

State of Hawaii  
Department of Agriculture  
Plant Industry Division  
Plant Quarantine Branch  
Honolulu, Hawaii

January 26, 2016

Board of Agriculture  
Honolulu, Hawaii

**Subject:** Request for Authorization for the Chairperson to Schedule a Public Hearing and Appoint a Hearing Officer in Connection with the Proposed Amendments to Chapter 4-70, Hawaii Administrative Rules, entitled "Plants and Non-Domestic Animal Quarantine, Plant Import Rules," to Add a New Subchapter to Restrict the Importation of *Myrtaceae* (Myrtle Family) Plants and Plant Parts to Prevent the Introduction of New Strains of Ohi'a Rust, *Puccinia psidii*, a Plant Pathogen. (Preliminarily approved by the Board of Agriculture at its 12/3/14 and 2/24/15 Board Meetings)

**Introduction.** At its February 24, 2015 meeting, the Board of Agriculture (Board) gave its preliminary approval for a proposed rule amendment to chapter 4-70, Hawaii Administrative Rules (HAR), "Plants and Non-Domestic Animal Quarantine, Plant Import Rules." The summary of the proposed amendments that was attached to the Board's February 24, 2015 meeting agenda is attached for the Board's information.

**Rulemaking Process.** With the Board's preliminary approval of the proposed rule amendments, the Plant Quarantine Branch must follow certain procedures in conjunction with submitting the proposed amendment to the Governor for his approval to proceed to public hearings. The proposed amendment is submitted to the Small Business Regulator Review Board, Department of Budget and Finance, and the Department of Business and Economic Development for their review and comment. Once the Governor's approval is given to proceed to public hearing, public notice of the rulemaking hearings is provided via newspaper publication. Following public hearings, public comments received at the hearings are presented to the Board for final approval/adoption. The amendment is then submitted for the Governor's final approval.

**Staff Request:** The Plant Quarantine Branch requests authorization to schedule a public hearing and appoint a hearing officer in connection with the proposed amendments to Chapter 4-70, Hawaii Administrative Rules, entitled "Plants and Non-Domestic Animal Quarantine, Plant Import Rules," to add a new subchapter to restrict the importation of *Myrtaceae* (Myrtle Family) plants and plant parts to prevent the

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introduction of new strains of ohi'a rust, *Puccinia psidii*, a plant pathogen. (Preliminarily approved by the Board of Agriculture at its 12/16/14 and 2/24/15 Board Meetings).



AMY TAKAHASHI  
Acting Manager, Plant Quarantine Branch

CONCURRED:



NEIL REIMER, Ph.D.  
Administrator, Plant Industry

APPROVED FOR SUBMISSION:



SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture