

Plain language summary of Compliance Agreements to control the spread of CRB in Hawai`i.

This document is intended as a supplement to the compliance agreement and not a replacement. It is an unofficial plain-language summary that uses less precise language and leaves out some details and nothing in this document should be considered official guidance. The compliance agreement and the interim rule are the official requirements. Refer to those documents for all official guidance.

HDOA has made an interim rule to reduce the accidental spread of CRB in Hawai`i by limiting the transport of potential breeding material and plants that may have CRB. The rule requires you to sign and follow a compliance agreement with the Hawaii Department of Agriculture (HDOA) to move mulch, compost, tree trimmings, green waste, and certain palms. The compliance agreement has several requirements and procedures for handling and movement of plant waste and palms that will be explained in this summary.

What is regulated: CRB host material and CRB host palms are the focus of the rules because they are the material that is most likely to contain CRB and moving them may move CRB to new areas. CRB host material is dead or dying plant material like tree trimmings, leaves, mulch, compost, stumps, and green waste. CRB host palms are coconut palms, date palms (All *Phoenix* palms), Royal Palms, and fan palms of the genus *Washingtonia*, *Livistona*, and *Pritchardia*. The rule applies to any individual or organization that:

1. ever moves commercial-size loads (>3 cubic yards) of CRB host material off any property (TMK).
2. moves any number of CRB host palms off any property (TMK).
3. receives potentially infested (untreated) CRB host material for composting or other processing.

Training

Every person that transports, works with, or supervises work (e.g. supervisors, dispatchers) with CRB host material or CRB host palms must attend a free training. The training will include an explanation of compliance requirements, identifying CRB and CRB damage on palms, and best management practices. Staff hired after the initial training must also be trained.

Reporting

If any CRB is found (beetle, larva (grub), egg, or pupa) it must be collected, reported, and held for the program to pick up or delivered to the CRB office at 1849 Auiki Street. Any suspected CRB damage on plants must be reported. Reports will be made by phone or email; (808) 679-5244 or info@crbhawaii.org.

Facility and property access for inspection and monitoring

You will be required to grant access to Program staff to inspect areas where CRB host material and CRB host palms are stored, loaded, or processed and the vehicles used for transport at least once every 6 months. You will be required to allow the deployment of CRB traps on your property and allow access at least twice per month for Program staff to check the traps.

Your staff must search all CRB host material staged on-site at least every 6 months for the presence of CRB. This must be an approved survey technique defined in the compliance agreement.

If CRB are found on your property

Any palms or material that has CRB cannot be transported. If any part of a pile of material has CRB, none of the material can be moved without treatment. You will be required to follow a treatment plan to get rid of CRB and prevent transport of CRB off your property which may include treatments, removal of host material, and more frequent access by the Response and HDOA. The treatment plan will be made by the Hawai'i Dept. of Ag.

Moving CRB host palms within Oahu

If you are going to move coconuts, date palms (All *Phoenix* palms), Royal Palms, or fan palm of the genus *Washingtonia*, *Livistona*, or *Pritchardia* you will have to inspect the palms for CRB damage and inspect the root area, crown, and trunk for CRB before you move it. The person doing those inspections has to be trained to identify CRB by HDOA-approved training. That training will be provided for free.

Moving CRB host palms off Oahu

Movement of host palms off Oahu has the same inspection requirements for CRB as above but the inspections must be done by HDOA inspectors along with inspections for other pests.

Moving Compost, mulch, trimmings, leaves, and plant waste on Oahu

Movement of all plant material that is decaying or will decay soon has to be free of CRB before it is moved. Material can only move if one of the following is true:

1. **Not decaying:** If the material is so fresh that it has not begun to decay. You have 30 days after trimming from a live plant to move material to its final location. After that, it is breaking down enough that it may have CRB breeding in it.
2. **Chipped that day:** The material has been chipped that day. Once chipped material has sat overnight, CRB may have laid eggs in it, so it must be moved the same day as it is chipped.
3. **Heated that day:** The material has been heated so that everything is 131 degrees F (55 C) or higher. This is hot enough to kill all CRB in the material. It must be moved the same day it was heated.
4. **Fumigated that day:** The material was fumigated with Sulfuryl Fluoride to 2000 CT by a certified applicator. The material must be moved on the same day that the fumigation is complete.
5. **Container:** If the material was loaded into a container made of material the CRB can't burrow through and has no gaps or holes bigger than ½ inch, it can be moved if it was free of CRB when it was loaded and the container was sealed every day from dusk through dawn. It is considered free of CRB if one of the above (1-4) was true when it was loaded.
6. **Sent to certified facility:** You are taking the material to certain facilities that immediately grind or chip the material followed by State-certified hot composting or incineration (burning).

Grinding will kill many CRB and State-certified hot composting gets hot enough to kill CRB that survive grinding. Contact us for a current list of the facilities.

Moving Compost, mulch, trimmings, leaves, and plant waste off Oahu

Interisland movement from Oahu requires certification that the material was treated to kill CRB. Heating or fumigation followed by container storage is necessary but requires verification and inspection by HDOA before it will be certified to transport.

Dumping and delivery to processing sites

Processing sites that are under a compliance agreement are only allowed to accept material from businesses and individuals who are also under a compliance agreement. Individuals that only ever deliver small loads (less than 3 cubic yards) are exempt. Compliant processing sites will check for a certification sticker on the vehicle. The stickers will be issued after your business signs on to a compliance agreement and meets all the training requirements.

Receiving or processing green waste

Plant material that is received must be chipped or ground within 72 hours then heated to 131 degrees F (55 C) for at least 3 days. Once it has undergone the 131 degree treatment, it can leave the facility. It can be staged for up to 6 months after the heat treatment and be moved with no special treatment. Material staged more than 6 months must be inspected for CRB by HDOA-approved methods.

Contracting work to businesses that transport mulch, compost, trimmings

You are required to only contract work out to businesses or individuals that are under a compliance agreement. Basically, your compliance agreement requirements extend to anybody you hire to do work that could spread CRB.

Fees

Currently only interisland inspections done by HDOA have a fee which is \$50.00 per hour plus mileage reimbursement for inspections not done at the Plant Quarantine Office. If CRB are found on your property, the treatment plan designed by HDOA may have costs associated with it. HDOA will try to minimize the cost and impacts but stopping the spread of CRB is a priority.

Violations

If the requirements of the agreement are not met, HDOA may require retraining, put you on provisional status, suspend or cancel the compliance agreement, or fine you. The penalty will depend on how serious the breach of the agreement is.

A provisional compliance agreement has additional requirements to make sure that CRB are not transported determined by the type of violation and risk of spread of CRB.

A cancelled compliance agreement can be reinstated by meeting requirements determined by HDOA.

If you don't have a compliance agreement, it is illegal to move CRB host material or host plants. If you move them anyway, it is a misdemeanor that includes a fine of between \$100 and \$25,000 depending on the severity and if it is a first offense. These penalties can also be applied if you flagrantly violate the terms of the compliance agreement.

If you intentionally possess or move CRB **and** you plan to sell, release, or give them away; you could be charged with a felony with a fine of \$50,000-\$200,000 and possibly fees to cover the response to get rid of CRB wherever you moved them.