

Honolulu, Hawaii

FEB 20 2008

RE: S.B. No. 3170

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committees on Energy and Environment and Education, to which was referred S.B. No. 3170 entitled:

"A BILL FOR AN ACT RELATING TO PESTICIDES,"

beg leave to report as follows:

The purpose of this measure is to establish a pesticide-free buffer zone around elementary schools and require the Department of Agriculture to notify the schools and the Board of Education within seventy-two hours of the application of the pesticide.

Testimony in support of the measure was submitted by the Sierra Club Hawai'i Chapter, the Hawaii State Teachers Association, and thirty-eight individuals.

Testimony in opposition of the measure was submitted by the Department of Agriculture, Maui Pineapple Company, the Hawaii Farm Bureau Federation, Hawaii Pest Control Association, Alexander & Baldwin, Inc., Hawaii Agriculture Research Center, and three individuals

Comments on the measure were also submitted by the Department of Education, and five individuals.

Your Committees find that pesticide usage, particularly in close proximity to children and schools, can pose a dangerous health hazard in our communities. Recently, there have been reported incidents of students and school staff becoming ill subsequent to nearby pesticide spraying. Currently, there is no



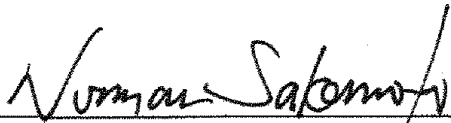
restriction on the use of pesticides near schools and your Committees believe that safeguards are necessary to protect the health of our keiki and our community as a whole. As received by your Committees, this measure would have created a pesticide-free buffer zone within one thousand and five hundred feet of an elementary school. Although protection is necessary, a less onerous approach should be explored to permit lawful pesticide usage, particularly for our agricultural community, while still ensuring the health and safety at all of our schools.

Accordingly, your Committees have amended this measure by replacing its contents with provisions that:

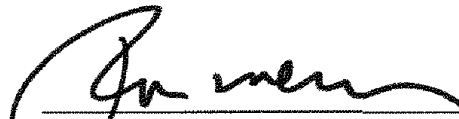
- (1) Establish a Working Group on Pesticide Use in Proximity to Schools, comprised of members of the Advisory Committee on Pesticides and representatives from the Department of Education; and
- (2) Specify the duties of the Working Group on Pesticide Use in Proximity to Schools, including reporting requirements.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3170, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3170, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy and  
Environment and Education,



NORMAN SAKAMOTO, Chair




RON MENOR, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3170	ENE/EDU	2/15/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MENOR, Ron (C)	✓			
HOOSER, Gary L. (VC)	✓			
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.				✓
TRIMBLE, Gordon	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

\*Only one measure per Record of Votes

The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Education**  
**EDU**

Bill / Resolution No.:* <b>SB 3170</b>	Committee Referral: <b>ENE/EDU</b>	Date: <b>2/15/08</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
SAKAMOTO, Norman (C)	X			
TOKUDA, Jill N. (VC)	X			
CHUN OAKLAND, Suzanne	X			
GABBARD, Mike	X			
HEE, Clayton	X			
NISHIHARA, Clarence K.				X
TANIGUCHI, Brian T.	X			
SLOM, Sam		X		
<b>TOTAL</b>	6	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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