

**Date:** 02/04/2008

**Committee:** Senate Energy and  
Environment; Senate Education

**Department:** Education

**Person Testifying:** Patricia Hamamoto, Superintendent of Education

**Title of Bill:** SB 3170 RELATING TO PESTICIDES.

**Purpose of Bill:** Establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

**Department's Position:** Thank you for the opportunity to testify on SB 3170 which establishes a pesticide-free buffer zone around elementary schools and imposes a 72-hour written notice to all schools in the immediate area of the spraying requirement. While we are very cognizant of recurring problems that have been created on school campuses by the spraying of chemicals on nearby land, the Department of Education believes this bill goes too far. This bill would prohibit the use of pesticides on school grounds. Pesticides by definition are substances or mixtures of substances intended to control pests. By specifying pesticides, a range of chemicals from disinfectants to rodenticides are subject to regulation under this measure. Therefore, by establishing a pesticide-free buffer zone around elementary schools, routine facility maintenance operations such as disinfecting our restroom facilities during cleaning would be affected. The commercial treatment of school buildings for mold, termites, rodent, ant or cockroach infestation would all be prohibited. Over time, the sanitation of our school facilities would be severely impacted. The Department has worked with the Department of Agriculture and the Pest Control Industry in Hawaii to train our schools on practicing the

Integrated Pest Management (IPM) approach to control pests on school campuses. IPM is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM programs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

Rather than ban the use of pesticides on school campuses, we believe the bill can be rewritten to reduce the likelihood that the spraying of pesticides will affect children on school campuses.

Again, thank you for the opportunity to testify on this bill.



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RL:2153

SB 3170  
RELATING TO PESTICIDES

Senate Committee on Education  
Senate Committee on Energy and Environment

Joint Public Hearing – February 4, 2008  
1:15 p.m., State Capitol, Conference Room 225

By  
Barry Brennan, Plant and Environmental Protection Sciences  
Peter Rappa, Environmental Center

SB 3170 establishes a pesticide-free buffer zone around elementary schools and imposes a 72 hour written notice to all schools in immediate area of spraying requirement. Our statement on this measure does not represent an institutional position of the University of Hawaii.

The buffer zones if were approved would severely affect parks, golf courses, and agricultural production in some areas as these activities are often found within the proposed buffer zone. We suggest that the bill be rewritten as a resolution asking the Department of Agriculture and Department of Health to determine the impacts of the proposed buffer zone on agriculture and other businesses that utilize pesticides for pest control. Furthermore, it would be far more reasonable to apply the buffer restriction to certain classes of pesticides, such as organophosphates with known long-term effects on children. To recommend a ban on all pesticides without regard to their potential for harming humans, wildlife, or other non-target organisms seems a bit of overkill.

Thank you for the opportunity to comment on this bill.

**LINDA LINGLE**  
Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512

**SANDRA LEE KUNIMOTO**  
Chairperson, Board of Agriculture

**DUANE K. OKAMOTO**  
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON ENERGY AND  
THE ENVIRONMENT AND EDUCATION  
FEBRUARY 4, 2008  
1:15 P.M.**

**SENATE BILL NO. 3170  
RELATING TO PESTICIDES**

Chairpersons Menor and Sakamoto and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 3170. The Department opposes this measure. This bill will prohibit commercial application of pesticides within a 1500 feet radius of elementary school property, require the Department of Agriculture to be notified of commercial use of pesticides within a five-mile radius a minimum of one week before the application, and require the Department of Agriculture to furnish this information to the schools and Board of Education.

Pesticides are regulated by a comprehensive system of laws and rules that have been developed since about 1910. Hawaii's program has developed in coordination with the U.S. Environmental Protection Agency's pesticides regulatory program. This regulatory system is based on review and approval of pesticides before they may be used, testing applicators of highly toxic pesticides to determine competency; and monitoring pesticide uses. Pesticides, by definition are substances or mixtures of

substances intended to control pests. By specifying pesticides, a range of chemicals from disinfectants to rodenticides are subject to regulation under this measure. The pesticide label is also a regulatory tool because the use of a pesticide in a manner inconsistent with its labeling is a violation of State and Federal laws. The prohibitions and records to be submitted and posted required by this bill are unprecedented. It also represents State interest in activities on private property that is also unprecedented.

A considerable number of facilities would be affected by the prohibition on the application of pesticides within 1500 feet of a school because the following activities are considered commercial: application of pesticides by service providers to residences and farms; application of pesticides by commercial establishments, including hospitals, golf courses; government agencies, drinking water treatment plants, wastewater treatment plants, and businesses. The prohibition also means that no pesticide use would be authorized on school grounds.

The five-mile radius reporting will be burdensome for applicators as well as the Department of Agriculture to monitor. All businesses will need to have staff to report pesticide applications because virtually all businesses apply pesticides. Even conservation areas are treated with pesticides to control weeds, rats and frogs.

This measure will impose an extraordinary burden on businesses and the Department and, therefore, we oppose this measure.



Maui Pineapple Company

Testimony of Calvin Oda  
Senior Vice President, Product Development  
Maui Pineapple Company

Before the Senate Committees on Energy and the Environment  
and Education

Date: February 4, 2008

Time: 1:15 pm

Senate Bill No. 3170  
Relating to Pesticides

Chairperson Menor, Chairperson Sakamoto, and Members of the  
Committees:

Thank you for the opportunity to testify on Senate  
Bill No. 3170. Maui Pineapple Company respectfully opposes  
this measure.

This bill will prohibit commercial application of  
pesticides within a 1,500 foot radius of elementary school  
property. In 2004, Maui Land and Pineapple Company donated  
land and buildings located in Napili, Maui to the Maui  
Preparatory Academy to provide educational opportunities to  
Maui's youth. Maui Pineapple Company works closely with  
MPA to ensure that pesticide applications in nearby  
pineapple fields do not impact students or faculty. By  
following the pesticide labels and use of common sense,  
there has never been an inadvertent incident at MPA due to  
agricultural uses of pesticides. This bill will render  
important agricultural lands near MPA useless for  
agriculture. This bill will also discourage land owners  
with agricultural lands to assist in the development of  
schools.

This bill will require that pesticide applicators to  
notify the Hawaii Department of Agriculture to be notified  
of commercial use of pesticides within a five mile radius  
of elementary schools a minimum of one week before the  
application. Pesticide applicators are required by the

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Maui Pineapple Company, Ltd.

870 Hali'imaile Road • Makawao, Maui, Hawai'i 96768 • 808-871-0386 • Fax 808-871-0390  
mauipineapple.com



Maui Pineapple Company

Agricultural Workers' Protection Act to post warning signs at entry points in the fields and maintain the warning signs until the expiration of the Restricted Entry Interval. Pesticide applicators are required by the Pesticide Labels to control spray drift. Pesticide applicators are also required to post pesticides applied, treated areas, and the expiration dates of the Restricted Entry Intervals in 'turn out' areas for agricultural workers. Maui Pine voluntarily notifies school officials of pesticides applied in nearby pineapple fields. Maui Pine also voluntarily notifies schools and residents of pesticide applications that must be applied on a given day. This allows the residents to opportunity to leave their property if they choose to while the pesticide application is occurring. Maui Pine also tries to use alternative pesticides with minimal odor near school and residents to minimize the chance of nuisances in schools and residents. Lastly, Maui Pine will not make any pesticide applications nearby schools while the school is in session.

In conclusion, Maui Pine opposes Senate Bill No. 3170 since it will place a heavy yet unnecessary burden on agricultural businesses. Agricultural workers, residents, and students are already well protected by existing Federal and State Laws. Maui Pine and other farmers strive to be good neighbors by taking voluntary actions to minimize potential negative impacts of agricultural uses of pesticides on adjacent school and residential properties.

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Maui Pineapple Company, Ltd.

870 Hali'imaile Road • Makawao, Maui, Hawai'i 96768 • 808-871-0386 • Fax 808-871-0390  
mauipineapple.com

To: Joint Committee on Energy and Environment & Education (Chairs Ron Menor & Norman Sakamoto)  
Re: SB3170 Pesticide Buffer Zone Around Schools

Dear State Legislators,

On Friday, January 25th, 2008, at approx. 11:30am, on the campus of the Waimea Canyon Middle School, Waimea on the Island of Kauai, I was asked by one of the teachers as to what the chemical smell on campus seemed to be. Her classroom was shuttered because of the smell. Outside the classroom, police and fire personnel were roaming. I was told that students had been rushed to hospital already and that many others were displaying symptoms of headaches, dizziness, nausea, and vomiting.

I told the teacher that I could smell what I thought was an odor similar to Diazanone, a chemical pesticide. It was very strong in that area. I am familiar with Diazanone, having used it myself on occasions in the past.

Later as I was exiting the school, I noted the Hazmat truck had arrived at the school from Lihue. Also, one of the firefighters whom I know told me that they were investigating possible poisoning from a product applied by Syngenta to a nearby field. The product was "Warrior." He was not aware of what the actual chemical was other than this trade name. Later I learned that it was Lambda-Cyhalothrin--a chemical nerve agent used as a pesticide.

In the end, some 60 students were released through the nurse's office because of symptoms relating to chemical poisoning. Teachers were also having to go to hospital or go home. One teacher had a blood work-up done that was sent to the mainland for analysis. We will not know for another few weeks what the results will show. Some teachers have noted that they will not continue to teach if the spraying by Syngenta is not halted. There have already been previous episodes similar to what happened last Friday, including one last year that closed the school because the teachers staged a "sick out" to safeguard themselves and the students.

My daughter Kimberly attends this school. My wife works as an aide there, too. I am very concerned about the health effects of pesticide spraying so close to the Waimea Canyon School. It needs to stop; however, at the moment there seems to be little legal recourse. Please pass bill number 3170 for the sake of all the children at the Waimea Canyon Middle School and other campuses that are exposed to this health risk.

Aloha ke Akua,

Rev. Dr. Olaf Hoeckmann-Percival  
Waimea United Church of Christ  
POB 457  
Waimea, HI 96796  
(808) 338-9962  
[percival@bossiq.com](mailto:percival@bossiq.com)



January 31, 2008  
In strong support of SB 3170

Committee on Education  
Sen. Sakamoto, Chair and Sen. Jill Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser  
Hearing Date: February 4, 2008 at 1:15  
Conference Room 225, State Capitol

Relating to Pesticides: establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

Dear Honorable committees;

I testify in strong support of this bill, SB 3170

My name is Clare Apana. I am a resident of Maui now. I moved to our family home in Wailuku due to a "pesticide spill" in my neighbor's yard. The pesticide was Malathion the kind you buy over the counter for home use. I was never able to go back to my home in Kaimuki because of the time it took for the pesticide to become harmless. The Malathion smell and vapors continued to affect people who came to my home for 5 months. For me it is a lifetime of being affected by chemicals meant to kill bugs. I now have a tremendous sensitivity to chemicals especially the pesticide variety and every day I am reminded of the damage to my brain.

This exposure has changed my life. The number of people who suffer from Chemical Sensitivity has grown so high that it is now recognized as a clinical diagnosis. There is even a tax deduction for those with this diagnosis. The point here is that this can be a real consequence of being exposed to pesticides. Our people and especially our children deserve to be protected.

I went to a clinic specializing in environmental medicine in Texas. There were many others who had the initiation of their medical problem start with exposure to pesticides. Sadly enough, there were children there at the clinic coming for some kind of help as it is not available in the usual clinics of medicine. I searched all over Honolulu and understanding of the problem and treatment was very limited. Thus, I found the clinic in Texas as my way to stop the progression of this illness.

No child doing something as innocent as going to school should be exposed to poisons. Yes look at the rating of these substances they are HAZARDOUS! What is even more ominous is that the manufacturers do not have to list the inert ingredients which can include such things as Mercury and other toxic substances. I have a lot of research that I have done on this topic. If you are interested please contact me. I would not expect that your experts from tropical agriculture to provide you with the real everyday life results of these hazardous chemicals because part of their livelihood comes from a society that uses them commercially and personally. I have lived through being poisoned by pesticides and have spoken to many others who have been harmed so that bugs and weeds could be killed easily. The corporate giants who run the FDA and DOA are not ready to make it safe for human beings and outlaw these pesticides.

The best I can do is ask you to please make our school's safe. I testified for the bill asking for 48 hours notice if a pesticide was going to be used in a park or school. It did not pass last year. In this land of freedom, making a choice may depend upon honest disclosure. I did not get the chance to make a choice on being exposed to Malathion and it will affect me the rest of my life. Give these children a chance to grow up strong and healthy by passing a law that will give them a little protection from hazardous chemicals in their school environment. It is not nearly enough to fight the misuse of poisonous pesticides but it will help keep our children safer and give them a chance to grow up with a whole brain.

Clare Apana 260 Halenani Drive Wailuku, Hawaii 96793 ph 221-0508

January 31, 2008  
In strong support of SB 3170

Committee on Education  
Sen. Sakamoto, Chair and Sen. Jill Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser  
Hearing Date: February 4, 2008 at 1:15  
Conference Room 225, State Capitol

Relating to Pesticides: establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

Dear Honorable committees:

I testify in strong support of this bill, SB 3170. My name is Teri Skillman-Kashyap, I live in Honolulu, HI.

My daughter is working on her Silver Award for Girl Scouts. It is through helping my daughter with her ocean project that I have seen first hand the effects of pollution run off on our beaches. The excessive amounts of multiple pesticide and herbicide sprays are contaminating our ground water and the run off from storms is affecting not only the immediate areas around schools and sites that are sprayed, but the ocean that is the primary recipient of the poisonous waste.

Ingesting toxic chemicals in any form puts the health and welfare of our children and the land in serious danger. Please do what is morally right and protect us from things that we have the ability to control.

With sincere gratitude,

Teri Skillman-Kashyap

SB 3170

Please cease all spraying of herbicides and pesticides in close proximity of public and private schools. I work at Kilauea Elementary school and went home sick about 13 years ago when herbicide was being sprayed outside the Portable classroom I was in.

Sincerely,  
Deborah Erickson  
PO Box 859  
Kilauea, Hi 96754  
808 828-1174

February 1, 2008  
In strong support of SB 3170  
Committee on Education  
Sen. Sakamoto, Chair and Sen. Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser  
Hearing Date: February 4, 2008 at 1:15  
Conference Room 225, State Capitol

Relating to Pesticides: establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

Dear Honorable committees;

I testify in strong support of this bill, SB 3170.

My name is Nadine Newlight; I live on the north shore of Maui and am the Director of the Maui Individualized Learning Center in Wailuku. I am the vice president of our citizen's group, GMO Free Maui, which represents the concerns of many people on Maui.

Maui County is "ground zero" for open-air genetic engineering test fields. Most of these experiments are concentrated on Moloka'i, directly impacting Kaunakakai Elementary and Moloka'i High and Intermediate Schools. Extensive similar field testing in Kihei directly impacts the Kamali'i and Kihei Elementary, Lokelani Intermediate, Kihei Charter High and Montessori Hale O Keiki Schools' staff and students.

Companies such as DuPont/Pioneer Seed, Syngenta and Monsanto are using multiple pesticide and herbicide sprays (such as Tilt, Warrior, Touchdown, Atrazine, Lasso Liberty, Prowl, Asana, Lorsban, Carbaryl, Accent, Banvel, Bucril, Dimethoate, Quadris, Round Up and Malathion) to test resistance of industrial seed crops. These test sites are next to homes, schools and waterways, with no monitoring of adverse health effects, damage to soil or persistence in ground water.

Some crops are engineered to produce their own pesticides, as in the case of "Bt" corn, soy and sunflower. Bt (*Bacillus thuringiensis*) is not only present in the plants, roots and pollen, but is also produced by these plants. In other words, the food makes poison. Why is no agency monitoring for the presence of these poisons? When sickened teachers and students have called for help, they have been ignored. These chemicals' warning labels state not to use them where they may contaminate groundwater, or in windy conditions, however, there are not many places in Maui County which are not in contact with the water table, and few days with no wind.

Moreover, these strong poisons are especially hazardous to a young person's developing body and mind, weakening the immune system and increasing the risk of developing allergies, especially (and commonly) to wheat, milk and peanuts, all crops are heavily contaminated with pesticides and herbicides. Why are we allowing our keiki direct contact with these chemicals, which are sprayed into the air that they breathe?

It is our kuleana to protect the children, our future leaders. We send them to school to gain knowledge, yet allow chemical companies, with a clear conflict of interest (corporate profits), to use them as guinea pigs! Must we not safeguard the health and well being of our most precious resource?

We are counting on you, our elected officials, to represent us and to protect us. Malama pono!

For the Earth  
Nadine Newlight  
45 Laenui Place  
Pa'ia 96779-8110

Subject: SB 3170  
Hearing: Feb. 4, 2008 1:15 pm  
From: Margery Freeman - Kauai

Dear Committee Members,

Kauai has had several instances of nausea, eye irritation and sickness during school hours, serious enough to send teachers and students to the emergency room of the hospital. While it is very hard to prove that spraying was the cause of these problems, in each case spraying had taken place near the school shortly before. There is no reason to take any risk with our children while they are in school.

Therefore please pass SB 3170 to establish a pesticide-free zone around elementary schools and impose a 72 hour written notice to all schools in the immediate area of spraying.

Sincerely,  
Margery Freeman  
6448 Kaahale St.  
Kapaa, HI 96746

Re: 3170  
Senate Committee on Energy and Environment  
Senate Committee on Education

Please cease all spraying of herbicides and pesticides in close proximity of public and private schools. I work at Kilauea Elementary school and went home sick about 13 years ago when herbicide was being sprayed outside the Portable classroom I was in.

Sincerely,  
Deborah Erickson  
PO Box 859  
Kilauea, Hi 96754  
808 828-1174

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**Agena, Carlton**

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**From:** Agena, Carlton  
**Sent:** Friday, February 01, 2008 4:48 PM  
**To:** 'testimony@capitol.hawaii.gov.'  
**Cc:** 'TimIlyons@cs.com'  
**Subject:** SB 3170

To: Senator Norman Sakamoto, Chair of Committee on Education and Senator Ron Menor, Chair of Committee on Energy and Environment; *HEARING DATE 2/4/08 AT 1:15 PM*

I am writing to both of you in regards to SB 3170 which I am in opposition of. I truly hope that both your committees really digest and comprehend the contents of this Bill and see the problems that can result if this Bill does pass Legislation. I believe that we need to address the odor problems that have occurred in the past near schools, but to blatantly blanket a solution to solve this problem is irresponsible and reckless. I know your concerns are in the right place, but please consider the collateral damages that can occur to PCO's, homeowners, hospitals, restaurants, hotels, and schools, due to the affects of pest problems in this "buffer zone". Mahalo for your time.....

Carlton Agena  
Quality Assurance/Technical Specialist  
Terminix Hawaii Region  
Phone: 808.836.0272  
Cell: 808.479.8665

Hello ~

I am in support of SB 3170 re: the ban of pesticide spraying within a 1500' radius at Waimea Canyon school. What this bill needs is some teeth in it and a stern warning/fine to Syngenta officials. Apparently, they continue to think it is okay to spray pesticides around our children's school which in turn is causing them to get sick.

Would a class-action lawsuit filed by parents of sick children get their attention? This is the current discussion and we are tired of taking off work and losing \$\$ to take care of our children while Syngenta gets off scott-free. Something is wrong w/this picture. Are authorities not equipped to put into motion a cease and desist order? Please inform.

Thank you.

M. C. Hendricks



2/4/08

Re: SB3170  
Help Establish Pesticide-Free Zones Around Schools

Dear Honorable committee, Sen. Sakamoto and Sen. Jill Tokuda, I testify in 100% support of SB 317; the bill to establish pesticide-free zones around elementary schools.

I took time out of my life to write this letter because I am very passionately concerned about the lack of awareness the local government shows about these issues. Please do me the honor of reading through it to get some feel for the concerns that myself and others like me have.

Many have spent a lot of personal time and money learning about what are the best and most wholesome practices for the healthiest environment. Let us help inform you! Proper low-maintenance landscape design (like establishing peanut groundcovers, for one) would eliminate the shameful reliance on chemicals. Chemicals equal DEATH to more than just weeds, regardless of what the company's spokesmen say. I mean, really. We must not allow ourselves to be so naive! Have you looked at any independent tests? I think that Kauai needs a government task force to research and address what is a very huge and growing concern to the community.

I've participated in this issue since I first moved to Kauai in 2001 and witnessed heavy and shocking use of toxic Monsanto chemical spraying by road crews. Nearly all of the roads in Kauai are within one mile of the ocean, where one of the last semi-healthy reefs in Hawaii live. Not to mention that many many people fish from there for food. I do not have children and yet I agree that it is a very, very bad idea to spray toxics anywhere near school grounds. I mean, it is obvious. How is it we've forgotten how to be healthy?

Monsanto needs to leave the island now. It is doing nothing but taking advantage of the ignorance of the local government and community. Please don't let history repeat itself and sell the beauty and purity (which life requires to thrive in the long-term) of Hawaii out just for money. The question needs to be asked: how has Kauai benefitted by the money from Monsanto's GMO crops and sprays? Do we have better schools than other states? Are the teachers receiving higher salaries? Is there a state or county trust fund that ensures that every local raised here can go to college? That is the least a corporation like Monsanto should be doing as reparation for the damage it's doing to your DNA. I left Kauai for these reasons. My health and DNA are too precious to be sold off as a guinea pig experiment - for ANY amount of money. I mean, really.

Every fisherman I met on Kauai says there are noticeably less fish. Why is this? Do you see a connection? Chemicals are toxic. All those people fishing out of the Hanalei river are poisoning themselves. Someone from the health dept. needs to get an INDEPENDANT lab - for obvious reasons - to test those people

to see the truth for themselves and bring that data to the hearings. There is a reason why heroin use is rampant among Hanalei locals. It is a response to the poison sprayed on those taro plants which poisons the fish pulled out of that river and the surrounding reefs.

Poisoned fish = poisoned people. Poisoned land = poisoned food. How many people do you know who have cancer or have already died from it, or are otherwise just very unhealthy? There is a very easy solution to this, yes? INTEGRITY and creative solutions. There are ALWAYS winning solutions available through God.

Chemical use affects our consciousness and leads to poor mentality and moods that are unhealthy which can lead children to 'self-medicate' with hard drugs. It is not a coincidence that Kauai's keiki are heavy drug users, and I am speaking of synthetic chemical drugs like ice. What do they have to live for, after all, when their own local government sabotages the land they live and fish from and the genetic integrity of their food. I know most of the Monsanto crops are not for food consumption, but the GENES are spread by pollen to food crops. I've stopped eating corn grown in Hawaii for that reason. Look it up and you'll see why. God knows what the water table of once pure Kauai looks like now. As the home of the wettest spot on earth, Kauai's watershed should be sacred and protected. Weed whacking should be mandantory along roadsides. How many people could be employed by that measure alone on Kauai? Enough to be a huge help to the local economy.

Just as happened in historical Hawaii, the land and health of those who inhabit the islands is being irreparably damaged for the sake of money. Europe has banned GMO's for a reason. We need to do the same here. THESE ARE NOT INCONSEQUENTIAL ISLANDS. HAWAII IS A VERY POWERFUL PLACE AND IT MUST BE PRESERVED AND NURTURED.

Sincerely,  
Elarael Burdette

Pesticide-free zones important for schools; Testimony for SB 3170

Aloha and thank you for considering the importance of SB3170 to provide a pesticide-free buffer zone around elementary schools. In light of much evidence that pesticides are related to immune-system problems, asthma and ADHA in children, it is horrifying to see herbicided areas where children walk and play. Please vote to provide our children a chance to learn in a safe, healthy environment.

Mahalo,

Diane Koerner  
RR2 Box 3902  
Pahoa, HI 96778

January 31, 2008  
In strong support of SB 3170  
Committee on Education  
Sen. Sakamoto, Chair and Sen. Jill Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser  
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Relating to Pesticides: establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

Dear Honorable committees;

I testify in strong support of this bill, SB 3170

My name is Daniel Anthony, I am a farmer and board member of the Native Hawaiian Chamber of Commerce.

I witness first hand the excessive amounts of multiple pesticide and herbicide sprays that are partnered with the industrial seed crop production by companies such as DuPont/Pioneer Seed, Syngenta and Monsanto. Many of the crops growing are resistant to these chemicals, allowing the fields to be spray liberally. Other fields are conducting tests as to how much these plants can withstand heavy spraying of these chemicals. These test sites are next to homes, schools, and waterways, with no monitoring of the adverse health effects, damage to soil or presence in ground water.

These sprays are named Tilt, Warrior, Touchdown, Atrazine, Lasso Liberty, Prowl, Asana, Lorsban, Carbaryl, Accent, Banvel, Buctril, Dimethoate, Quadris, Round Up and Malathion. Biotech researchers would like to be able to engineer seeds to resist all these chemicals, this research is being conducted here in Hawai'i

Other crops are engineered to produce their own pesticides, as in the case of Bt corn, soy and sunflower. Bt (*Bacillus thuringiensis*) is not only present in the plants, roots and pollen, but they also PRODUCE chemicals. In other words, the food makes poison. Not only do we ingest the poison, but we ingest the ability to produce poison in our own bodies.

How can we say no harm is found, when no agency is monitoring for presence? Even when we have sickened teachers and students, their calls for help has been ignored. This is not just one time, it has happened again and again.

To blame these health reactions on 'stink weed' is insane. The smell of stinkweed is only an indicator of wind direction. These poisonous sprays are being applied too close to schools and neighborhoods, and too close to the coastline.

Labels warn not to use them where they may contaminate groundwater, or in windy conditions. There are not many places on Kaua'i where you are not in contact with the water table, and there are even fewer days when our trade winds are not present.

These strong poisons are especially hazardous to a young person's developing body and mind. Exposure to these chemicals at a young age weakens the immune system and increases the risk of developing allergens. So many children are allergic to wheat, milk and peanuts. These crops are heavily contaminated with pesticides and herbicides. The suppression of the immune system create the bodies allergic response to the ingestion of the foods.

Pesticide residue from ingesting fruits and vegetables can be detected by swabbing the inside of a child's cheek. Contact with agricultural chemicals in children outpictures in developmental retardation and compromises their reproductive systems. What are we thinking by allowing our keiki to be in direct contact of these chemicals as they are sprayed into the air that they breathe?

Ingesting chemicals is directly linked to lower brain function and lower intellect. Who is speaking out for the field workers who are exposed to unsafe workplaces? Many are slaves to the conflict of fear. They participate because they cannot afford to lose their jobs.

Let us begin by protecting the children. How ironic that we send them to school to gain knowledge, yet we are allowing these chemical companies, with a clear conflict of interest (corporate profits) to use us a guinea pigs and impede the growth and development of our most precious resource. These children are our future leaders. Protect the health and well-being of all our citizens.

We are counting on you, our elected officials, to represent us and to protect us from things that we have the ability to control.

With sincere gratitude,

Daniel Anthony

seda, llc. - [www.solomonenosgallery.com](http://www.solomonenosgallery.com)  
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solomonenosdanielanthony  
808 Ahua Street # 118  
Honolulu, Hawaii 96819

January 31, 2008  
In strong support of SB 3170  
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Dear Honorable committees;  
I am in strong support of this bill, SB 3170

Kaua'i is home to most of the open air genetic engineering test fields being conducted on the planet. Most of these experiments are concentrated in Waimea and Koloa/Poipu. These experiments are directly impacting the Waimea Canyon Middle School staff and students.

How can we say no harm is found, when no agency is monitoring for presence?

These strong poisons are especially hazardous to a young person's developing body and mind. Exposure to these chemicals at a young age weakens the immune system and increases the risk of developing allergens. These crops are heavily contaminated with pesticides and herbicides.

Ingesting chemicals is directly linked to lower brain function and lower intellect.

We are counting on you, our elected officials, to represent us and to protect us .

With sincere gratitude,

Jan Price

January 31, 2008  
In strong support of SB 3170  
Committee on Education  
Sen. Sakamoto, Chair and Sen. Jill Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser  
Hearing Date: February 4, 2008 at 1:15  
Conference Room 225, State Capitol

Relating to Pesticides: establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

Dear Honorable committees;

I testify in strong support of this bill, SB 3170

My name is Tom Legacy, I live on the south shore of Kaua'i, in Kalaheo town. My daughter taught at Waimea Canyon School and my wife substitute teaches there. Kaua'i is home to most of the open air genetic engineering test fields being conducted on the planet. Most of these experiments are concentrated in Waimea and Koloa/Poipu. These experiments are directly impacting the Waimea Canyon Middle School staff and students.

I witness first hand the excessive amounts of multiple pesticide and herbicide sprays that are partnered with the industrial seed crop production by companies such as DuPont/Pioneer Seed, Syngenta and Monsanto. Many of the crops growing are resistant to these chemicals, allowing the fields to be spray liberally. Other fields are conducting tests as to how much these plants can withstand heavy spraying of these chemicals. These test sites are next to homes, schools, and waterways, with no monitoring of the adverse health effects, damage to soil or presence in ground water.

These sprays are named Tilt, Warrior, Touchdown, Atrazine, Lasso Liberty, Prowl, Asana, Lorsban, Carbaryl, Accent, Banvel, Buctril, Dimethoate, Quadris, Round Up and Malathion. Biotech researchers would like to be able to engineer seeds to resist all these chemicals, this research is being conducted here in Hawai'i

Other crops are engineered to produce their own pesticides, as in the case of Bt corn, soy and sunflower. Bt (*Bacillus thuringiensis*) is not only present in the plants, roots and pollen, but they also PRODUCE chemicals. In other words, the food makes poison. Not only do we ingest the poison, but we ingest the ability to produce poison in our own bodies.

How can we say no harm is found, when no agency is monitoring for presence? Even when we have sickened teachers and students, their calls for help has been ignored. This is not just one time, it has happened again and again.

To blame these health reactions on 'stink weed' is insane. The smell of stinkweed is only an indicator of wind direction. These poisonous sprays are being applied too close to schools and neighborhoods, and too close to the coastline.

Labels warn not to use them where they may contaminate groundwater, or in windy conditions. There are not many places on Kaua'i where you are not in contact with the water table, and there are even fewer days when our trade winds are not present.

These strong poisons are especially hazardous to a young person's developing body and mind. Exposure to these chemicals at a young age weakens the immune system and increases the risk of developing allergens. So many children are allergic to wheat, milk and peanuts. These crops are heavily contaminated with pesticides and herbicides. The suppression of the immune system

create the bodies allergic response to the ingestion of the foods.

Pesticide residue from ingesting fruits and vegetables can be detected by swabbing the inside of a child's cheek. Contact with agricultural chemicals in children outpictures in developmental retardation and compromises their reproductive systems. What are we thinking by allowing our keiki to be in direct contact of these chemicals as they are sprayed into the air that they breathe?

Ingesting chemicals is directly linked to lower brain function and lower intellect. Who is speaking out for the field workers who are exposed to unsafe workplaces? Many are slaves to the conflict of fear. They participate because they cannot afford to lose their jobs.

Let us begin by protecting the children. How ironic that we send them to school to gain knowledge, yet we are allowing these chemical companies, with a clear conflict of interest (corporate profits) to use us a guinea pigs and impede the growth and development of our most precious resource. These children are our future leaders. Protect the health and well-being of all our citizens.

We are counting on you, our elected officials, to represent us and to protect us from things that we have the ability to control.

I would appreciate it very much if someone would contact me to let me know that you have received this email and what action was taken.

With sincere gratitude,

Thomas P. Legacy  
4321-A Palama St.  
Kalaheo, HI 96741



**TESTIMONY ON SB 3170  
SENATE COMMITTEES ON  
ENERGY AND ENVIRONMENT, and EDUCATION**

**CHAIRPERSONS:** Senators Menor and Sakamoto  
**BILL NO:** SB 3170  
**TITLE:** Relating to Pesticides Applied Near Schools

**HEARING DATE & TIME:** Monday, February 4, 2008, 1:15 P.M.  
**HEARING LOCATION:** Conference Room 225  
**NUMBER OF COPIES REQUIRED:** 35

**Chairpersons Menor and Sakamoto and members of the committee:**

My name is Don Gerbig, a retiree from the agricultural industry, a private citizen, and an advocate for sound science and the safe use of pesticides.

I am testifying in opposition to this bill.

Besides all the misleading statements in the preamble of this bill I strongly object to the arbitrary banning of the application of pesticides when scientifically tested and produced product labels do the same thing if not more.

Restricting the application of pesticides without consideration for the purpose of their use does not lend itself to the other side of the issue, which is, the purpose of the spraying in the first place.

Pesticide definitions currently include many chemical compounds used as disinfectants and for the elimination of fungus, bacteria, and rodents. Not just insects.

Pesticide labels are very specific about the proper application and handling of the materials within the container and the label is the law. It is a violation of state and federal law to not follow the label instructions. Any additional laws, such as that which is included in this bill, is just unnecessary redundancy.

This bill **would prohibit** pesticides applications within 1500 ft of a school, aerial application over a school, aerial application within ½ mile of a school, and **reporting of all pesticide applications** within a five-mile radius **one week prior to application**.

How is a farmer to know one week before that he will need to spray his crop next week for grasshoppers? By the time he fills out the paper work required in this bill, his crop, located five miles from the school, will be gone.

What if the elementary school that your child attends has a Red Ant infestation coming from the pasture next door and from ant nests within the school yard. Doesn't this bill prevent the application of pesticides in these ant infested areas? Maybe give each child 2 blocks of wood so they can kill ants during recess.

The reporting requirements under this bill would take at least two weeks to fill out and get posted prior to the application. By that time, the ants would be inside the school room with the kids having lunch.

This bill, as it is written, is nothing but a sneaky way to ban the use of any and all pesticides and serves no useful purpose, but to take away from the public, pesticide benefits for controlling human disease, infections, and/or poisonous insects.

Thank you for the opportunity to offer testimony.

Don R. Gerbig  
Lahaina, HI  
Telephone 808-669-6463

Dear Senators

Please help keep our schools safe for our Keiki by passing SB 3170. The incidents of toxicity from agricultural spraying are simply a portent of more serious occurrences in the future. Sooner or later, if we do not create safeguards, we will encounter serious consequences because the perpetrators have shown that they simply do not care for the children as much as the welfare of their business. Mahalo

Aloha

David H Dinner

## LATE TESTIMONY

SB3170

This is an e-mail in support of Senator Hooser's proposed SB1370 concerning spraying of pesticides and herbicides near elementary schools. Here on Kaua'i many questions remain concerning the cause of illnesses at Waimea Elementary over the past year. This bill will go a long way towards relieving important concerns of students, teachers, parents and other community members related to outbreaks of similar attacks of illness. Mahalo for your concern, Ken Burch, P.O.B. 1306, Kilauea 96754

I am testifying in support of this bill, SB 3170 . I find it amazing that we have to pass legislation protecting the children of Kauai from activities caused by a for profit ventures that are harming their health. I do not remember any student at Waimea Canyon school being sick from smells caused by any substance in the past. It is only in the past few years that this has been a problem. It seems to coincide with the GMO seed companies that have started up in the past few years. If anyone has seen any of the GMO movies, they would be horrified at the consequences to the community and yet we continue to allow this. We have the most open air genetic engineering tests being conducted on the whole planet and most are conducted on the south and west side where the students have become so ill. I know that the companies bring jobs to the communities but at what cost. Please support bill SB 3170 and even better yet consider looking into stopping GMO seed production on Kauai.

