host Material activities of a “Transfer station” as defined below.
- **“Spill”** means any unexpected, unintended, or uncontrolled movement, loss, or other discharge of CRB Host Material or CRB Host Palms during Transport (eg., materials are not able to be delivered to the intended location but are redirected to an alternate location).
- **“Spot Check”** means a Program-approved survey method where piles of CRB Host Material are surveyed for CRB breeding site suitability and the presence of CRB at any life stage.
- **“Stockpiling”** means the act of staging CRB Host Material, such as in a pile, accessible to CRB.
- **“Transfer station”** means a permanent, fixed supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for Transport to a solid waste handling Facility. Transfer stations may also include recycling activities. \*
- **“Transport”** means the movement of CRB Host Material out of a single Tax Map Key (TMK) parcel.

[\*definition from Department of Health (DOH)]

#### Compliant Participants:

- A list of Compliant participants including, but not limited to: landscapers, Transporter/haulers, contractors, contracting entities, Processing facilities, and nurseries is maintained by the Program.

#### Points of Contacts:

- BIISC Response general line – (808) 933-3340 or CRB hotline (808) 731-9232 (text receptive) or email [biisc@hawaii.edu](mailto:biisc@hawaii.edu)
- CRB Response Team Oahu (808) 679-5244 or [info@crbhawaii.org](mailto:info@crbhawaii.org)
- Hawaii Department of Agriculture Plant Quarantine Branch general line– (808) 832-0566 or Hilo branch (808) 974-4140

### **Section 1: General Requirements for All Participants**

The Participant shall comply with all requirements of this section.

#### **Training:**

1. Prior to execution of a Compliance Agreement, all Participant staff who transport; prepare, plan or direct Transport; or facilitate receipt or Processing of CRB Host Material, must be trained by the Program to ensure understanding of Compliance Agreement requirements, risks posed by CRB, identification of all life stages of CRB, and identification of CRB damage to plants.
2. Participants must contact the Big Island Invasive Species Committee (BIISC) to schedule the training for all staff listed above.
3. The training will consist of a presentation outlining the current status of the CRB infestation in Hawaii, compliance procedures and requirements, and identification of CRB. It will take approximately one hour, excluding questions from trainees. Training can be arranged by contacting the Big Island Invasive Species Committee at (808) 933-3340 or [biisc@hawaii.edu](mailto:biisc@hawaii.edu).
4. Once the Participant has a valid Compliance Agreement, for the addition of any new staff who fall into the categories listed in paragraph 1 above, the Participant should contact BIISC within 30 days of the start date to arrange for training.
5. A list of trained staff will be collected during the training and maintained by the Program.

**Reporting:** The Participant must immediately report any detection of suspected CRB specimens or suspected signs of CRB damage to the Program at (808) 731-9232 or [biisc@hawaii.edu](mailto:biisc@hawaii.edu). Include photos in text/email if possible.

1. In the event a suspected CRB specimen is found, it must be collected and held for retrieval and identification by the Program. Live specimens must be placed in a sealed container with a lid (no plastic bags). If a plastic container is used, it must be 2 mm or thicker gauge plastic. Specimens can be placed in a freezer if available.
2. Spill Notification: Notify the Program Officer of a CRB Host Material Spill as soon as possible, but no later than 24 hours after a Spill.

**Access, Inspection and Monitoring:** The Participant shall provide the Program access to locations, facilities, and vehicles associated with the Transport, Processing, maintenance or storage of CRB Host Materials, including locations and facilities where CRB Host Material is sold.

1. Access to conduct inspections of: CRB Host Materials; areas where CRB Host Material is grown, staged, stored, loaded, unloaded, or otherwise processed; vehicles used to Transport CRB Host Material, including the areas where they are stored; and any Processing machinery for CRB Host Material including the areas where the machinery is used or stored. The Program will schedule routine inspections and monitoring with the Participant at least every six (6) months, but reserves the right to conduct random, unannounced inspections on a periodic basis.
2. Access during the Participant's normal working hours for installation, maintenance, and checks of CRB traps (panel or barrel). Once CRB traps are installed, they shall not be accessed, disturbed, or moved without prior notification and approval from the Program except in case of emergency.
3. The Participant shall inspect all Mulch and Compost at least every four (4) months for signs of CRB infestation. Inspection shall include a Full Turn Over or Spot Check and may include a Canine Survey provided by the Program, subject to availability and pre-arrangement.

**CRB Detections:** If CRB are detected within CRB Host Materials:

1. If the Program Officer determines a treatment program and corrective action are appropriate, the Participant shall fully cooperate with the Program to develop and implement a treatment program and take corrective action to eliminate all CRB.
2. If the Participant is unable or unwilling to implement a treatment program and corrective action the participant will be considered non-compliant. See Section 7 for details of noncompliance.

**Compliance with other laws:** The Participant shall maintain current required permits and certificates for business, including those issued by the Hawaii Department of Health, Hawaii Department of Transportation, Hawaii Department of Commerce and Consumer Affairs, and HDAB.

## **Section 2: Transport of CRB Host Palms from or within the Quarantine Area**

The Participant shall comply with all requirements of this section when transporting or preparing, including through sale, to Transport CRB Host Palms from or within the Quarantine Area.

CRB Host Palms may harbor CRB, and their Transport may spread CRB to new areas within and outside of the Quarantine Area. To minimize the risk of CRB being transported with CRB Host Palms:

1. Within 48 hours prior to transportation from or within the Quarantine Area, a CRB Host Palm shall be inspected by Program trained Participant staff and a written record of inspections shall be maintained.
2. Program-trained Participant staff shall ensure that the following requirements are met:
  - a. No CRB Host Palm shall be transported if any life stage of CRB is detected on or in the palm or material moving with the palm (e.g., soil or containers). This includes eggs, larvae (grubs), pupae, adult beetles, and incomplete CRB specimen(s) of any stage.
  - b. Based on the inspection of Participant staff, no CRB Host Palm shall be transported if it bears any sign of damage by CRB. Damaged spear, heart, or meristem tissue shall not be removed, and palms damaged in this way shall not be transported.
  - c. Transport of Infested CRB Host Palms or CRB Host Palms showing signs of CRB damage shall not occur unless:
    - i. Subjected to a treatment approved by the Program Officer in writing that would eliminate all life stages of CRB; or
    - ii. Under safeguards for destruction of infested materials, as approved by the Program Officer in writing.
3. The inspection required above prior to transportation shall include the following parts of the CRB Host Palm:
  - a. Root Zone:
    - i. If the CRB host palm was dug from the ground or placed in a container within the last 30 days, all external surfaces of the root ball and associated soil or potting medium shall be visually examined for the presence of any life stage of CRB.
    - ii. If the CRB host palm has been growing in a pot or other container for more than 30 days and will be transported in that container, the palm shall either:
      - I. Be removed from the pot and examined as in paragraph 1 above; or
      - II. The container and root ball shall be completely submerged in water for at least 1 hour then the upper surface of the potting medium shall be inspected for the presence of any life stage of CRB.
  - b. Trunk: The trunk of the CRB host palm will be visually examined for holes and rot, including:
    - i. The entirety of each hole in the trunk will be inspected for any presence of CRB; and
    - ii. All rotting parts of the trunk will be removed and inspected for CRB
  - c. Crown: The crown of the CRB host palm shall be visually inspected for any presence of CRB or CRB damage, including:
    - i. Each frond will be visually inspected for the presence of CRB damage, including V-cuts and boreholes; and



- ii. The entire length of the spear (the youngest, unopened frond) will be inspected for CRB boring damage.
- 4. CRB Host Palms shall be transported from the origin to the destination within 48 hours of inspection.

