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States' Noxious Weed Statutes and Regulations: *Hawaii*



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States' Noxious Weed Statutes: Hawaii

Hawaii Revised Statutes

Division 1 – Government

Title 11 – Agriculture and Animals

Chapter 152 Noxious Weed Control

Section 152-1 - Definitions

For the purpose of this chapter, unless otherwise required by context:

"Control noxious weed" means to limit the spread of a specific noxious weed and to reduce its density to a degree where its injurious, harmful, or deleterious effect is reduced to a tolerable level.

"Cooperative agreement" means an agreement between the department and the landowner and land occupier for the control or eradication of a noxious weed infestation.

"Department" means the department of agriculture.

"Eradicate noxious weed" means to completely destroy and eliminate existing plant growth, seeds, and vegetative reproductive plant parts of a specific noxious weed from a given locality.

"Land occupier" means a person who occupies, resides on, or utilizes land or real estate of a landowner.

"Landowner" means the possessor of a fee simple absolute title in land or real estate and shall include the State and its political subdivisions in their capacities as owners of public lands.

"Noxious weed" means any plant species which is, or which may be likely to become, injurious, harmful, or deleterious to the agricultural, horticultural, aquacultural, or livestock industry of the State and to forest and recreational areas and conservation districts of the State, as determined and designated by the department from time to time.

"Person" means any individual, firm, corporation, association, or partnership.

Section 152-2. Rules

Subject to chapter 91, the department may make rules to effectuate this chapter, including but not limited to the following:

- (1) Establishment of criteria and procedures for the designation of plant species as noxious weeds for the purposes of this chapter;
- (2) Establishment of procedures and conditions for the initiation of cooperative agreements with landowners and land occupiers for the purpose of eradicating or controlling noxious weed infestations;
- (3) Control or eradication of noxious weeds when deemed economically feasible.

Section 152-3 - Prohibited acts

It shall be unlawful to introduce or to transport specific noxious weeds or their seeds or vegetative reproductive parts into any area designated pursuant to section 152-5 as free or reasonably free of those noxious weeds; provided that the introduction or transportation of those noxious weeds may be permitted for educational or research purposes when authorized by a permit issued by the department.

Section 152-4 - Designation of noxious weed

The department may designate certain plant species as noxious weeds following the criteria and procedures established under section 152-2(1). The department shall publish and make available a list of noxious weeds to interested persons.

Section 152-5 - Designation of areas declared free or reasonably free of noxious weeds

The department may declare the entire State, an island, or a section of an island as free or reasonably free of a specific noxious weed. The department shall take necessary measures to restrict the introduction and establishment of specific noxious weeds in areas declared free or reasonably free of those noxious weeds.

Section 152-6 - Duties of the department; noxious weed control and eradication

- (a) The department shall maintain a constant vigilance for incipient infestations of specific noxious weeds on islands declared reasonably free from those weeds, and shall use those procedures and methods to control or eradicate the infestations of noxious weeds as are determined to be feasible and practicable.
- (b) When the department determines that an infestation of a certain noxious weed exists on an island declared reasonably free from the weed, the department shall immediately conduct investigations and surveys as are necessary to determine the feasibility and

practicability of controlling or eradicating the infestation. The department may also conduct investigations and surveys to determine the feasibility and practicability of controlling widespread noxious weed infestations. The methods of control or eradication adopted by the department for any noxious weed infestation shall cause as little damage to crops and property as possible.

(c) Upon determining that control or eradication of an infestation is practicable and feasible, the department shall immediately serve notice, either oral or written, on both the landowner of the property and the occupant of the property on which the infestations exist. Written notice sent to the landowner's address last known to the department by certified mail, postage prepaid, return receipt requested, shall be deemed sufficient notice. In the event that certified mail is impractical because the department, despite diligent efforts, cannot determine land ownership or because of urgent need to initiate control or eradication measures, notice given once in a daily or weekly publication of general circulation, in the county where any action or proposed action will be taken, or notice made as otherwise provided by law, shall be deemed sufficient notice. The notice shall set forth all pertinent information with respect to the infestation and notify the landowner and the land occupant of the procedure and methods of control or eradication.

(d) Upon the department's notification pursuant to subsection (c) above, the department may enter into a cooperative agreement with the landowner and land occupier for the control or eradication of the noxious weed infestation. The procedures and conditions for executing the cooperative agreement shall be in accordance with rules adopted under section 152-2(2).

(e) Upon the department's notification pursuant to subsection (c) above, the department may entirely undertake the eradication or control project when it has been determined that the owner, occupier, or lessee of the land on which the noxious weed infestation is located will not benefit materially or financially by the control or eradication of the noxious weed; or when the noxious weed infestation is on state-owned land not leased or under control of private interest.

Hawaii Administrative Rules
Title 4 – Department of Agriculture
Subtitle 6 – Department of Agriculture
Chapter 68 – Noxious Weed Rules
Section 4-68-1 - Objectives

The objectives of this chapter are to implement the requirements of chapter 152, Hawaii Revised Statutes, and to establish criteria for designation, control, or eradication of noxious weeds.

Section 4-68-2 - Definitions

As used in this part:

"Board" means the board of agriculture;

"Chairman" means the chairman of the board of agriculture;

"Cooperative agreement" means an agreement between the department and the landowner and land occupier for the control or eradication of a noxious weed infestation;

"Head" means the head of the division of plant industry, department of agriculture; and

"Land occupier" means a person who occupies, resides on, or utilizes land or real estate of a landowner.

Section 4-68-3 - Criteria for the designation of noxious weeds for eradication or control projects by the department

Each plant species designated as a noxious weed for eradication and control projects by the department, shall meet all of the criteria in § 4-68-4 through § 4-68-8.

Section 4-68-4 - Designation; criteria based on plant reproduction

Reproductive characteristics of noxious weeds are:

- (1) A plant species that reproduces by seeds capable of being dispersed over wide areas; or
- (2) A plant species that reproduces by seeds capable of remaining dormant for two years or more; or
- (3) A plant species that reproduces by tubers, creeping roots, stolons, rhizomes, or other natural vegetative means.

Section 4-68-5 - Criteria based on growth characteristics

Growth characteristics of noxious weeds are:

(1) A plant species that is capable of competing with cultivated crops for nutrients, water or sunlight; or (2) A plant species that becomes established and forms dense stands in pasture lands, forests, lawns, landscape gardens, and recreational areas and conservation districts and is capable of shading and crowding out forage plants, native plants, and other desirable plants.

Section 4-68-6 - Criteria based on detrimental effects

Detrimental effects of noxious weeds are:

(1) A plant species that is causing or has the potential of causing severe production losses or increased control costs to the agricultural, horticultural, aquacultural, or livestock industries; or

(2) A plant species that is or has the potential of endangering native flora and fauna by encroachment in forest and conservation areas; or

(3) A plant species that is or has the potential of hampering the full utilization and enjoyment of recreational areas including forest and conservation areas; or

(4) A plant species that is poisonous, injurious, or otherwise harmful to humans or animals.

Section 4-68-7 - Criteria based on control

Control criteria of noxious weeds include:

(1) A plant species that is not effectively controlled by present day technology or by available herbicides currently registered for use pursuant to chapter 149A, Hawaii Revised Statutes; or

(2) A plant species that is effectively controlled only by extraordinary efforts such as repeated herbicidal applications at high dosage rates; or

(3) A plant species that is effectively controlled only by additional effort over and beyond the normal weed maintenance effort required for the production or management of certain crops and pasture lands, recreational areas, forest lands, or conservation areas.

Section 4-68-8 - Criteria based on distribution and spread

Distribution and spread criteria of noxious weeds are:

(1) A plant species that is not known to occur in one or more islands of the State; or

(2) A plant species that is known to occur only in incipient stages on less than five acres on one or more islands of the State; or

(3) A plant species that is known to occur on more than five acres but only in isolated or limited areas on one or more islands of the State.

Section 4-68-9 - Criteria for the designation of noxious weeds for control projects by lessees as provided in pasture lease agreement of State lands

Each plant species designated as a noxious weed for control projects by lessees as provided in a pasture lease agreement of State lands shall meet the criteria of § 4-68-3.

Section 4-68-10 - Procedure for the designation of noxious weeds

(a) The head shall direct a continuous program of study and evaluation of potential noxious weed species.

(b) Study and evaluation of a specific plant species may be initiated by the head or upon request by other governmental agencies or private organizations.

(c) When sufficient data have been accumulated on a plant species, the head may submit to the board a request for designation of the plant species as a noxious weed, pursuant to rule adoption.

(d) The plant species shall meet the criteria for designation as a noxious weed as provided in § 4-68-3.

(e) The list of plant species designated as noxious weeds, adopted by the board on June 18, 1992, and located at the end of this chapter is made a part of this section.

(f) A plant species shall be designated as a noxious weed for an eradication or control project by the department or for a control project by lessees as provided in State pasture lease agreements upon approval by the board.

(g) When the head determines that a plant species officially designated as a noxious weed no longer meets the criteria for the designation of noxious weed, the head may submit to the board a request for approval to rescind the official designation for that plant species, pursuant to rule adoption. The request shall include a report with reasons to justify the re-designation.

(h) The official designation of a plant species as a noxious weed shall be rescinded upon approval by the board.

Section 4-68-11 - Designation of an area declared free or relatively free of a specific noxious weed

(a) The head may recommend to the board the designation of a certain locality, an island, a group of islands, or the entire State as being free or relatively free of a specific noxious weed when the head determines that:

- (1) Infestation of the specific noxious weed is not known to occur in the area being considered; or
- (2) Infestation of the specific noxious weed is known to occur in the area being considered only in an incipient stage that could be easily eradicated.
- (b) The head may defer the recommendation for the designation of an area declared free or relatively free of a specific noxious weed pursuant to § 4-68-11(a) when it is determined that:
 - (1) The specific noxious weed is commercially cultivated as a crop for food, feed, or ornamental purposes; and
 - (2) The likelihood of the specific noxious weed manifesting its detrimental effects in the specific area would be remote or nil because of geographic barriers or ecological conditions.
- (c) A locality, an island, a group of islands or the entire State shall be designated relatively free of a specific noxious weed upon approval of the board.

Section 4-68-12 - Forms of cooperative agreements

There shall be four forms of cooperative agreements as set forth in § 4-68-13 to § 4-68-16, for the purpose of initiating noxious weed control or eradication projects.

Section 4-68-13 - Form A cooperative agreement

This agreement shall include but not be limited to the following provisions:

- (1) The department shall provide necessary chemical herbicides, oil carriers, and surfactants;
- (2) The department shall provide consultative, instructional, and supervisory services and shall coordinate the project;
- (3) The landowner or land occupier shall permit authorized personnel of the department to enter the infestation area;
- (4) The landowner or land occupier shall provide, for the purpose of herbicidal application, appropriate equipment and adequate personnel at a specified time after being given reasonable notice by the department; and
- (5) If the landowner or land occupier fails to provide the necessary personnel and equipment pursuant to the agreement after being given adequate notice in writing, the department shall provide necessary personnel by contracting other persons or firms and the landowner or land occupier shall be billed for these services by the department.

Section 4-68-14 - Form B cooperative agreement

This agreement shall include, but not be limited to, the following provisions:

- (1) The department shall provide appropriate equipment, and adequate personnel for the purpose of herbicidal applications;
- (2) The department shall provide consultative services and shall coordinate the project;
- (3) The landowner or land occupier shall permit authorized personnel of the department to enter the infestation area;
- (4) The landowner or land occupier shall provide necessary chemical herbicides, oil carriers, and surfactants at a specified date after being given reasonable notice by the department; and
- (5) If the landowner or land occupier fails to provide the necessary chemical herbicides, oil carriers, and surfactants pursuant to the agreement after being given adequate notice in writing, the department shall bill the landowner or land occupier for the cost of the chemical herbicides, oil carriers and surfactants used for the project by the department.

Section 4-68-15 - Form Cooperative agreement

This agreement shall include, but not be limited to, the following provisions:

- (1) The department and the landowner or land occupier shall jointly provide on a cost-sharing or pro-rata basis, necessary chemical herbicides, oil carriers, surfactants, equipment, and personnel for the project;
- (2) The department shall provide consultative services and shall coordinate the project;
- (3) The landowner or land occupier shall permit authorized personnel of the department to enter the infestation area; and
- (4) If the landowner or land occupier fails to provide a share of any of the items mutually agreed upon pursuant to the agreement after being given adequate notice in writing, the department shall bill the landowner or land occupier for the actual cost of the items.

Section 4-68-16 - Form D cooperative agreement

This agreement shall include, but not be limited to, the following provisions:

- (1) The department shall provide necessary chemical herbicides, oil carriers, surfactants, equipment and personnel for the project;
- (2) The department shall provide consultative services and shall coordinate the project; and
- (3) The landowner or land occupier shall permit authorized personnel of the department to enter the infestation area.

