

DEPARTMENT OF AGRICULTURE

Amendment and Compilation of Chapter 4-70
Hawaii Administrative Rules

August 27, 2019

SUMMARY

1. Chapter 4-70, Hawaii Administrative Rules entitled "Plant and Non-Domestic Animal Quarantine Plant Import Rules, Chapter 70, Hawaii Administrative Rules", is amended to include Subchapter 15, Introduction of Myrtaceae.
2. Chapter 4-70 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 6

DIVISION OF PLANT INDUSTRY

CHAPTER 70

PLANT AND NON-DOMESTIC ANIMAL QUARANTINE
PLANT IMPORT RULES

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Historical note: Chapter 70 is based substantially upon Regulation 1.1 Entitled "Concerning the Introduction of Sugar Cane, Bamboo and Other Grasses or Parts Thereof into Hawaii from Any Other Part of the United States," of the Division of Entomology, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41; am and ren Reg 1.1 8/30/47; R 7/13/81]; Regulation 1.2 Entitled "Concerning the Introduction of Pineapple and Other Bromeliaceous Plants or Fruits or Parts Thereof into Hawaii from Any other Part of the United States," of the Division of Entomology, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41; am and ren Reg 1.2 8/30/47; R 7/13/81]; Regulation 1.3 Entitled "Concerning the Introduction of Coffee Plants or Parts Thereof, Unroasted Seeds and Coffee Bags into Hawaii from Any Part of the United States," of the Division of Entomology and Marketing, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41; am and ren Reg 1.3 8/30/47; am 8/23/51; am 4/17/54; R 7/13/81]; Regulation 1.4 Entitled "Concerning the Requirements With Respect to Shipments of Certain Vegetables Made From the Continental United States to Hawaii," of the

Division of Entomology, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41; am and ren Reg 1.4 8/30/47; R 7/13/81]; Regulation 1.5 Entitled "Concerning the Introduction of Orchidaceous Plants into Hawaii from or Through the Mainland United States," of the Division of Plant Industry, Department of Agriculture [Eff. 8/30/47; am 1/8/62; R 7/13/81]; Regulation 1.6 Entitled "Concerning the Introduction of Banana Plants or Parts Thereof, Except the Fruit, into Hawaii from Any Other Part of the United States," of the Division of Entomology, Board of Commissioners of Agriculture and Forestry [Eff. 12/12/41; R 8/30/47; ren Reg 1.6 5/23/51; R 7/13/81]; Regulation 1.7 Entitled "Concerning the Introduction of Passion Fruit Plants or Parts Thereof, into Hawaii From Any Part of the United States," of the Division of Entomology and Marketing, Board of Commissioners of Agriculture and Forestry [Eff. 9/1/54; R 7/13/81]; Regulation 1.8 Entitled "Concerning the Introduction of Pinus spp. into Hawaii from the Mainland United States," of the Division of Plant Industry, Department of Agriculture [Eff. 1/8/62; R 7/13/81]; and Regulation 1.9 Entitled "Concerning the Introduction of Coconut Plants or Parts Thereof into Hawaii," of the Division of Plant Industry, Department of Agriculture [Eff. 5/26/64; R 7/13/81].

SUBCHAPTER 1

GENERAL PROVISIONS

§4-70-1 Objective. The objective of this chapter is to implement the requirements of chapter 150A, Hawaii Revised Statutes, by restricting or prohibiting the importation of specific plants to minimize the risk of introduction and establishment of insects, diseases, and other pests that would be highly destructive to Hawaii's agricultural industries and forest resources. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-2 Definitions. As used in this chapter:

"Branch" means the plant quarantine branch;

"Certificate of origin" means an official certificate signed by a plant quarantine official or an agricultural official of the state or foreign country indicating the origin of the respective plant;

"Certificate of treatment" means an official certificate signed by a plant quarantine official or an agricultural official of the state or country of origin; or a commercial certificate issued by a government certified treatment facility, signed by a person authorized or certified to conduct disinfection treatment in an approved manner with the certificate describing the applicable treatment methods, procedures and dosages;

"Chief" means chief of the plant quarantine branch; and

"Phytosanitary certificate" means an official certificate signed by a plant quarantine official of the state or foreign country of origin indicating pest free conditions of the plants and disinfection treatments the plants were subjected to. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-3 Introduction of plants requiring quarantine. (a) Plants requiring quarantine with appropriate permits issued pursuant to applicable sections of this chapter shall be delivered to the inspector at the port of entry when the plants are being introduced by cargo, passenger baggage, or hand carried package.

(b) Packages of subject plants being introduced by United States Postal Services, United Parcel Service (UPS), or other commercial service, shall be addressed to the State plant quarantine office of the respective island on which the plants shall be held in quarantine.

(c) Plants shall be held in quarantine in a State quarantine facility or a private, approved quarantine facility. [Eff. 7/13/81; comp **MAY 15 2020**]

] (Auth: HRS §§141-2, 150A-9) (Imp:
HRS §150A-5)

§4-70-4 Approved quarantine facility. (a) An approved facility for the quarantine of plants is one which a certificate of approval has been obtained from the chief attesting proper and adequate construction to prevent the escape of an insect, a disease, or other pest.

(b) An approved certification shall remain valid as long as the facility is maintained in good serviceable condition. Certification may be revoked if the house falls into disrepair and is no longer serviceable. [Eff. 7/13/81; comp **MAY 15 2020**]
(Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-5 Operation of a quarantine facility.

(a) The operation of all quarantine facilities shall be under the direct supervision of the chief and shall be locked at all times except for entry by the owner or other duly authorized persons.

(b) During the period of quarantine, the plants shall be inspected as often as necessary by the branch for the detection of any insect, disease, or other pest.

(c) The department may order the chemical treatment or complete destruction of the plant material if at any time during the period of quarantine, a destructive insect, disease, or other pest has manifested itself.

(d) All expenses in connection with the introduction and quarantine of plants shall be borne by the owner of the plants. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp:
HRS §150A-5)

§4-70-6 Duration of quarantine. Unless otherwise specified for specific plants in subsequent subchapters, the duration of quarantine shall be one

§4-70-6

year provided that the board may exempt or shorten the period of quarantine under certain conditions of importation or propagation procedure. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-7 Disinfestation treatments. (a) Disinfestation treatments shall consist of treating or exposing the subject material to fumigation, heat (dry or steam), freezing, pesticides, or other chemicals under procedures approved by the chief.

(b) Currently approved treatment procedures shall be printed and made available to interested persons at branch offices.

(c) Fumigation, when required for commercial importations introduced in violation of §§4-70-19, 4-70-20, 4-70-23, 4-70-36, 4-70-42, and 4-70-50, shall be conducted separately from scheduled export fumigation.

(d) Fumigation for commercial importations shall be conducted on an un-scheduled basis and subject to availability of facility and personnel.

(e) Fumigation, when required for commodities introduced by private individuals in small lots such as by air baggage, may be conducted concurrently with scheduled export fumigation subject to availability of the facility. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-8 Import service fees. (a) A fee for scheduled fumigation shall be for each lot two dollars for vault use fee plus an additional charge of twenty cents for each cubic foot with no proration of fees.

(b) A fee for unscheduled fumigation shall be twenty cents per cubic foot for sixty percent volume capacity of the vault or tank in use, with no proration of fees.

(c) For unscheduled fumigation requiring the services of personnel beyond official hours, an additional fee shall be assessed which shall include

applicable charges for overtime wages, fixed charges for personnel services, and meals.

(d) A fee for the use of a quarantine house operated by the branch shall be five dollars per room per month.

(e) A storage fee of twenty-five cents per cubic foot per day may be charged for commodities stored at any branch office, forty-eight hours after written notification. [Eff. 7/31/81; comp MAY 15 2020]
(Auth: HRS §§141-2, 150A-9) (Imp: HRS §150-5)

SUBCHAPTER 2

INTRODUCTION OF SUGARCANE AND GRASSES

§4-70-9 Notice of quarantine. The board has determined that there exists serious danger to the sugarcane industry and the agriculture of Hawaii from the introduction of sugarcane moth borers (Diatraea saccharalis fab. and Castnia licoides Boisd.), smut (Ustilago scitaminea Syd.), viruses (mosaic), and other insects and diseases of sugarcane and members of the grass family (gramineae), that are not now established in Hawaii. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9)
(Imp: HRS §150A-5)

§4-70-10 Prohibited introductions. (a) The introduction of any sugarcane plant (any species of the genus saccharum) or part thereof into Hawaii in any manner is prohibited except by approved permit issued in accordance with §4-70-11.

(b) The introduction of plants of all other genus in the grass family and plant parts thereof is prohibited except:

- (1) Corn, sorghum, sudan grass, and broom corn which are regulated in subchapter 11;
- (2) Dried non-living plant materials;
- (3) Seeds; and

§4-70-10

- (4) By approved permit issued in accordance with §4-70-11. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-11 Permit. Upon written request, a permit may be issued by the chief authorizing the introduction of a limited quantity of a special variety or varieties of sugarcane or other grass plants for propagation under the plant quarantine branch's supervision in a strictly enforced quarantine pursuant to §§4-70-3, 4-70-4, 4-70-5, and 4-70-6. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 3

INTRODUCTION OF PINEAPPLE AND OTHER BROMELIADS

§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), pineapple borers (Metamasius spp. and 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 11/13/01; comp MAY 15 2020] (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 part thereof, is prohibited except by approved permit in accordance with section 4-70-14.

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

- (1) Seeds;

- (2) Tissue cultured plants in a completely enclosed sterile container;
- (3) Dried non-living materials; and
- (4) By approved permit in accordance with section 4-70-14. [Eff. 7/13/81; am 11/13/01; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-6.1)

§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 for propagation under the branch's supervision in a strictly enforced quarantine pursuant to 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 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 11/13/01; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §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 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, 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 than Ananas in the family Bromeliaceae imported pursuant to section 4-70-14 shall be as follows:

- (1) One year for plants from Mexico, South and Central America, and nearby island countries;
- (2) One year for any shipment of plant or plants without an official certificate of origin;
- (3) 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. [Eff. 7/13/81; am 11/13/01; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-6.1)

SUBCHAPTER 4

INTRODUCTION OF COFFEE

§4-70-16 Notice of quarantine. The board has determined that there exists serious danger to the coffee industry of Hawaii from the introduction of

the coffee berry borer (Stephanoderes hampei Ferr.), coffee rust, (Hemileia vastatrix B. & Br.), and other insects, pests, and diseases of coffee, that are not now established in Hawaii. [Eff. 7/13/81; comp] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5) **MAY 15 2020**

§4-70-17 Prohibited introductions. The introduction of any coffee plant (any species of the genus Coffea), plant part, unroasted seeds, and used coffee bags into Hawaii is prohibited except by permit issued in accordance with §§4-70-18, 4-70-19, and 4-70-20. [Eff. 7/13/81; comp] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5) **MAY 15 2020**

§4-70-18 Permit for plant and seed for propogation. Upon written request, a permit may be issued by the chief authorizing the introduction of a limited quantity of plants, plant parts, or seeds of a variety or varieties of coffee for propagation under the following conditions:

- (1) The plants and seed shall be under the plant quarantine branch's supervision in a strictly enforced quarantine pursuant to §§4-70-3, 4-70-4, 4-70-5, and 4-70-6; and
- (2) The bags or containers of the imported items shall be destroyed by burning or subjected to treatment approved by the chief. [Eff. 7/13/81; comp] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5) **MAY 15 2020**

§4-70-19 Permit for seeds for roasting. Upon written request a permit may be issued by the chief, authorizing the introduction of unroasted coffee seeds (beans) for roasting purposes on condition that:

- (1) The seed is, prior to shipment, subjected to approved treatment as stipulated on the permit;

§4-70-19

- (2) Each shipment be accompanied by a phytosanitary certificate or a certificate of treatment indicating the treatment procedure; and
- (3) All bags or containers be disposed of by burning or subjected to treatment approved by the chief. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2,
150A-9) (Imp: HRS §150A-5)

§4-70-20 Permit for used coffee bags. (a) Upon written request, a permit may be issued by the chief, authorizing the introduction of used coffee bags after being subjected to approved treatment as stipulated on the permit.

(b) Each shipment shall be accompanied by a phytosanitary certificate or a certificate of treatment indicating the treatment procedure. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2,
150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 5

INTRODUCTION OF CERTAIN CRUCIFEROUS VEGETABLES

§4-70-21 Notice of quarantine. The board has determined that there exists serious danger to agriculture in Hawaii from the introduction of the cabbage maggot (Chortophila brassicae (Bouche)) in the edible roots of certain cruciferous vegetables. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2,
150A-9) (Imp: HRS §150A-5)

§4-70-22 Prohibited introductions. The introduction into Hawaii of the edible roots of turnip (Brassica rapa Linn.), rutabaga (Brassica napobrassica (Linn) DC.), radish including daikon (Raphanus sativus Linn.), and horseradish (Radicula armoracia (Linn.) Robbins.) is prohibited, except:

- (1) From the country of Japan and other foreign countries determined by the chief to be free of cabbage maggot; and
- (2) Under conditions specified in §4-70-23.
[Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-23 Permitted introductions with conditions. Edible roots of the enumerated cruciferous vegetables from the United States, its territories, and foreign countries not determined to be free of cabbage maggot, may be introduced into Hawaii, provided each shipment is accompanied by a phytosanitary certificate or certificate of treatment certifying that the vegetables contained in the shipment were subjected to treatment approved by the chief. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 6

INTRODUCTION OF ORCHIDS

§4-70-24 Notice of quarantine. The board has determined that there exists serious danger to the orchid industry of Hawaii from the introduction of the south american stem borer (Diorymerellus laevimargo Champion), the south american orchid bug (Tenthecoris bicolor Scott), a midge (Parallelodiplosis cattleyae Molliard)), and other insects, and diseases of orchids, that are not now established in Hawaii. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-25 Prohibited introductions. The introduction of plant or propagative plant parts of the family orchidaceae is prohibited except:

§4-70-25

- (1) By permit issued in accordance with §4-70-26 and under conditions specified in §§4-70-27, 4-70-28;
- (2) Plants grown in sterile flasks or small seedlings transferred out of sterile flasks just prior to shipping; and
- (3) Seeds. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-26 Permits. (a) A low pest-risk permit may be issued by the chief authorizing the introduction of orchid plants from:

- (1) Domestic origin grown entirely in the United States;
- (2) Foreign origin that have been grown in the United States for more than one year; and
- (3) Foreign countries north of 30° north latitude.

(b) A high pest-risk permit may be issued by the chief authorizing the introduction of orchid plants from:

- (1) Foreign countries and United States territories and possessions that are south of 30° north latitude; and
- (2) Areas south of 30° north latitude that have been grown in the continental United States or grown in an area north of 30° north latitude for less than one year. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-27 Quarantine waiver. Quarantine requirements shall be waived for any lot of plants entering under a low pest-risk permit and accompanied by a certificate of origin certifying that all the orchid plants in the lot:

- (1) Are known to be of domestic origin and grown entirely in the continental United States;

- (2) Were grown in foreign countries that are north of 30° north latitude; and
- (3) Are of foreign origin but were grown in the continental United States for more than one year. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-28 Duration of quarantine. (a) Any lot of plants entering under high pest-risk permit shall be placed under the plant quarantine branch's supervision in a strictly enforced quarantine pursuant to §§4-70-3, 4-70-4, and 4-70-5, and held therein for a period of two months, or longer, if in the judgment of the chief, extension of the quarantine period is necessary or desirable.

(b) In any case, when more than one lot is entered into a room in the quarantine house, the period of quarantine for all plants in the room shall be that of the last lot entered therein.

(c) All plants kept in the quarantine house shall be properly labelled and kept in such a manner that they can be readily examined. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 7

INTRODUCTION OF BANANA PLANTS

§4-70-29 Notice of quarantine. The board has determined that there exists serious danger to the banana industry of Hawaii from the introduction of the banana root borer (Cosmopolites sordidus (Germar)), the West Indian cane weevil (Metamasius hemipterus L.) and other insects and diseases of banana, that are not now established in Hawaii. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-30

§4-70-30 Prohibited introductions. The introduction of any banana plant (any species of the genus *Musa*) or plant parts thereof is prohibited except:

- (1) Fruits; and
- (2) By approved permit pursuant to §4-70-31.
[Eff. 7/13/81; comp MAY 15 2020] (Auth:
HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-31 Permits. Upon written request, a permit may be issued by the chief authorizing the introduction of a limited quantity of a special variety or varieties of banana for propagation under the branch's supervision in a strictly enforced quarantine pursuant to §§4-70-3, 4-70-4, 4-70-5, and 4-70-6. [Eff. 7/13/81; comp MAY 15 2020] (Auth:
HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 8

INTRODUCTION OF PASSION FRUIT PLANTS

§4-70-32 Notice of quarantine. The board has determined that there exists serious danger to the passion fruit industry of Hawaii from the introduction of the passion vine hopper, *Scolytopa australis* Walker, the "woodiness disease" of passion fruit, and other insects and diseases that are not now established in Hawaii. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp:
HRS §150A-5)

§4-70-33 Prohibited introductions. The introduction of any passion fruit plant (any species of the genus *Passiflora*), seed, or plant part thereof into Hawaii in any manner is prohibited except by permit issued in accordance with §4-70-34. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-34 Permits. Upon written request, a permit may be issued by the chief authorizing the introduction of a limited quantity of the passiflora plant and seed for propagation under the branch's supervision in a strictly enforced quarantine pursuant to §§4-70-3, 4-70-4, 4-70-5, and 4-70-6. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 9

INTRODUCTION OF PINUS SPP.

§4-70-35 Notice of quarantine. The board has determined that there exists serious danger to all Pinus spp. and the forests of Hawaii from the introduction of european pine shoot moth (Rhyacionia buoliana) (Schiff). [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-36 Prohibited introductions. The introduction of any pine plant (any species in the genus Pinus) and pine branches and twigs bearing terminal buds, needles, or shoots are prohibited except:

- (1) Plants from foreign areas where pine shoot moth is not known to occur provided each lot of plant is accompanied by a certificate of origin;
- (2) Plants from domestic areas not designated as infested areas in §4-70-37 provided each lot of plant is accompanied by a certificate of origin;
- (3) Plants from domestic areas designated as infested areas in §4-70-37 provided each lot of plant is subjected to approved treatment and is accompanied by a certificate of treatment;

- (4) Cut pine trees, branches, or twigs for ornamental purposes from domestic areas during the period October 20 to December 31;
- (5) Non-commercial shipments of bonsai or pine plants not exceeding two feet in height introduced in lots not exceeding twelve plants provided that the plants are subjected to one hundred percent inspection and found free of european pine shoot moth; and
- (6) By permit limited to issuance to official state or federal forestry agencies authorizing the entry of seedling trees for reforestation or scientific research from domestic areas designated as infested areas provided the trees have been greenhouse grown under official supervision or otherwise produced and subsequently handled under conditions satisfactory to the chief to preclude infestation or exposure to infestation by the european pine shoot moth. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-37 Domestic infested areas. States designated as european pine shoot moth infested areas are Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, West Virginia, and Wisconsin. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 10

INTRODUCTION OF COCONUT

§4-70-38 Notice of quarantine. The board has determined that there exists serious danger to the agriculture and horticulture of Hawaii from the

introduction of various dangerous insects, virus diseases, fungus, bacteria, and other infectious agents of coconut (Cocos nucifera). [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-39 Prohibited introductions. The introduction of any coconut plant, nut, leaf, and all other plant part thereof, is prohibited except:

- (1) A completely husked nut, incapable of germinating when introduced for manufacturing, food, or other non-propagative purposes provided a permit has been obtained from the department;
- (2) The flesh of the nut including fresh and processed products, coconut "milk", and nut shell;
- (3) The palm "heart" free from leaf tissue; and
- (4) A dried plant part such as leaf, husk, and tree trunk, and products made from these parts provided the products are subjected to treatment approved by the chief. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 11

INTRODUCTION OF HOSTS OF EUROPEAN CORN BORER

§4-70-40 Notice of quarantine. The board has determined that there exists serious danger to the agricultural and horticultural industries of Hawaii from the introduction of european corn borer (Ostrina nubilulis Hubner), and insects which infest corn, sorghum, broomcorn, sudan grass and other important food and floral crops. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-41

§4-70-41 Infested areas. (a) All european countries and domestic states of Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia are designated as infested areas for the european corn borer.

(b) Areas designated as non-infested areas for the european corn borer are non-european countries and the domestic states of Alaska, Arizona, California, Florida, Idaho, New Mexico, Nevada, Oregon, Utah, and Washington. [Eff. 7/13/81; comp **MAY 15 2020**]
(Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-42 Prohibited introductions. The importation of plant and plant parts of corn, broomcorn, sorghum, sudan grass, aster, chrysanthemum, hollyhock, dahlia, and gladiolus are prohibited except:

- (1) Seed with no other plant fragments;
- (2) Frozen corn on the cob with husk and silk removed;
- (3) Seedling plant or propagative cuttings of aster, chrysanthemum, and hollyhock;
- (4) Cut flowers of aster, chrysanthemum, hollyhock, dahlia, and gladiolus;
- (5) Tubers of dahlia and gladiolus corms without stems;
- (6) Shipments from infested areas when subjected to approved treatment prior to shipment and accompanied by a certificate of treatment;
- (7) Commercial shipments from non-infested areas that are accompanied by a certificate of origin; and
- (8) Non-commercial shipments from other than infested areas brought in by hand carried or

passenger baggage and accompanied by a certificate of origin, sales invoice, or other document indicating that the product was grown in, or purchased from, a non-infested area. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 12

INTRODUCTION OF PALMS

§4-70-43 Notice of quarantine. The board has determined that there exists serious danger to the agricultural and horticultural industries of Hawaii from the introduction of the lethal yellowing disease, cadang-cadang, guam disease, and other similar diseases of palm. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-44 Infested areas. (a) Areas known to be infested with or in proximity of areas infested with the lethal yellowing disease, cadang-cadang, guam disease, and similar diseases are designated as infested areas.

(b) Domestic infested areas are the states of Florida and Texas, the Commonwealth of Puerto Rico, and the Territory of Guam.

(c) Foreign infested areas are Cuba, Jamaica, Haiti, Dominican Republic, all other Caribbean Islands, Panama, Venezuela, Philippines, and west african countries of Ghana, Togo, Dahomey, and Nigeria. [Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-45 Prohibited introductions. (a) The prohibitions in this section shall not apply to plant and plant parts of coconut (*Cocos nucifera*) which are regulated by subchapter 10.

§4-70-45

(b) The introduction of palm plants, seeds, and propagative plant parts thereof from all domestic and foreign infested areas in §4-70-44 are prohibited.

(c) The introduction of palm plants and propagative plant parts except seeds are prohibited from domestic areas other than infested areas.

(d) The introduction of palm plants and propagative plant parts except seeds from central and south american countries other than those designated as infested areas in §4-70-44 are prohibited.

(e) The introduction of the following palm plant and propagative plant parts except seeds are prohibited from all other foreign countries;

Adonidia spp.

Diplothemium arenaria (Gomez) Carv.

Areca spp.

Arenga spp. (sugar palm)

Arikuryroba spp. (arikury palm)

Borassus spp. (palmyra palm)

Caryota spp. (fishtail palm)

Chrysalidocarpus spp. (butterfly palm, cabada palm)

Cocos spp.

Corypha spp. (buri palm)

Dictyosperma spp. (princess palm)

Elaeis spp. (oil palm)

Gaussia spp. (puerto rican gaussia, llume palm)

Howeia belmoreana (Moore and Muell.) Becc.
(sentry palm)

Lantania spp. (latan palm)

Livistonia spp. (fan palm)

Mascarena spp. (spindle palm)

Phoenix spp. (date palm)

Pritchardia spp. (kona palm, fiji island fan palm)

Trachycarpus spp. (windmill palm)

Veitchia spp. (christmas palm)

Nannorrhops spp. (mazari palm).

[Eff. 7/13/81; comp MAY 15 2020] (Auth: HRS
§§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-46 Permitted introductions. The introduction of a palm plant, propagative plant part, and seed, not specifically prohibited in §4-70-45 may be imported provided the importation is accompanied by a certificate of origin indicating that the palm plant was grown or the seed or propagative plant part was obtained from a plant that was grown entirely in the respective foreign country or domestic state of origin. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 13

INTRODUCTION OF HOSTS OF CARIBBEAN FRUIT FLY

§4-70-47 Notice of quarantine. The board has determined that there exists serious danger to the agricultural and horticultural industries of Hawaii from the introduction of the caribbean fruit fly, (Anastrepha suspensa), an insect which infests fruit crops. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-48 Infested areas. The commonwealth of Puerto Rico and areas in the state of Florida south of and including the counties of Sumter, Lake, Hernando and Volusia are declared infested areas. [Eff. 7/13/81; comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-49 Hosts of the caribbean fruit fly. The fruit or berries of the following plants are known hosts of the caribbean fruit fly:

- Malpighia glabra L. (barbados cherry)
- Severinia buxifolia (Poir.) Tenore (box orange)
- Psidium cattleianum Sabine (cattley guava)
- Citrus mitis Blanco (calamondin)
- Psidium guajava L. (common guava)
- Fortunella mergarita Swingle (Kumquat, oval)

§4-70-49

Psidium freidrichsthalianum (Berg) (costa rican
guava)
Citrus paradisi Macf. (grapefruit)
Fortunella crassifolia Swingle (kumquat)
Citrus aurantiifolia (Christmann) Swingle (sour
lime)
Triphasia trifolia D.C. (lime berry)
Citrus aurantiifolia x Fortunella japonica
(limequat)
Eriobotrya japonica (Thunb.) Lindl. (loquat)
Mangifera india L. (mango)
Murraya paniculata Jack (orange jasmine)
Citrus nobilis 'unshiu' x Fortunella sp.
(orangequat)
Carica papaya L. (papaya)
Prunus persica (L.) Batsch (peach)
Citrus limonia Osbeck (Rangpur lime)
Syzygium jambos (L.) Alst. (rose apple)
Citrus aurantium L. (sour orange)
Citrus limetta Risso (sweet lemon)
Citrus sinensis Osbeck (sweet orange)
Citrus paradisi x Citrus reticulata (tangelo)
Citrus reticulata Blanco (tangerine)
Citrus sinensis x Citrus reticulata (temple
orange)
Terminalia catappa L. (tropical almond)
Clausena lansium (Lour.) Skee's (wampi). [Eff.
7/13/81; comp MAY 15 2020] (Auth: HRS
§§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-50 Prohibited introduction. (a) Fruits or berries of host plants listed in §4-70-49 except green sour lime which shows no yellow coloring and sour lemon regardless of color from infested areas are prohibited except those subjected to approved treatments accompanied by a certificate of treatment.

(b) Fruits or berries of host plants listed in §4-70-49 from non-infested areas in Florida are prohibited except those that are accompanied by a

§4-70-54

certificate of origin. [Eff. 7/13/81; comp
] (Auth: HRS §§141-2, 150A-9) (Imp:
HRS §150A-5)

MAY 15 2020

SUBCHAPTER 14

INTRODUCTION OF TARO AND DASHEEN

§4-70-51 Notice of quarantine. The board has determined that there exists serious danger to the taro industry of Hawaii from the introduction of the virus disease of alomae and babone. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2, 150A-9)
(Imp: HRS §150A-5)

§4-70-52 Infested areas. The virus disease of alomae and babone is only known to occur in the British Solomon Islands. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2, 150A-9)
(Imp: HRS §150A-5)

§4-70-53 Prohibited introduction. All taro and dasheen plant and plant parts capable of propagation are prohibited from infested areas except by permit issued in accordance with §4-70-54 and imported pursuant to §§4-70-3, 4-70-4, 4-70-5, and 4-70-6. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-54 Permit. Upon written request, a permit may be issued for the importation of a limited quantity of taro or dasheen plants for research purposes under strictly enforced quarantine procedures. [Eff. 7/13/81; comp
MAY 15 2020] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

SUBCHAPTER 15

INTRODUCTION OF MYRTACEAE

§4-70-55 Notice of quarantine. The board has determined that there exists serious danger to all ohia (*Metrosideros* spp.), the ohia forests of Hawaii, and horticultural and agricultural industries from the introduction of new strains of the ohia rust, *Puccinia psidii*, and other disease pathogens and insects not now established in Hawaii. [Eff and comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-56 Prohibited introduction. The introduction of any Myrtaceae (Myrtle family) plant, plant part, or seed into Hawaii is prohibited except:

- (1) Dried non-living plant materials;
- (2) Seeds, with no other plant fragments, that have been surface-sterilized using treatments approved by the chief;
- (3) Tissue cultured plants grown in sterile media and in a completely enclosed sterile glass flask or other similar container; or
- (4) By approved permit pursuant to section 4-70-57. [Eff and comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

§4-70-57 Permits. Upon written request, a permit may be issued by the chief authorizing the importation of a limited quantity of plants in the family Myrtaceae for propagation under the branch's supervision in a strictly enforced quarantine appropriate to contain *Puccinia psidii*, and other pests pursuant to sections 4-70-3, 4-70-4, 4-70-5, and 4-70-6. [Eff and comp **MAY 15 2020**] (Auth: HRS §§141-2, 150A-9) (Imp: HRS §150A-5)

Amendments to and compilation of chapter 70, title 4, Hawaii Administrative Rules, on the Summary Page dated August 27, 2019 were adopted on August 27, 2019, following public hearings held on July 15, 2019, July 16, 2019, July 17, 2019, July 18, 2019, and July 19, 2019 after public notice was given in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, the Maui News, and the Garden Island on June 9, 2019.

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

Phyllis Shimabukuro-Geiser
PHYLLIS SHIMABUKURO-GEISER
Chairperson
Board of Agriculture

David Y. Ige
DAVID Y. IGE
Governor
State of Hawaii

Dated: 05-06-2020

APPROVED AS TO FORM:

Bryan C. Ye
Deputy Attorney General

FILED

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LIEUTENANT GOVERNOR'S OFFICE