### **Section 3: Transport of CRB Host Material, other than CRB Host Palms and Potted Plants, from or within the Quarantine Area**

The Participant shall comply with all requirements of this section when Transporting, or preparing to Transport including through sale, CRB Host Material from or within the Quarantine Area.

CRB Host Material may be breeding material for CRB, and its Transport may spread CRB to new areas within and outside of the Quarantine Area. To minimize the risk of CRB being transported with CRB Host Material:

1. Participant shall ensure that CRB Host Material shall not be Transported unless it meets one of the criteria below.
  - a. The material was removed from a living plant within the last 30 days. Removal date will be determined by surveying the composition of insects in the material and their life stages.
  - b. The CRB Host Material has been subjected to a treatment that eradicates all life stages of CRB within 48 hours prior to Transport. If the material is intended for storage in c. below, the treatment must be completed immediately before storage. Suitable treatments are one of the following:
    - i. The CRB Host Material has been subject to Heat Treatment.
    - ii. The CRB Host Material has been processed by Chipping or Grinding.
    - iii. The CRB Host Material has been treated with sulfuryl fluoride fumigant pursuant to methods recommended by the UH-CTAHR CRB research team and applied in accordance with the product label. A certificate of treatment issued by a licensed pesticides applicator shall be maintained and be made available upon request.
  - c. The CRB Host Material has been continuously stored within a container that:
    - i. Has no gaps or holes larger than ½ inch when sealed;
    - ii. Is composed of material that is impenetrable by CRB adults. Fabric, tarps, and erosion socks are examples of materials/containers NOT approved for storage;
    - iii. Has been sealed from sunset to sunrise (overnight) while any CRB Host Material has been stored within it and;
    - iv. Either 1a. or 1b. above was met immediately prior to adding the CRB Host Material to the container.

- d. Commercially bagged plant propagation media and commercially bagged mulch that does not meet the requirements of a., b., or c. above may be Transported, or prepared for Transport including through sale, if it is:
    - i. Inspected by Program trained Participant staff and a written record of inspections shall be maintained on an on-going basis; and
    - ii. Stored from sunset to sunrise indoors or in a container described in c. above.
  - e. The CRB Host Material is being directly delivered to a Compliant Processing Center.
- 2. Special rule for Compost: Compost that is not completely processed shall not be moved from the Quarantine Area.

**Trailer and Vehicle Cleaning:** After unloading of all CRB Host Material, the container and/or vehicle used to contain transported CRB Host Material shall have all remaining debris removed by sweeping or blowing. The container and/or vehicle shall be visually inspected for CRB prior to departure from the compliant receiving Facility.

## **Section 4: Movement of Potted Plants**

The Participant shall comply with all requirements of this section when transporting or selling potted plants within the Quarantine Area or that will be transported from the Quarantine Area.

Potted plants of all species may harbor CRB, and the sale (including donation, barter, or give aways to the public) could spread CRB. Different types of sales and their associated transport present different risks of spreading CRB to new areas. To minimize the risk of CRB being transported with/in potted plants:

- 1. Participants that sells potted plants on a retail basis to the final consumer shall:
  - a. Have all potted plants inspected by Program trained Participant staff and a written record of inspections shall be maintained on an on-going basis.
  - b. Post educational signage on the detection and risks of CRB; and
  - c. Provide purchasers of their potted plants with educational materials related to CRB detection, inspection, and risks.
- 2. Participants that sell wholesale or otherwise provide potted plants to a person who is not the final consumer shall
  - a. Have all potted plants inspected by Program trained Participant staff and a written record of inspections shall be maintained on an on-going basis.
  - b. For potted plants that will be transported outside the Quarantine Area, work with the Program Officer or designee to develop protocols include Canine Surveys, submersion treatments, or other appropriate actions to prevent the movement of CRB along with the potted plants.
- 3. Program-trained Participant staff shall ensure that the following requirements are met:

- a. No potted plants shall be transported from or within the Quarantine Area if any life stage of CRB is detected on or in the plant or material moving with the plant (e.g., soil or containers). This includes eggs, larvae (grubs), pupae, adult beetles, and incomplete CRB specimen(s) of any stage.
- b. Based on the inspection of Participant staff, no potted plant shall be transported within or from the Quarantine Area if it bears any sign of damage by CRB.
- c. Potted plants shall be transported from the origin to the destination within 48 hours of inspection.

