

Request to Place a Fungus on the
List of Nonrestricted Microorganisms, Chapter 4-71A,
Hawaii Administrative Rules (HAR),
"Microorganism Import Rules,"
For Sale and Distribution

Pursuant to section 4-71A-17, Hawaii Administrative Rules (HAR), notice is hereby given that the Department of Agriculture has received requests to place the fungus, *Beauveria bassiana* GHA, on the List of Nonrestricted Microorganisms, under chapter 4-71A, HAR, for import in microbial products for sale and distribution.

B. bassiana GHA is currently placed on the List of Restricted Microorganisms (Part A) by genus and, by virtue of that placement, is classified as a high-risk microorganism which may be imported by permit for purposes approved by the Board of Agriculture (Board.) The requested amendment to delete *B. bassiana* GHA, from the List of Restricted Microorganism (Part A) and to add *B. bassiana* GHA to the List of Nonrestricted Microorganisms will allow *B. bassiana* GHA, contained in pesticides registered by the U.S. Environmental Protection Agency to be imported without permit but through product registration to allow sale and distribution in Hawaii, as authorized under subchapter 4, Introduction of Microbial Products, chapter 4-71A, HAR.

B. Bassiana GHA is contained in Mycotrol[®]O, a biopesticide listed by the Organic Materials Review Institute (OMRI), a nonprofit organization that reviews and determines products allowed for use in organic production, processing and handling. Products listed by OMRI may be used on operations that are certified organic under the United States Department of Agriculture National Organic Program. The biopesticides Mycotrol[®]O and Botanigard[®]ES, both products containing *B. bassiana* GHA, are the only apparent chemical control option for coffee farms in the Kona district of the island of Hawaii that are infested with Coffee Berry Borer, *Hypothenemus hampei*, a serious pest of coffee. *Beauveria* species are normally found in soil and plant debris and *B. bassiana* strains exist in Hawaii. Scientific research has concluded that *B. bassiana* GHA does not represent a risk greater to native insects than *B. bassiana* strains already present in Hawaii.

Pursuant to section 150A-6.6, Hawaii Revised Statutes and section 4-71A-17, HAR, the requested changes will proceed through an expedited rule amendment process which provides for public notification and input through Department of Agriculture press release and publication in the Office of Environmental Quality Control bulletin, mailed notice to persons who made timely written request for advance notice of rulemaking proceedings, as well as through public meetings of the Board and its Advisory Committee on Plants and Animals. This expedited amendment process provides for adoption of amendments through Board order, and following Governor's approval, for public notice of the order in daily or weekly publication(s) of statewide circulation.

A copy of the proposed exact changes and the order proposed by the Board if the requested changes are adopted will be mailed to any interested person who requests a copy upon payment in advance of costs for photocopying, preparing, and mailing the copy. A copy of the proposed order and proposed exact changes may be obtained for inspection or, alternatively, for pick up

after payment in full of costs for photocopying and preparing the copy at the following Plant Quarantine Offices:

Oahu: 1849 Auiki Street, Honolulu, HI 96819; PH: (808) 832-0566
Kauai: 4398A Pua Loke Street, Lihue, HI 96766; PH: (808) 274-3071
Maui: 635 Mua Street, Kahului, HI 96732; PH: (808) 873-3556
Hawaii: 16E Lanikaula Street, Hilo, HI 96720; PH: (808) 974-4141

The Department of Agriculture is soliciting comments regarding the proposed changes during the next thirty days. Oral or written comments may be communicated to the Plant Quarantine Branch (PQB) at the Oahu address or phone number shown above, or by fax to (808) 832-0584, or e-mail to Amy.N.Takahashi@hawaii.gov. Interested persons are also encouraged to attend the public meetings of the Advisory Committee on Plants and Animals, as well as the Board, on the proposed changes and should contact PQB at (808) 832-0566 for projected meeting dates and times. Notice of the Advisory Committee and Board meetings is posted at www.ehawaii.gov.org/calendar at least six days in advance of the meetings.