



COORDINATING GROUP ON
ALIEN PEST SPECIES

ARTICLE SUBMITTED to Hawai'i Landscape

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Contact: Christy Martin, Public Information Officer
CGAPS—Coordinating Group on Alien Pest Species
Ph: (808) 722-0995
Email: christym@rocketmail.com

New Law Prohibits the Sale of Noxious Weeds

Governor Lingle signed into law a bill aimed at protecting agriculture and natural areas from the spread of invasive plants. Act 40 addresses three needs identified at a September 2007 meeting between Hawai'i Department of Agriculture (HDOA) staff and industry representatives from agriculture, horticulture and conservation.

First, Act 40 makes it illegal to sell plants that are listed as noxious weeds. This seems like it should be illegal already, but the noxious weed laws were created to give Hawai'i Department of Agriculture (HDOA) staff the authority to control listed noxious weeds, and to stop people from spreading noxious weeds to areas where the plants did not occur, but the law did not prevent their sale.

Second, this Act has added language clarifying that HDOA can add plants to the restricted plant list because the plant itself may be harmful to agriculture, horticulture, the environment, or human health. Previously only plants that spread or were likely to spread insect, pest, or disease were listed. Restricted plants, including the plants on the noxious weed list which are automatically added to the restricted plant list, require a permit for importation into Hawaii.

Third, this Act also makes it illegal to sell "specific Restricted Plants." This line is intended to make it illegal to sell certain plants because the plant itself may be harmful, NOT to make it illegal to sell plants on the Restricted list due to the pests they carry—orchids are a great example.

The 2007 meeting participants agree that we need to work together to identify ways to prevent invasive plants from harming Hawaii, while continuing to have healthy agriculture and horticulture industries and healthy businesses. The next step will be to meet again with HDOA to discuss ways to accomplish this. Act 40 may be viewed at http://www.capitol.hawaii.gov/session2008/bills/GM675_.PDF

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Christy Martin is the Public Information Officer for the statewide Coordinating Group on Alien Pest Species (CGAPS), a public/private partnership working to protect Hawaii from invasive species.