## **Section 5: CRB Host Material Receiver or Processing Center**

The Participant shall comply with all requirements of this section when operating a Receiver or Processing Site for CRB Host Material within the Quarantine Area.

CRB Host Material may be breeding material for CRB. Receivers or Processing Centers, that contain CRB Host Material may facilitate the spread of CRB to new areas within the Quarantine Area. To minimize the risk of CRB being transported to a Receiver or Processing Center, each Participant that is a Receiver or operating a Processing Center that receives or processes CRB Host Material from within the Quarantine Area shall comply with the following:

1. Transporter/Hauler Verification:
  - a. The Processing Center shall only accept CRB Host Material from a transporter or hauler operating under a valid Compliance Agreement;
  - b. Before acceptance of CRB Host Material, the Processing Center must verify that the transporter/hauler has a valid Compliance Agreement using information provided by HDAB. Failure to do so cancels this agreement; and
  - c. Noncommercial loads that are smaller than 3 cubic yards are exempted from transporter/hauler verification.
2. Processing:
  - a. All received CRB Host Material must be subjected to Chipping or Grinding within 72 hours of delivery to the Receiver or Processing Center.
  - b. CRB Host Material must be subjected to Heat Treatment. Once CRB Host Material has reached this temperature and duration requirement for Heat Treatment, it is considered Completely Processed. Temperature logs may be verified to ensure compliance.
  - c. CRB Host Material is prohibited from leaving the Processing Center until it is Completely Processed.
  - d. Stockpiling:
    - i. Once considered Completely Processed, CRB Host Material may be stockpiled for up to four (4) months; and

- ii. Any CRB Host Material stockpiled for more than four (4) months shall be subjected to inspection, including, but not limited to: Canine Survey, Full Turn Over, or Spot Check.

## **Section 6: Contracting Entities for Work with CRB Host Material**

Under HDAB Plant Quarantine Interim Rule 26-\_\_ and similar rules and section 141-1, HRS, businesses, municipalities, organizations, agencies, departments, or authorities who hire contractors for work with CRB Host Material are required to hire contractors with active Compliance Agreements. Contracting entities who knowingly finance, allow, or enable the unlawful movement of CRB Host Material may be subject to any or all penalties set out in Section 7, “Fee Schedule and Non-Compliance.”

Examples of contracted work with CRB Host Material that requires a compliant contractor:

- Removal of a dead tree. Both the tree trimmer and Processing Site shall be compliant.
- Groundskeeping, landscape maintenance, and tree trimming contractors and Processing Sites shall be compliant.
- Paid or unpaid Transport of unprocessed CRB Host Material.

CRB Host Material (excluding CRB Host Palms and potted plants) within the Quarantine Area shall be removed and transported to a compliant Processing Site within 30 days in accordance with the regulations outlined in Section 1, General Requirements. The duration of Stockpiling shall be verified by the Program Officer or designee and based on surveying the composition of insects in the material and their life stages.

1. Contractors shall abide by all requirements of the Compliance Agreement relating to the proper disposal of all CRB Host Material generated through tree trimming, removal, mulching, composting, and sanitation pick-up.
2. All contracts led by the contracting entity involving CRB Host Material in the Quarantine Area shall include a clause requiring the contractor or subcontractor to have a valid Compliance Agreement with the Program. Documentation of the valid Compliance Agreement by the contractor or subcontractor must be provided and retained prior to any work being awarded. Violators may be subject to any or all penalties set out in Section 7, “Fee Schedule and Non-Compliance.”
3. A list of compliant contractors will be provided by HDAB.
4. If you plan to use a contractor who does not have a valid Compliance Agreement, direct them to contact a Program officer to establish an agreement before the initiation of work.

## **Section 7: Fee Schedule and Non-Compliance**

**Inspection Fees:** Fees for inspections carried out by HDAB staff under this Compliance Agreement (to be defined by HDAB)

**Non-Compliance:** A Participant who fails to comply with any part of this Compliance Agreement may be subject to any or all of the following:

1. Participation in Program-led retraining of all Participant staff directly and indirectly involved with CRB Host Materials;
2. Change to Provisional Compliance Agreement status;
3. Cancellation of the Compliance Agreement; and
4. Civil and/or criminal penalties pursuant to section 150A-14, HRS and/or interim rule 26-\_\_\_\_.

Depending on the circumstances (i.e. self-reported, type, frequency, egregiousness/negligence, etc.) of the infraction(s), the Program Officer shall determine the appropriate corrective action. In certain limited circumstances, the Program Officer has the authority to waive penalties on a case-by-case basis.

**Retraining:** The Participant shall complete the retraining for all pertinent staff within two weeks of a written notification. The timeframe may be extended if approved by the Program Officer in writing.

**Provisional Compliance Agreement:** The Participant shall:

1. Complete retraining for all pertinent staff within two weeks unless otherwise approved by the Program Officer in writing;
2. Work with the Program to develop and implement appropriate corrective actions for all violations, including written policies and procedures to prevent recurrence; and
3. Have the appropriate locations, facilities, and vehicles re-inspected.

The corrective actions and reinspection shall be completed within a timeframe approved by the Program Officer in writing. During the provisional period, the Participant is allowed to Transport and/or receive CRB Host Materials and CRB Host Palms, unless otherwise notified by the Program Officer in writing. Failure to complete retraining, develop and/or implement corrective action(s) or allow reinspection(s) within the Program-approved timeframe will result in an immediate cancellation of the Compliance Agreement.

**Cancellation:** A Compliance Agreement shall be cancelled and considered invalid upon written notification from the Program Officer to the Participant. In the event of Compliance Agreement cancellation, all CRB Host Material and/or CRB Host Palms shall not be transported by or accepted from the Participant. Additionally, all CRB host Material and/or CRB host palms may be moved, seized, treated, quarantined and/or destroyed at the discretion of the Program Officer. Any expense or loss in connection therewith shall be borne by the Participant. Destruction or treatment of noncompliant material must happen and may include the Administrative warrant process to enforce.

If the Compliance Agreement is canceled under this section, the Participant may reapply for a new Compliance Agreement after providing the Program Officer with evidence that all prior incidents of non-compliance have been corrected and documenting policies and procedures to ensure future adherence to the Compliance Agreement. In addition to the reapplication, the Participant must also retrain all pertinent staff and have the appropriate locations, facilities, and vehicles, as appropriate, reinspected. In this instance, the Program Officer has the discretion to require additional terms and conditions to ensure compliance. The HDOA may then approve the issuance of a new Compliance Agreement if the Participant is able to demonstrate the ability to comply with requirements of the Compliance Agreement, including the terms and conditions set by the Program Officer, if applicable, to maintain compliance with the Compliance Agreement.

**Civil and Criminal Penalties:** All violations that involve civil and or criminal sanctions, including, but not limited to knowingly moving/transporting CRB infested materials without Program authorization; or collecting, intentionally harboring, or breeding CRB, may be referred to the Department of the Attorney General for further investigation, in accordance with HRS 150A-14.

**Prohibition on Transfer of Compliance Agreement:** The Participant is prohibited from transferring this Compliance Agreement, including any duties, authorities or responsibilities held under the Compliance Agreement, to any other person, party, or entity.