Section 4-68-17 - Procedures for initiating a cooperative agreement

- (a) For a cooperative noxious weed control or eradication project, the department shall initiate either a form A, form B, or form C cooperative agreement provided, however, that the department may initiate a form D cooperative agreement with a landowner or land occupier who shall not benefit materially or financially by the noxious weed control or eradication project.
- (b) A form D cooperative agreement may also be initiated when authorized and funded by specific legislation.
- (c) The agreement shall take effect after both parties mutually agree to abide by the provisions of the agreement and after indicating their mutual agreement by the signature of the chairman and the landowner or land occupier authorized by the landowner.

Section 4-68-18 - Eradication project

A noxious weed eradication project shall be limited to incipient noxious weed infestations located on an island or portion of an island designated by the department as relatively free of that species. A project shall be initiated by cooperative agreement.

Section 4-68-19 - Control project

- (a) Noxious weed control projects may be initiated upon widespread established noxious weed infestations and shall be limited to infestations on land used for or zones for agriculture, horticulture, aquaculture, livestock production, forestry, recreational areas, or conservation districts and to the periphery of the land.
- (b) Control projects shall be initiated by cooperative agreement only after the department receives written assurance that the landowner or land occupier shall maintain, for a period of not less than five years, the level of noxious weed control attained at the termination of the project.
- (c) The control project shall be terminated upon determination by the head that the noxious weed infestation has been brought under control or may be terminated with good cause upon mutual agreement by both parties.

**List of Plant Species Designated as Noxious Weeds for Eradication or Control
Purposes by the Hawaii Department of Agriculture**

<u>Scientific Name</u>	<u>Common Name</u>	<u>Islands Free or Relatively Free</u>
<u>Acacia mearnsii</u>	black wattle	Molokai
<u>Acaena novae-zelandiae</u>	New Zealand bur, piripiri	All islands
<u>Acroptilon repens</u>	Russian knapweed	All islands
<u>Aeschynomene indica</u>	Kat sola, Indian jointvetch	All islands
<u>Ageratina adenophora</u>	croftonweed, Maui pamakani	Hawaii, Kauai
<u>Ageratina riparia</u>	creeping croftonweed, Hamakua pamakani	Kauai
<u>Allium vineale</u>	wild garlic	All islands
<u>Andropogon bicornis</u>	West Indian Foxtail	Maui, Lanai, Molokai, Oahu, Kauai
<u>Andropogon virginicus</u>	broomsedge	Molokai, Lanai, Oahu, Kauai
<u>Anredera cordifolia</u>	Madeira vine	Maui
<u>Ardisia elliptica</u>	shoebutton ardisia	Maui, Molokai, Lanai, Oahu, Kauai
<u>Bocconia frutescens</u>	plume poppy	All islands
<u>Cardaria pubescens</u>	hairy whitetop	All islands
<u>Cereus uruguayanus</u>	spiny tree cactus, Peruvian apple	All islands
<u>Chromolaena odorata</u>	siamweed, bitterbush	All islands
<u>Cirsium arvense</u>	Canada thistle	All islands
<u>Clidemia hirta</u> var. hirta	Koster's curse, curse	Kauai, Lanai
<u>Coccinia grandis</u>	ivy gourd	Hawaii, Maui, Molokai, Lanai, Kauai
<u>Convolvulus arvensis</u>	field bindweed	All islands
<u>Cortaderia jubata</u>		All islands
<u>Cymbopogon refractus</u>	barbwire grass	Lanai, Oahu
<u>Cyperus esculentus</u>	yellow nutsedge	Maui, Oahu, Lanai, Kauai, Molokai
<u>Cytisus monspessulanus</u>	French broom	All islands
<u>Cytisus scoparius</u>	Scotch broom	All islands
<u>Dichrostachys nutans</u>	marabu	All islands
<u>Elephantopus mollis</u>	elephantopus, elephant's foot	Maui, Oahu, Lanai
<u>Elytrigia repens</u>	quackgrass	All islands
<u>Emex spinosa</u>	spiny emex	Lanai, Kauai
<u>Eriocereus martinii</u>	moon cactus	All islands

<u>Euphorbia esula</u>	leafy spurge	All islands
<u>Grevillea banksii</u>	kahiliflower, Bank's grevillea	Lanai, Maui, Molokai
<u>Halogeton glomeratus</u>	halogeton	All islands
<u>Hyptis pectinata</u>	comb hyptis	Kauai, Molokai, Lanai, Oahu
<u>Hyptis suaveolens</u>	wild spikenard	All islands
<u>Imperata cylindrica</u>	cogon	All islands
<u>Lagascea mollis</u>	acuate	All islands
<u>Lepidium latifolium</u>	perennial pepperweed	All islands
<u>Malachra alceifolia</u>	malachra	All islands
<u>Medinilla venosa</u>		Hawaii, Lanai, Molokai, Oahu, Kauai
<u>Melastoma</u> spp.	melastoma	All islands
<u>Miconia</u> spp.	miconia	All islands
<u>Mikania micrantha</u>	mile-a-minute	All islands
<u>Mikania scandens</u>	climbing hempweed	All islands
<u>Mimosa invisa</u>	giant sensitiveplan	All islands
<u>Mimosa pigra</u>	thorny sensitiveplan	All islands
<u>Miscanthus floridulus</u>	miscanthus, Japanese silvergrass	All islands
<u>Montanoa hibiscifolia</u>	tree daisy	Maui
<u>Myrica faya</u>	firetree, candleberry myrtle	Maui, Lanai, Molokai, Oahu
<u>Oxyspora paniculata</u>		Maui, Molokai, Lanai, Kauai
<u>Panicum repens</u>	torpedograss	Maui, Molokai, Lanai, Oahu, Kauai
<u>Passiflora mollissima</u>	banana passionfruit, banana poka	Maui, Molokai, Lanai, Oahu,
<u>Passiflora pulchella</u>	wingleaf passionfruit	All islands
<u>Pennisetum setaceum</u>	fountaingrass	Maui, Molokai, Lanai, Oahu, Kauai
<u>Piper aduncum</u>	spiked pepper	All islands
<u>Pittosporum undulatum</u>	Victorian box	Maui, Oahu, Lanai, Kauai, Molokai
<u>Prosopis juliflora</u>		All islands
<u>Pueraria phaseoloides</u>	tropical kudzu	All islands
<u>Rhodomyrtus tomentosa</u>	downy rosemyrtle	Maui, Molokai, Lanai, Oahu
<u>Rubus argutus</u>	prickly Florida blackberry	Lanai, Molokai
<u>Rubus ellipticus</u> var. <u>obcordatus</u>	yellow Himalayan raspberry	Maui, Molokai, Lanai, Oahu, Kauai
<u>Rubus niveus</u>	hill raspberry	Molokai, Lanai, Oahu, Kauai

<u>Rubus sieboldii</u>	Molucca raspberry	All islands
<u>Salsola kali</u>	Russian thistle	All islands
<u>Senecio madagascariensis</u>	fireweed	All islands
<u>Solarium carolinense</u>	horsenettle	All islands
<u>Solanum elaeagnifolium</u>	silverleaf nightshade	All islands
<u>Solanum robustum</u>		All islands
<u>Solanum torvum</u>	turkeyberry, terongan	All islands
<u>Sonchus arvensis</u>	perennial sowthistle	All islands
<u>Spartium junceum</u>	Spanish broom	All islands
<u>Stipa trichotoma</u>	nasella tussock	All islands
<u>Striga</u> spp.	witchweeds	All islands
<u>Themeda villosa</u>	Lyon's grass	Maui, Molokai, Lanai, Oahu, Kauai
<u>Tibouchina</u> spp.	tibouchina	Maui, Molokai, Lanai, Oahu, Kauai
<u>Triumfetta rhomboidea</u>	paroquet bur	Kauai, Maui
<u>Triumfetta semitriloba</u>	Sacramento bur	Lanai, Oahu, Molokai, Kauai
<u>Ulex europaeus</u>	gorse	Hawaii, Oahu, Lanai, Kauai, Molokai, Maui
<u>Urena lobata</u>	caesarweed	Hawaii, Maui, Molokai, Lanai, Kauai
<u>Verbascum thapsus</u>	mullein	Maui, Molokai, Lanai, Oahu, Kauai

Hawaii Administrative Rules

Title 4 – Department of Agriculture

Subtitle 6 – Department of Agriculture

Chapter 69-A – Pests for Control or Eradication

Section 4-69A-1 - Scope of rules

These rules shall govern the criteria and procedures for designation of pests for control or eradication programs on public or private property other than dwellings in the State.

Section 4-69A-2 - Definitions

As used in this chapter:

"Agricultural industry" means agricultural, horticultural, aquacultural, or livestock industry.

"Board" means the board of agriculture.

"Head" means the head of the division of plant industry.

"Livestock" means farm animals kept for use or profit and includes but is not limited to horses, mules, cattle, sheep, goats, swine, and poultry.

"Noxious weeds" means those plant species determined to be or likely to become injurious, harmful, or deleterious to the agricultural industry, forest and recreational areas, and conservation districts of the State and which are designated and listed as noxious weeds in chapter 4-68, Hawaii Administrative Rules.

"Other pests" means any invertebrate or vertebrate pest harmful to the agricultural industry or vegetation of value, as designated by the board.

"Vegetation of value" means vegetation such as desirable trees, plants, and shrubs.

Section 4-69A-3 - Criteria to designate pests for control or eradication

(a) Each insect, mite, other pest or plant disease designated by the department as a pest for control or eradication programs shall meet one or more of the following criteria:

(1) There is a record of economic damage in the scientific literature documenting the designated pest's potential for injury to the agricultural industries or vegetation of value in the State.

(2) The designated pest is causing or is about to cause economic loss by damage to a crop or agricultural commodity, by adversely affecting marketability, causing a loss in yield, or the like.

(3) The designated pest transmits plant diseases which cause economic loss to a crop or agricultural commodity by adversely affecting marketability, causing a loss in yield, or the like.

(4) The designated pest is injurious or deleterious to livestock by virtue of being venomous, parasitic, or a carrier or reservoir of diseases.

(b) All noxious weeds designated pursuant to chapter 4-68, Hawaii Administrative Rules, are pests for control or eradication within the meaning of this chapter.

Section 4-69A-3 - Criteria to designate pests for control or eradication

(a) Each insect, mite, other pest or plant disease designated by the department as a pest for control or eradication programs shall meet one or more of the following criteria:

(1) There is a record of economic damage in the scientific literature documenting the designated pest's potential for injury to the agricultural industries or vegetation of value in the State.

(2) The designated pest is causing or is about to cause economic loss by damage to a crop or agricultural commodity, by adversely affecting marketability, causing a loss in yield, or the like.

(3) The designated pest transmits plant diseases which cause economic loss to a crop or agricultural commodity by adversely affecting marketability, causing a loss in yield, or the like.

(4) The designated pest is injurious or deleterious to livestock by virtue of being venomous, parasitic, or a carrier or reservoir of diseases.

(b) All noxious weeds designated pursuant to chapter 4-68, Hawaii Administrative Rules, are pests for control or eradication within the meaning of this chapter.

Section 4-69A-4 - Procedure for the designation of pests for control or eradication

(a) The head shall direct a continuous program of study and evaluation of insects, mites, other pests, or plant diseases for potential designation as pests.

(b) Study and evaluation of an insect, mite, other pest or plant disease for designation as a pest may be initiated by the head or, upon request, by other government agencies or private organizations.

(c) When sufficient data have been accumulated on an insect, mite, other pest, or plant disease to warrant designation, the head may submit to the board a request for designation as a pest for control or eradication.

(d) The insect, mite, other pest, or plant disease shall meet the criteria for designation as a pest, as provided in section 4-69A-3.

(e) An insect, mite, other pest, or plant disease shall be designated as a pest for control or eradication by the department following approval of the designation by the board, pursuant to chapter 91, Hawaii Revised Statutes.

(f) The list of insects, mites, other pests, or plant diseases designated as pests, adopted by the board on December 16, 2008, and located at the end of this chapter, is made a part of this section.

(g) When the head determines that an insect, mite, other pest, or plant disease officially designated as a pest no longer meets the criteria for designation as a pest, the head may submit to the board a request to rescind the official designation for the pest. The request shall include a report with reasons to justify rescission of the designation.

(h) For rescission as submitted as outlined in subsection (g) above, the official designation of an insect, mite, other pest, or plant disease as a pest shall be rescinded following approval by the board, pursuant to chapter 91, Hawaii Revised Statutes.

Section 4-69A-5 - Control or eradication of noxious weeds; entry of private property

To the extent there may be any conflict between this chapter and chapter 4-68, Hawaii Administrative Rules, control and eradication programs for noxious weeds shall be governed by section 152-6, Hawaii Revised Statutes, and chapter 4-68. However, if after following the procedures provided therein, entry to private property other than dwelling places for control or eradication of noxious weed infestations is refused, any member of the department or any agent authorized by the department may gain entry in the same manner as provided in section 141-3.6, Hawaii Revised Statutes, for maintenance of any pest control or eradication program.”