

PLANT IMPORTATION RULES AND REGULATIONS

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ABSTRACT

The Plant Quarantine Branch of the Hawaii Department of Agriculture and the Plant Protection and Quarantine Service of the U.S. Department of Agriculture are complementary State and Federal agencies that deal with plants entering the State from foreign countries and the rest of the U.S. Certain plant groups from domestic sources are regulated under Hawaii Department of Agriculture Plant Import Rules, while foreign imports are regulated by the Code of Federal Regulations. People are free to transport most plants among islands with appropriate importation and certification procedures. Control of plants brought into the State depends upon voluntary declaration and is hampered by the inaccessibility of first class mail to inspection. Several possible improvements in alien plant importation monitoring are discussed.

INTRODUCTION

The Plant Quarantine Branch of the Hawaii Department of Agriculture and the Plant Protection and Quarantine Service of the U.S. Department of Agriculture are complementary State and Federal agencies that perform statewide inspections at airports, seaports, and post offices to regulate the importation of plants and plant products entering the State. Federal Plant Protection and Quarantine Service inspectors maintain jurisdiction over the importation of foreign commodities, while State Plant Quarantine Branch inspectors are responsible for monitoring articles arriving from domestic sources.

PROCEDURES FOR INTRODUCING PLANTS

Under State and Federal rules and regulations, many plant species are allowed entry by permit and/or inspection. Some are prohibited because they are considered noxious, while others are restricted, requiring (in addition to a permit) a period of isolated quarantine before being allowed into the State.

The importation of plants from foreign countries into Hawai'i is regulated under the Code of Federal Regulations (U.S. Code of Federal Regulations 1980). Importations generally require an "Application for Permit to Import Plants or Plant Products" (Plant Protection and Quarantine Service Form 587) approved in advance by the Plant Protection and Quarantine Service office in Honolulu. All plants imported from foreign countries require U.S. Customs declaration and must be inspected by Plant Protection and Quarantine Service inspectors upon arrival in Honolulu. Plants allowed entry by permit and inspection are subject to post-entry inspections at the premises of the importer for a period of up to one year. State Plant Quarantine inspectors, in cooperative agreement with the Plant Protection and Quarantine Service, conduct all post-entry inspections.

Plants sent or imported by cargo from foreign and domestic origins must be manifested as live plants or plant material for inspection. Not doing so constitutes false manifestation and subjects the importer to prosecution and penalty (Hawaii Department of Agriculture 1976a; U.S. Code of Federal Regulations 1980).

Importation of plants from domestic sources is generally allowed except for those plant groups such as bromeliads, grasses, orchids, coffee, and others related to crops representing viable industries in Hawai'i. These groups are regulated under the Hawaii Department of Agriculture Plant Import Rules (Hawaii Department of Agriculture 1981b). However, all plants, including cut flowers and foliage, are required to be declared or manifested for inspection upon arrival.

Plants and plant products sent or received by mail must be labeled as plant material on the shipping container for referral to agriculture inspectors for inspection. Plant material not properly designated is not made available for inspection and, as such, constitutes a violation of plant quarantine law.

NOXIOUS WEED AND SEED REGULATION

Although undesirable plants (weeds) occasionally enter Hawai'i inadvertently with nursery stock, as seed contaminants in livestock and poultry feed, or in agricultural or vegetable seed lots, the deliberate introduction of weed species is regulated under State and Federal laws and regulations (Hawaii Department of Agriculture 1976b; U.S. Code of Federal Regulations 1984; U.S. Code of Federal Regulations 1983). Under the Federal Seed Act, for example, the Hawaii Department of Agriculture Seed Laboratory cooperates with the U.S. Department of Agriculture to perform inspections of all bulk shipments of agricultural seeds into Hawai'i for noxious weed seeds. Under the Hawaii Seed Law (Hawaii Department of Agriculture 1976a) and Seed Rules (Hawaii Department of Agriculture 1981a), the Hawaii Department of Agriculture is also charged with the responsibility for testing agricultural and vegetable seeds entering from U.S. Mainland states for retail sales. Testing is conducted for seed viability and for noxious weed content. Small amounts of seeds brought in

by individuals for personal or experimental use are generally not required to be inspected.

INTERISLAND MOVEMENT OF PLANTS

Although people are free to transport most plants among islands in the State, all plant materials are required to be inspected and certified (stamped and released) by a Plant Quarantine inspector before they can be taken to another Island. This is necessary because certain plants serve as hosts of insect pests and diseases not found on all islands; therefore, these plants require treatment before shipment. Movements may be prohibited altogether because of the absence of adequate treatment procedures (Hawaii Department of Agriculture 1976b, 1981c).

LOOPHOLES IN THE INSPECTION SYSTEM

Regulating the introduction of plants into the State from foreign and domestic sources depends on declaration statements by passengers and manifestation of cargo by shippers or importers. The system relies almost exclusively on the honesty and integrity of people. Since there is no formal inspection of passengers and personal baggage, individuals may be tempted to circumvent inspection by not declaring or manifesting plant materials and other regulated or restricted items.

Another major loophole in the inspection system lies in the inaccessibility of first class mail to agricultural inspection. The upgrading of all air mail parcels exceeding 13 oz to priority (first class) mail in the last 10 years has created a dilemma for Federal and State agriculture officials throughout the nation. The Privacy Act protects all forms of first class mail from inspection, even if certain parcels are suspected of containing contraband articles. Individuals knowingly take advantage of this loophole to import/export plant materials and products to circumvent inspection requirements.

POSSIBLE SOLUTIONS TO LOOPHOLES

The Plant Quarantine law and Hawaii Department of Agriculture administrative rules are being revised to facilitate enforcement. One change being proposed is for the airlines to be fully responsible for distributing, collecting, and delivering, immediately upon arrival, all passenger declaration forms to the Plant Quarantine inspector(s) on duty at the first port of entry. Presently, the law requires only that the airlines distribute the passenger declaration forms.

The Plant Quarantine Branch is also implementing a citations and summons procedure for prosecuting and fining carriers and individuals who violate the quarantine law and administrative rules. The Branch's Federal counterpart, the Plant Protection and Quarantine Service, has already implemented a civil penalties procedure for assessing on-the-spot fines of

violators of their regulations. Since the inception of this procedure, the number of violations has declined.

The Plant Quarantine Branch has proposed a substantial increase in staffing to allow for around-the-clock coverage of Honolulu International Airport and more extensive coverage of nearby military bases. Funding has also been requested to develop resources for educating visitors and local residents on plant importation requirements. Public awareness and education programs entail production of videos for viewing on aircraft, at conventions, theatres, schools, and on TV; printing and disseminating brochures, leaflets, and posters; promoting advertisements through the various news media; and making appearances at schools, community meetings, and radio talk shows.

The U.S. Department of Agriculture and Hawaii Department of Agriculture, through affiliated organizations such as the National Plant Board and the National Association of State Departments of Agriculture, and through the Hawai'i Congressional delegation, are working toward a solution to the first class mail problem. A solution to alien species introductions by mail will not be found easily, as this is a problem of national concern and has been the subject of numerous discussions among state, U.S. Department of Agriculture, and U.S. Postal Service officials over the years. Thus far, the rights of the individual under the Privacy Act have prevailed.



Literature Cited

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