## Compliance Agreement:

By signing this Compliance Agreement, the Participant understands and agrees to comply with all requirements herein. The Participant shall self-execute all applicable requirements within this Compliance Agreement and may be subject to any or all of the penalties listed above for failure to comply with any of the requirements listed in this Compliance Agreement.

This Compliance Agreement becomes effective upon completion of Participant staff training, completion of an initial site inspection, and assignment of a Compliance Agreement number. The Compliance Agreement shall remain in effect until the Compliance Agreement Expiration Date below unless canceled by either party in writing on 30 days' notice to the other at the address of the other party appearing above, or unless unilaterally suspended or canceled by the Program Officer as provided in this Compliance Agreement.

The Participant assumes all liability, if any, arising from, or associated with, the manner in which the Participant sells, handles, and/or distributes any CRB Host Material.

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Authorized Participant Signature

Date

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Typed or Printed Name

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Title

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### For Program Use Only:

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Compliance Agreement Expiration Date

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Program Officer Signature

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Date

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Typed or Printed Name

---

Title

Compliance Agreement Number: \_\_\_\_\_







DAVID Y. IGE  
Governor

ATTACHMENT D

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

MORRIS M. ATTA  
Deputy to the Chairperson

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
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HAWAII DEPARTMENT OF AGRICULTURE

PLANT QUARANTINE INTERIM RULE 22-1

**Prohibits The Intra- And Inter-Island Movement Of Coconut Rhinoceros Beetle (*Oryctes Rhinoceros*) Host Material, Including But Not Limited To Entire Trees, Green Waste, Compost, Mulch, Trimmings, Fruit And Vegetative Scraps And Decaying Stumps Of Palmeceous Plants And Trees, Within And From The Island Of Oahu Except By Permit Issued By The Hawaii Department Of Agriculture**

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 on the movement of coconut rhinoceros beetle host material, including but not limited to entire trees, green waste, compost, mulch, trimmings, fruit and vegetative scraps and decaying stumps of Palmeceous plants and trees, within and from the Island of Oahu except by permit issued by the Hawaii Department of Agriculture. These quarantine areas are established to address the emergency and prevent the spread of the coconut rhinoceros beetle (*Oryctes rhinoceros*) (CRB), from areas infested by CRB to un-infested areas within the State.

Movement or transportation of CRB host material, including but not limited to entire trees, green waste, compost, mulch, trimmings, fruit and vegetative scraps and decaying stumps of Palmeceous plants and trees, within and from the Island of Oahu is prohibited except by permit issued by the Department:



1) Movement of any host material for the CRB, including Palmeaceous palms and trees, compost, and green waste under state compliance agreement or with a state phytosanitary certificate; 2) All host material being moved within the quarantine area must be completely enclosed or covered with a secure lid to prevent the spread of CRB during transport to the approved green waste disposal site. Subcontractors must transport chipped green waste to an approved offsite disposal/processing center in approved containers. These containers must be completely enclosed or covered with a lid during the transport to the offsite disposal/processing center; 3) Processing of any host material for the coconut rhinoceros beetle in approved facilities is allowed under HDOA state compliance agreements; 4) Inter-island movement of any CRB host material is allowed only under HDOA state compliance agreements or permit; 5) Sale and trade of any CRB host material is allowed under HDOA state compliance agreements; and 6) Nursery stock material considered CRB host material is allowed to leave the quarantine areas only under HDOA state compliance agreements.

All movement is subject to inspection and approved mitigation and decontamination measures. This interim rule does not affect the movement of approved nursery stock material, provided it is shipped directly from an infested area to a destination outside of the State.

Any person who violates this rule shall be guilty of a misdemeanor and fined not less than \$100. The provisions of HRS section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second offense committed within five years of a prior conviction, the person or organization shall be fined not less than \$500 and not more

than \$25,000.

This interim rule shall become effective on Friday, July 1<sup>st</sup>, 2022, and is valid for no longer than one year from its inception.

  
PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture