

MAR 08 2024

SENATE RESOLUTION

URGING THE DEPARTMENT OF AGRICULTURE TO ADOPT PROPOSED AMENDMENTS TO CHAPTER 4-72, HAWAII ADMINISTRATIVE RULES, THAT PROVIDE IMPORTANT AUTHORITIES FOR THE DEPARTMENT TO PREVENT THE SPREAD OF INSECTS, DISEASES, AND OTHER INVASIVE PESTS WITHIN THE STATE.

1 WHEREAS, the Department of Agriculture (Department) has the
2 sole authority to quarantine or prevent the movement of an
3 invasive pest or material infested with an invasive pest in the
4 State, and therefore all other state departments, county
5 governments, and the industries, environment, and people of the
6 State rely on the Department to prevent the spread of pests
7 within the State; and

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9 WHEREAS, chapter 4-72, Hawaii Administrative Rules (HAR),
10 entitled "Plant and Non-Domestic Animal Quarantine Plant
11 Intrastate Rules" is the only chapter available to the
12 Department's Plant Industry Division to regulate the movement of
13 pests within the State; and

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15 WHEREAS, the Department has proposed amendments to chapter
16 4-72, HAR, that provide important authorities for the Department
17 to prevent the spread of insects, diseases, and other invasive
18 pests within the State; and

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20 WHEREAS, these amendments were unanimously moved forward by
21 the Advisory Committee on Plants and Animals on February 15,
22 2023, the Board of Agriculture on February 28, 2023, and the
23 Small Business Regulatory Review Board on May 30, 2023, and each
24 of these approvals occurred at a noticed public meeting that
25 provided the opportunity for written and oral public testimony;
26 and

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28 WHEREAS, coconut rhinoceros beetle, coqui frog, and little
29 fire ants are rapidly spreading across and within the islands of
30 the State and the authorities provided and clarified in the
31 proposed amendments will allow the Department to prevent and
32 slow the spread of these and other pests; and



1 WHEREAS, many people are shocked to learn that it is not
2 illegal to sell plants or other merchandise known to be infested
3 with a pest, and that instead, section 141-2, Hawaii Revised
4 Statutes, provides the Department the authority to adopt
5 administrative rules to prevent such sales; and

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7 WHEREAS, the proposed amendments to chapter 4-72, HAR, are
8 the Department's first attempt to adopt rules to prevent the
9 sale of pest-infested merchandise, which will protect the
10 State's agricultural industries, natural resources, consumers,
11 and the public; and

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13 WHEREAS, the proposed rule amendments are a sensible and
14 important step forward from the Department's current approach,
15 which is to ask a seller to stop selling pest-infested
16 merchandise on a voluntary basis; and

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18 WHEREAS, the authority provided in proposed section 4-72-5,
19 HAR, authorizes the Department to stop the movement of
20 merchandise that is infested with a pest and for sale to the
21 public, such as plants infested with little fire ants, by
22 businesses that sell directly to the public; and does not apply
23 to farms, ranches, or other agricultural production areas that
24 do not sell directly to the public on-site; and

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26 WHEREAS, the Department held a noticed public hearing on
27 the proposed amendments to chapter 4-72, HAR, on January 30,
28 2024, and now is the time to move the amendments forward toward
29 adoption; and

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31 WHEREAS, the Legislature recognizes the amendments proposed
32 by the Department to chapter 4-72, HAR, include and clarify
33 authorities that will allow the Department to prevent and slow
34 the spread of high-impact invasive pests, such as coconut
35 rhinoceros beetle, coqui frog, and little fire ants; and

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37 WHEREAS, other state departments, county governments, and
38 the industries, environment, and people of the State are relying
39 on the Department to adopt the proposed amendments to chapter
40 4-72, HAR, which are urgently needed to address pests spreading
41 within the State; now, therefore,



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1 BE IT RESOLVED by the Senate of the Thirty-second
2 Legislature of the State of Hawaii, Regular Session of 2024,
3 that the Department of Agriculture is urged to adopt proposed
4 amendments to chapter 4-72, Hawaii Administrative Rules, that
5 provide important authorities for the Department to prevent the
6 spread of insects, diseases, and other invasive pests within the
7 State; and

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9 BE IT FURTHER RESOLVED that certified copies of this
10 Resolution be transmitted to the Governor, Chairperson of the
11 Board of Agriculture, and Mayors of each county.

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OFFERED BY:



By Request

