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State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

## Compliance Agreement to Prevent the Spread of Coconut Rhinoceros Beetle in Hawaii

**Authority:** This Compliance Agreement is made pursuant to the authority of Hawaii Department of Agriculture (HDOA) Plant Quarantine Interim Rule 22-1 or other future applicable rules and section 141-1(3), 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 HDOA and the Participant, as set out below:

**Hawaii Department of Agriculture**  
Plant Industry Division  
1428 South King Street  
Honolulu, HI 96814  
Contact: *Dr. Helmuth Rogg, Administrator*

### 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):



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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 HDOA and CRB Response 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 areas where CRB is established to new locations within the island of Oahu and to other islands within the State.

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

- **“Canine Survey”** means a survey conducted by a CRB Response 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 made pursuant to the authority of Hawaii Department of Agriculture (HDOA) Plant Quarantine Interim Rule 22-1 or other future applicable rules and section 141-1(3), HRS.
- **“Compliant”** means having a valid Compliance Agreement with HDOA 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”**
  - *Includes:* Entire dead trees, Mulch, trimmings, fruit and vegetative scraps and decaying stumps, and Compost; and
  - **“CRB Host Palms”** means live palm plants in the following plant genera: *Washingtonia, Livistona, and Pritchardia, and Cocos, Phoenix, and Roystonea*. This does not include unsprouted seeds.
  - The term CRB Host Material applies regardless of whether the material has CRB in any life stages or is devoid.
  - *Does not include:* Plant products intended for consumption (e.g. coconuts, fruits, nuts, edible leaves, leaves used for cooking, spices); plant products preserved from decay by treatment or use (e.g. lumber, woven hats, dried and painted coconuts, wooden post for architecture, wood carvings, seeds for planting, firewood); new and unused commercially bagged plant propagation media or landscaping materials that does not contain CRB Host Material originating from an infested area; cut flowers and foliage for decoration (e.g. lei, floral bouquets or arrangements); plant propagation media in live plantings (except when used in direct

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conjunction with CRB Host Palms) and live propagative plants (except CRB Host Palms); and rock, coral, sand, and gravel.

- **“CRB Response”** means the task force primarily responsible for managing the monitoring and detection of CRB on Oahu.
- **“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 Site”** means waste-handling facilities performing Processing of CRB host material.
- **“Program Officer”** means an employee of HDOA 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 entire island of Oahu, or any other island confirmed by 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.
- **“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.

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- **“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 or CRB Host Palm(s) 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. Contact the CRB Response general line for an updated list.

#### Points of Contacts:

- CRB Response general line – (808) 679-5244
- Hawaii Department of Agriculture Plant Quarantine Branch general line– (808) 832-0566

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## Section 1: General Requirements for All Participants

The Participant shall comply with all requirements of this section.

### Training:

1. Prior to execution of an 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 Program 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.
4. Training will be available by appointment Monday through Friday 9 AM to 3 PM HST, except all State observed holidays. Call (808) 679-5244 or email [info@crbhawaii.org](mailto:info@crbhawaii.org) to schedule a training.
5. Once the Participant has a valid Compliance Agreement, any subsequent staff that are hired who fall into the categories listed in no. 1 above must be trained by the Program within 30 days.
6. 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) 679-5244 or [info@crbhawaii.org](mailto:info@crbhawaii.org).

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.
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, or maintenance of CRB Host Materials.

1. Access to conduct inspections of: CRB Host Materials; areas where CRB Host Material is grown, staged, loaded, unloaded, or otherwise processed; vehicles used to Transport CRB Host Material, including the areas where they are stored; and any Processing

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machinery for CRB Host Material including the areas where the machinery is used or stored. Access for inspection and monitoring will be between 8 AM and 4 PM Monday through Friday. 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 six (6) 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 at the Program Officer's discretion.

**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 non-compliance.

**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 HDOA.

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## Section 2: Transport of CRB Host Palms Within the Quarantine Area

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

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

1. Within 48 hours prior to transportation, a CRB Host Palm shall be inspected by Program-trained Participant staff.
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.



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- 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 by the most direct route feasible or by a route as approved by the Program in writing.

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### **Section 3: Transport of CRB Host Material Within the Quarantine Area**

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

CRB Host Material may be breeding material for CRB, and its Transport may spread CRB to new areas within 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 heat-treated by elevating the core temperature to at least 131° Fahrenheit (55° Celsius) for at least 72 hours.
    - ii. The CRB Host Material has been processed by Chipping or Grinding.
    - iii. The CRB Host Material has been treated with sulfuryl fluoride fumigant to a CT (concentration x time) level of at least 2000 CT (2000 oz-h/1000 ft<sup>3</sup>) 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. The CRB Host Material is being directly delivered to a compliant plant waste Processing center.
  - e. The material is exempt because of special requirements for Processing Sites as required by Section 5.

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2. CRB Host Material that is not Completely Processed shall remain within the Quarantine Area.
  - a. Compost: Even after thorough Processing, Completely Processed CRB Host Material (compost) may become infested with CRB. Compost is regulated and must remain within the Quarantine Area unless requirements are met as written in Section 4, "Interisland Transport of CRB Host Palms or CRB Host Material".

All CRB Host Material shall be completely enclosed or covered with a tarp during Transport pursuant to HRS §291C-131, to avoid any loss of CRB Host Material.

CRB Host Material shall be transported from its origin to the destination by the most direct route feasible, or by a route as approved by the Program, in writing.

**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.

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## Section 4: Interisland Movement of CRB Host Palms or CRB Host Material

The Participant shall comply with all requirements of this section when conducting interisland movement of CRB Host Materials.

Prior to the removal of CRB Host Material from an infested island to any uninfested island, said articles must be inspected by the HDOA before movement.

CRB Host Palms, including the pots they are growing in, or CRB Host Material, infested with any life stage of CRB cannot be shipped. CRB host palms bearing any sign of CRB damage to the spear, heart, or meristem tissue cannot be shipped. Interisland movement of CRB Host Palms showing signs that the spear, heart, or meristem tissue was mechanically removed is prohibited

**CRB Host Palms:** The following steps must occur prior to interisland Transport of CRB Host Palms:

1. Within 48 hours prior to interisland movement, all CRB Host Palms shall be inspected by HDOA staff.
  - a. Inspections that do not occur at the Plant Inspection Office (PIO), located at 1849 Auiki Street, or are conducted outside of normal business hours, need to be scheduled at least 72 hours prior to the date and time of inspection and additional fees may be charged.
  - b. The fee requirements do not apply if the inspection occurs at PIO during normal business hours.
  - c. PIO's normal business hours are Monday - Friday, 7:45 AM - 4:30 PM, except State observed holidays. Call 808-832-0566 or email [hdoa.pqpio@hawaii.gov](mailto:hdoa.pqpio@hawaii.gov) for scheduling.
2. For each CRB Host Palm moving interisland, the inspection requirements are:
  - a. Root zone: the root zone will be inspected for CRB as follows:
    - i. If the CRB Host Palm was dug up 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:
      1. Be removed from the pot for inspection; or

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2. The container and root ball shall be completely submerged in water for at minimum 1 hour, then the upper surface of the potting medium shall be inspected for the presence of any life stages of CRB.
    - iii. If the CRB Host Palm is bare rooted, then the root zone will be visually inspected.
  - b. Trunk: The trunk of the CRB Host Palm must be visually examined for holes and rot, including:
    - i. The entirety of each hole in the trunk must 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.
  - d. Staging for inspection: All CRB Host Palms shall be staged/presented in a safe fashion that allows complete and unobstructed access to all parts of the CRB Host Palms for inspection.
3. After completion of the inspection, provided the CRB Host Palms are found to be apparently free of CRB and other pests, the HDOA will issue an inspection certificate indicating the shipment can be transported interisland. Any CRB Host Palms that are found to be, or suspected to be, infested with CRB shall not be certified for interisland movement.

**CRB Host Materials:** The following steps must occur prior to interisland Transport of CRB Host Materials:

1. Within 48 hours prior to interisland transportation, all CRB Host Materials shall be inspected by HDOA staff.
  - a. Inspections that do not occur at the PIO, located at 1849 Auiki Street, or are conducted outside of normal business hours, need to be scheduled at least 72 hours prior to the date and time of inspection and additional fees may be charged.
  - b. The scheduling and fee requirements do not apply if the inspection occurs at PIO during normal business hours.

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- c. PIO normal business hours are Monday - Friday, 7:45 AM - 4:30 PM, except State observed holidays. Call 808-832-0566 or email [hdoa.pqpio@hawaii.gov](mailto:hdoa.pqpio@hawaii.gov) for scheduling.
2. All CRB Host Materials shall be inspected for the presence of any life stages of CRB as follows:
  - a. If the CRB Host Material was removed from a living plant within the last 30 days, then the removal date will be determined by surveying the composition of insects in the material and their life stage.
  - b. If the CRB Host Material has been subjected to a treatment that eradicates all life stages of CRB on the same day as the inspection or is subjected to an approved treatment then immediately stored in a container pursuant to item c. below.  
Suitable treatments are one of the following:
    - i. The CRB Host Material has been heat-treated by elevating the core temperature to at least 131° Fahrenheit (55° Celsius) for at least 72 hours.
    - ii. The CRB Host Material has been processed by Chipping or Grinding.
    - iii. The CRB Host Material has been treated with sulfuryl fluoride fumigant to a CT (concentration x time) level of at least 2000 CT (2000 oz-h/1000 ft<sup>3</sup>) and applied in accordance with the product label. A certificate of treatment issued by a licensed pesticides applicator shall be provided at the time of inspection.
  - 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 a material that is impenetrable by CRB adults;
    - iii. Is sealed from sunset to sunrise (overnight) while any CRB Host Material is stored within it; and
    - iv. The CRB Host Material was removed from a living plant within 30 days or has been subjected to an approved treatment prior to placement in the container.
  - d. The material is exempt because of special conditions for Processing Sites as required by Section 5.
3. After completion of the inspection, provided the CRB Host Materials are found to be apparently free of CRB and other pests, the HDOA will issue an inspection certificate indicating the shipment can be transported interisland. Any CRB Host Material that is found to be, or suspected to be, infested with CRB shall not be certified for interisland movement.

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

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. Receiver or Processing Sites 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 through Receiver or Processing Sites, each Participant operating a Receiver or Processing Site that receives or processes CRB Host Material from within the Quarantine Area shall comply with the following:

1. Transporter/Hauler Verification:
  - a. The Processing Site shall only accept CRB Host Material from a transporter or hauler operating under a valid Compliance Agreement; and
  - b. Before acceptance of CRB Host Material, the Processing Site must verify that the transporter/hauler has a valid Compliance Agreement using information provided by HDOA. 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 Site.
  - b. CRB Host Material must be subjected to Heat Treatment by elevating core temperatures to at least 131° Fahrenheit (55° Celsius) for at least 72 hours. Once CRB Host Material has reached this temperature and duration requirement, it is considered Completely Processed. Temperature logs may be verified to ensure compliance.
  - c. CRB Host Material is prohibited from leaving the Processing Site until it is Completely Processed.
  - d. Stockpiling:
    - i. Once considered "Completely Processed", CRB Host Material may be stockpiled for up to six (6) months; and
    - ii. Any CRB Host Material stockpiled for more than six (6) months shall be subjected to inspection, including, but not limited to: Canine Survey, Full Turn Over, or Spot Check.

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

Under HDOA Plant Quarantine Interim Rule 22-1 and similar rules and section 141-1(3), 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) 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 HDOA.
4. If you plan to use a contractor who does not have a valid Compliance Agreement, direct them to call (808) 679-5244 or email [info@crbhawaii.org](mailto:info@crbhawaii.org) to enter into a Compliance Agreement before the initiation of work.



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## Section 7: Fee Schedule and Non-Compliance

**Inspection Fees:** Fees for inspections carried out by HDOA staff under this Compliance Agreement are as follows:

1. Inspections conducted away from the Plant Inspection Office (PIO) (1849 Auiki Street), during normal business hours (Monday through Friday, 7:45 AM to 4:30 PM HST, excluding State observed holidays) are \$50.00 per hour plus mileage reimbursement.
2. Each inspection that occurs outside of the hours listed above shall be \$50.00 plus mileage reimbursement, and include any applicable charges for overtime, personnel charges, and meals, as applicable for each inspection.

In either instance above, a written request must be submitted to the HDOA at least 72 hours prior to the inspection and will be scheduled based on staff availability. Requests can be emailed to [hdoa.pqpio@hawaii.gov](mailto:hdoa.pqpio@hawaii.gov) or faxed to 808-832-0584. Call 808-832-0566 for additional information on fees.

**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.

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;

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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 (see below).

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**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.

\_\_\_\_\_  
Authorized Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**For Program Use Only:**

\_\_\_\_\_  
Compliance Agreement Expiration Date

\_\_\_\_\_  
Program Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

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

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**Pursuant to HRS 150A-14, the applicable penalties are likely:**

(a) Any person who violates any provision of this chapter other than sections 150A-5, 150A-6(3), and 150A-6(4) or who violates any rule adopted under this chapter other than those rules involving an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and fined not less than \$100. The provisions of section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second offense committed within five years of a prior offense, the person or organization shall be fined not less than \$500 and not more than \$25,000.

(c) Any person who:

(3) Intentionally imports, possesses, harbors, transfers, or transports, including through interisland or intra-island movement, with the intent to propagate, sell, or release, any pest designated by statute or rule, unless otherwise allowed by law, shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000.

(d) Whenever a court sentences a person or organization pursuant to subsection (a) or (c) for an offense which has resulted in the escape or establishment of any pest and caused the department to initiate a program to capture, control, or eradicate that pest, the court shall also require that the person or organization pay to the state general fund an amount of money to be determined in the discretion of the court upon advice of the department, based upon the cost of the development and implementation of the program.