In addition, I have been concerned with the wanton spraying of our roadsides with chemicals such as roundup. I have to drive on those roads and object to being subjected to these sprays. I remember many years ago, before it was banned, the county of Kauai sprayed neighborhoods with DDT with no notice. I tired to close doors and windows but was often too late. It is time to look at the damage we are doing the human DNA by use of all of these chemical sprays. The profit of a few chemical industries make who produce sprays like Tilt, Warrior, Touchdown, Atrazine, Lasso Liberty, Prowl, Asana, Lorsban, Carbaryl, Accent, Banvel, Buctril, Dimethoate, Quadris, Round Up and Malathion is **not** as important as the lives of our citizens.

My mother, a non smoker, developed lung disease which killed her from using too much Malathion on her orchids and bonsais. Some areas of Kauai have more than significant incidences of breast cancer especially in areas where pineapple was raised. One doctor is looking into a more thorough study of this. My own husband has cancer of the stem cells, often thought to be caused by exposure to petroleum products.

It is time Hawaii woke up..Rachael Carson's warnings happened a long time ago.

Carol Ann Davis-Briant  
808-742-6523, 742-2111  
2381 Kipuka St  
Koloa (Poipu) Kauai Hawaii 96756

January 31, 2008  
In strong support of SB 3170  
Committee on Education  
Sen. Sakamoto, Chair and Sen. Jill Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser  
Hearing Date: February 4, 2008 at 1:15  
Conference Room 225, State Capitol

Aloha Committee Chairs, Vice Chairs and members;

Kaua'i is home to chemical giants DuPont/Pioneer, Syngenta and Monsanto. Their fields are adjacent to Waimea Canyon Middle School where students and staff have been sickened by what most believe are the field practices adjacent to the school.

This is not your grandparents type of agriculture.

These are the sites of the most controversial tests in the biotech industry, because they are just that - tests. These test sites are next to homes, schools, and waterways, and they are interspersed around protective habitat for endangered species.

These test sites are sprayed repeatedly with many chemicals,

When they are cut down, seeds and whole corn cobs are left behind, that are ingested by birds and insects.

These fields are so heavily sprayed that even after weeks of rain, no weeds emerge. What does come up are volunteer corn plants from seed that was left behind

The laws that are meant to protect us are not being enforced and are totally insufficient. Two times, the EPA issued fines for unsafe planting practices.

This is unacceptable, the biotech companies are being allowed too much freedom and they are taking advantage of the aloha spirit, and the no make waves, peaceful nature of our people. Field workers are in toxic environments where the health concerns are not fully understood.

Oh, and by the way, can you believe these places are adjacent to Waimea Canyon Middle School and many other schools on Kaua'i and Molokai. Our keiki are getting a daily 7 hour dose of exposure to these severe poisons.

Please exercise common sense. Use precaution, prevent future health issues and the unintended consequences of pesticide and herbicide exposure.

Mahalo nui loa,  
Tony Kilbert  
PO Box 338  
Koloa, HI 96756

January 31, 2008  
In strong support of SB 3170  
Committee on Education  
Sen. Sakamoto, Chair and Sen. Jill Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser  
Hearing Date: February 4, 2008 at 1:15  
Conference Room 225, State Capitol

Relating to Pesticides: establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

Dear Honorable committees;  
I testify in strong support of this bill, SB 3170  
My name is Jeri DiPietro, I live on the south shore of Kaua'i. I represent our citizen's group, GMO Free Kaua'i. Our group represents the concerns of over 2500 people on Kaua'i.

Kaua'i is home to most of the open air genetic engineering test fields being conducted on the planet. Most of these experiments are concentrated in Waimea and Koloa/Poipu. These experiments are directly impacting the Waimea Canyon Middle School staff and students.

I witness first hand the excessive amounts of multiple pesticide and herbicide sprays that are partnered with the industrial seed crop production by companies such as DuPont/Pioneer Seed, Syngenta and Monsanto. Many of the crops growing are resistant to these chemicals, allowing the fields to be spray liberally. Other fields are conducting tests as to how much these plants can withstand heavy spraying of these chemicals. These test sites are next to homes, schools, and waterways, with no monitoring of the adverse health effects, damage to soil or presence in ground water.

These sprays are named Tilt, Warrior, Touchdown, Atrazine, Lasso Liberty, Prowl, Asana, Lorsban, Carbaryl, Accent, Banvel, Buctril, Dimethoate, Quadris, Round Up and Malathion. Biotech researchers would like to be able to engineer seeds to resist all these chemicals, this research is being conducted here in Hawai'i

Other crops are engineered to produce their own pesticides, as in the case of Bt corn, soy and sunflower. Bt (*Bacillus thuringiensis*) is not only present in the plants, roots and pollen, but they also PRODUCE chemicals. In other words, the food makes poison. Not only do we ingest the poison, but we ingest the ability to produce poison in our own bodies.

How can we say no harm is found, when no agency is monitoring for presence? Even when we have sickened teachers and students, their calls for help has been ignored. This is not just one time, it has happened again and again.

To blame these health reactions on 'stink weed' is insane. The smell of stinkweed is only an indicator of wind direction. These poisonous sprays are being applied too close to schools and neighborhoods, and too close to the coastline.

Labels warn not to use them where they may contaminate groundwater, or in windy conditions. There are not many places on Kaua'i where you are not in contact with the water table, and there are even fewer days when our trade winds are not present.

These strong poisons are especially hazardous to a young person's developing body and mind. Exposure to these chemicals at a young age weakens the immune system and increases the risk of developing allergens. So many children are allergic to wheat, milk and peanuts. These crops are heavily contaminated with pesticides and herbicides. The suppression of the immune system create the bodies allergic response to the ingestion of the foods.

Pesticide residue from ingesting fruits and vegetables can be detected by swabbing the inside of a child's

cheek. Contact with agricultural chemicals in children outpictures in developmental retardation and compromises their reproductive systems. What are we thinking by allowing our keiki to be in direct contact of these chemicals as they are sprayed into the air that they breathe?

Ingesting chemicals is directly linked to lower brain function and lower intellect. Who is speaking out for the field workers who are exposed to unsafe workplaces? Many are slaves to the conflict of fear. They participate because they cannot afford to lose their jobs.

Let us begin by protecting the children. How ironic that we send them to school to gain knowledge, yet we are allowing these chemical companies, with a clear conflict of interest (corporate profits) to use us a guinea pigs and impede the growth and development of our most precious resource. These children are our future leaders. Protect the health and well-being of all our citizens.

We are counting on you, our elected officials, to represent us and to protect us from things that we have the ability to control.

With sincere gratitude,  
Jeri DiPietro  
PO Box 338  
Koloa, HI 96756

\*\*\*\*\*

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Caren Diamond  
Post Office Box 536  
Hanalei, Hi, 96714

In strong support of SB 3170

January 31, 2008  
Hearing Date: February 4, 2008  
Time: 1:15  
Conference Room 225,  
State Capitol  
415 South Beretania Street

Committee on Education  
Sen. Sakamoto, Chair and Sen. Jill Tokuda  
Committee on Energy and Environment  
Sen. Menor and Sen. Hooser

Aloha,

- Please support the children of Hawaii, by supporting this bill that establishes safe buffer zones around Hawaii's schools for Hawaii's children. Preventing unnecessary exposure of Hawaii's Children to chemical pesticides will provide the healthiest learning environment, fields and playgrounds possible. In 1999, 31,614 children 0-14 years of age suffered from asthma here in Hawaii
- 
- Direct costs associated with asthma include doctors' visits, hospitalizations, and medication for asthma care. Indirect costs include costs attributed to asthma deaths and missed school and work days.
  - About 4.3% of Hawaiians have asthma; children have the highest rates. Native Hawaiians and Part-Hawaiians had the highest prevalence rate compared to the other racial groups.
  - Among the islands, Kauai has the highest asthma prevalence rates.
  - Source:
  - Children are more susceptible to hazardous impacts from pesticides than are adults;
  - Childhood cancer is continuing to increase at the alarming rate of 1 percent per year
  - The children of Hawaii have a fundamental right go to school without being exposed to agricultural use and testing of pesticides while at school;
  - Pesticides contain toxic substances, many of which may have a detrimental effect on human health and the environment and, in particular, have developmental effects on children
  - Parents and children of Hawaii are being denied their right to know and their ability to make



informed decisions about the level of pesticide exposure to their children while attending school; and;

- Information regarding pesticide use near schools in the state is not available to the public, thereby making it difficult to assess and address the potential health and environmental impact of pesticide use around Hawaii's schools
- a pesticide -free buffer zone provides long-term health and economic benefits;

The National Education Association and numerous other national public interest organizations have announced support for reducing or eliminating pesticide use in and around schools. In *The Schooling of State Pesticide Laws – 2000*, just over half of the states, or 31 states have adopted school pesticide laws. Please support Hawaii's children's right to education and a healthy environment in which to learn by supporting this bill.

Sincerely, Caren Diamond

Tracey Scahvone  
POBox 676  
Anahola, HI 96703  
808-822-4465  
Committee on Education  
Senator Norman Sakamoto  
Senator Jill N. Tokuda  
Committee on Energy and Environment  
Senator Ron Menor  
Senator Gary L. Hooser  
Monday, February 4, 2008  
1:15 pm  
Conference Room 225  
SB 3170

Dear Senators,

Please support SB 3170. We need a pesticide-free buffer zone around our schools for the health and well being of our children and school staff as well. It is common knowledge that pesticide is poison. It makes no sense to poison the land next door to where our children are being educated and playing during recess. The 72 hour written notice to all schools in immediate area of spraying is also important. Our children deserve a safe, poison free environment in which to learn and play. Please support SB 3170.

Mahalo,  
Tracey Schavone  
POBox 676  
Anahola, HI 96703  
808-822-4465

Maurizia Zanin [maurizia@hawaii.rr.com]

Hello,

Please consider SB 3170 which places elementary schools in pesticide-free zones. It is important for the children's health and development. Thank you, mahalo

Aloha, Maurizia



L A T E

2343 Rose Street, Honolulu, HI 96819  
PH: (808)848-2074; Fax: (808) 848-1921  
e-mail [hfbf@hfbf.org](mailto:hfbf@hfbf.org)

February 4, 2008

TESTIMONY BEFORE THE SENATE COMMITTEES ON  
ENERGY AND THE ENVIRONMENT  
AND  
EDUCATION

**SENATE BILL 3170**

**RELATING TO PESTICIDES**

Chairs Menor and Sakamoto, Vice Chairs Hooser and Tokuda, and Members of the Committees:

My name is Alan Takemoto and I am the Executive Director of the Hawaii Farm Bureau Federation.

**The Farm Bureau is opposed to this measure** because it is unnecessary and will be an unreasonable burden on farming in Hawaii.

**No justification for the bill**

There is no scientific basis for banning pesticides from elementary schools and their surroundings. Although the preamble of this bill serves to create unwarranted fear and distrust of pesticides and the authority of EPA and the Hawaii Department of Agriculture to protect the public from harm, pesticides can and are used safely to control rodents, disease, dangerous insects, and invasive species and to protect the public, crops, endangered species and native ecosystems.

Before a pesticide is placed on the market, it has gone through many years of health and safety studies and review by experts. Each pesticide comes with its own set of instructions on use and precautions that are enforceable.

**A ban is not needed and would disrupt farming, public health, and the management of natural resources**

Because this bill would ban any use of pesticides at and around schools and would require one week advance notification for applications even five miles away, it would prevent farms and other entities from operating in an efficient manner when pests cannot

be controlled in other ways. Farmers should continue to be given the opportunity to use products licensed to protect and manage their crops when necessary.

Besides chemicals to control weeds, rodents, and insects, there are many other types of pesticides (hand sanitizers, toilet seat cleaners, swimming pool disinfectants, water purifiers) that are used in many different settings (hotels, restaurants, hospitals, shopping malls). This proposal assumes that every pesticide is toxic and will have an impact on children at school regardless of composition, location sprayed or amount used.

Because this area is strictly regulated by EPA and the State Department of Agriculture, this bill is unnecessary and inflammatory. These agencies have set appropriate regulatory safety levels and we should not try to second-guess their expertise in banning important products that have met with their approval.

HFBF appreciates your careful consideration of this matter and respectfully requests that you hold this bill.



# L A T E

## HAWAII PEST CONTROL ASSOCIATION

820 Mililani Street, Suite 810 • Honolulu, Hawaii 96813-2938  
Telephone (808) 533-6404 • Fax (808) 533-2739

February 4, 2008

Testimony To: Senate Committee on Energy and Environment  
Senator Ron Menor, Chair

Senate Committee on Education  
Senator Norman Sakamoto, Chair

Presented By: Tim Lyons, CAE  
Executive Director

Subject: S.B. 3170 – RELATING TO PESTICIDES.

Chair Menor, Chair Sakamoto and Members of the Joint Committees:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we oppose this bill.

The intent of this bill appears to attack a problem which surfaced recently with children at an elementary school and it is alleged that pesticides were the culprit.

While it is true that pesticides are toxic, most of the ones used by the structural pest control industry are in ultra low doses. Additionally, the industry is using more and more baiting, as opposed to spraying. In fact, for many of the pesticides that we use, 99.4% of its composition is water and only .06% of it contains the active ingredient.

That having been said however, the practical effect of this bill is that it prohibits any commercially applied pesticide near a school from being applied by a licensed and

certified pest control operator. Pest control operators are not only licensed as companies from the Department of Commerce and Consumer Affairs, but also as individuals who are certified through the Department of Agriculture. In other words, they have to meet two (2) licensing standards. Additionally, they have to meet continuing education requirements.

The problem with this bill as we see it is that while it prohibits commercial applications, it does not prohibit the homeowner or individual citizen from making applications. We can pretty much guarantee you that if homeowners cannot protect their homes from termite invasions and its subsequent destruction from commercially available companies, they will take matters into their own hands. The majority of negative pesticide applications that we hear about today are done by individuals who are not properly licensed and who are not certified or trained. These include government employees, as well as, homeowners who take matters into their own hands.

We would like to note that there is no definition of school or educational institution in this bill and as a result, the provision which provides for notification anytime there is a school within a five (5) mile radius, we believe will include the majority of applications made within the state. We certainly hope that the Department of Education is ready, willing and able to accept the multitude of paperwork. This would be particularly true in Mililani where most of the schools are located in the center; no commercial applications would be allowed.

The bill further calls for a one week notice prior to any application. We believe that most of you have heard about the growing and irritating problem of bed bugs. Frankly, we do not want to be on the other end of the conversation where we have to tell a homeowner that we cannot treat for the bed bugs that are biting their family on a

nightly basis until we provide a one week notification for an application that no one but the residents of that household will care about.

There are other problems with this bill such as, what happens if you provide notification for an application to take place in one week but by the time that day arrives, we have very strong winds? Certified applicators know that this prohibits the application.

In short, we do not believe that this bill can work the way that it is envisioned. Wwe also do not believe it is necessary for the applications that are made in the structural pest control industry. HPCA has worked with DOE in order to implement Integrated Pest Management where the least amount of pesticides are used. Further, while we know that most people think that pesticides are horrible things, cleaners, fungicides and certain soaps are considered to be in the pesticide category and therefore, we do not believe that an outright ban on any pesticides is the proper way to go. Pesticides have a place in our society but, of course, they need to be used properly and by properly trained individuals.

Thank you.





**School Settings  
Statement of IPM Philosophy**

**Adopted July 18, 1994**

Suppression of pests will not depend solely on pesticides but will integrate various techniques and devices, modifications, procedural changes, and improved sanitation, etc. with minimal risk to people and the environment. Control actions will be taken only after inspections and monitoring have determined that action is necessary.

1. **Pesticide Application Policy.** In schools, treatments should not rely on scheduled applications of insecticides, but will use insecticides only when necessary.

The Recommended IPM program is as follows:

- a. Regular inspections by the pest control operators should be made to determine the presence of pests and conditions conducive to pests. Classrooms will only be treated if inspections and monitoring have shown that pests are present.
- b. A central clearing station should be established for school personnel to report sightings of pests. The pest control operators will check to determine if pests have been reported and where noted.
- c. The pest control operators will leave a written report noting sanitation conditions and building deficiencies that must be corrected. The report will also note any pest infestations found. When sanitation of building conditions conducive to pests are found, they must be corrected if the program is to succeed.
- d. Various monitoring devices for insects and rodents may be used, but will be placed only in areas inaccessible to children.
- e. Pesticide and application techniques will be chosen on the basis of reduced risk to people, particularly children and their environment. There will be no routine spraying of insecticides.
- f. Insecticide applications will not be made when children are occupying a room or area. Classrooms, hallways, cafeterias, and other common area will not be treated during school hours.

**HAWAII PEST CONTROL ASSOCIATION**

**820 Mililani St., Suite 810 \* Honolulu, HI 96813-2938 \* (808) 533-6404**

- g. When necessary to prevent or control insects, any registered insecticide bait may be used, but will be placed only in areas inaccessible to children.
- h. Pesticides will be applied in cracks, crevices, and voids whenever possible, not sprayed on accessible surfaces. Insecticides escaping onto exposed surfaces will be cleaned up immediately following application.
- i. The preferred method of rodent control is the use of traps and/or glue boards. Either will be placed discreetly so as not to present a nuisance or hazard to children. If the use of rodent baits become necessary, only anticoagulant type rodenticides may be used. All baits will be placed in locations not usually accessible to children. Bait stations will be placed only when children are not present in the area being baited, but may be placed when school is in session. Each station location will be recorded on a plot of the building.
- j. If any other pesticide or other types of pesticide applications are required, authorization, from the school administration, must first be obtained. After authorization is obtained, the application will be made only when school is not in normal session and students are not present in the area to be treated. Pesticides formulations and application techniques will be employed to produce the least hazard to students and school staff.

2. **Non-chemical measures.** HPCA's position is that pesticides should never be the first line of defense in controlling pests. The importance on non-chemical procedures, such as trapping and monitoring, is paramount in an IPM program. Exclusion through structural modifications and repairs is ultimately the responsibility of the school and is necessary for effective IPM. Sanitation enhances any IPM program and will be encouraged by pest control operators during regular inspections.

L A T E

Pesticide Bill SB3170

Why only elementary schools? This does not address Waimea Canyon Middle School on Kauai where pesticide spraying continues to be a problem. My daughter has come home on three separate occasions with symptoms of pesticide poisoning. Please include intermediate and high schools in this bill.

Debra Hookano [likokauai@gmail.com]

L A T E

I Support SB 3170

Dear Honorable Committees:

My name is Brian Godsill. I am a teacher at Waimea Canyon Middle School, and I testify in strong support of SB 3170. Hundreds of our keiki and our entire school staff have been held hostage in an unsafe environment for far too long. Headaches, nausea, dizziness, chronic fatigue, pulmonary and respiratory irregularities, and allergy "like" symptoms have become the norm for children and adults on our campus. We can only hope that long term damage has not already been inflicted by the agri-chemical companies surrounding our campus and community. We need your support to put a stop to pesticide assault. SB 3170 will make a statement that Hawaii takes care of its people. We will not compromise our children's health. We are compassionate people. Nobody will not spray poison near our schools.

Mahalo for your support,

Brian Godsill  
Seventh Grade English Teacher  
Waimea Canyon Middle School

We support SB 3170

Dear Honorable Committees,

My wife Jamie Gomer and I, Petar Kovacic, **STRONGLY SUPPORT SB 3170.**

As Pukalani Elementary School/PTA Parents, organic food advocates and environmentalists... the pesticide-free buffer zone around schools is a brilliant idea.

Please support this and other measures to protect us against chemical exposure and GMO propagation.

Thanks for your time and consideration,  
Petar Kovacic  
Pukalani, Maui, HI.  
petarsk8@yahoo.com

bill SB3170

L A T E

To whom it may concern,

My name is Greg Holzman my son is in 8th grade and my other son is in 4th grade. My older one goes to Waimea Middle School and has had headaches from toxic spraying near the school by Sengenta and Pioneer seed company. What type of long term health problems will he get from three years of this spraying?

There is no reason to spray toxic chemicals by the school. I am a commercial farmer. My farm is in Kaleheo in which I grow Landscape plants. I have wrote a few articles and published some information in magazines on bio controls which reduce and eliminate insects and fungus without the need for toxic chemicals. This is a new revolution in farming. These are derived from living natural occurring microbes which are being cultivated in Hawaii right now and used all over the world in coffee and papaya commercial farms. One product is called EM which stands for Effective Microbes. Another is called Maui LCF which has been developed by a mushroom farmer on Maui Named Brian Hamamoto and is used all over the world to eliminate pest and increase growth. Both are available from United Horticulture Supplies on Kauai. These have reduced the use of chemicals on our farm by 80% and are certified for use in organic farming by the USDA and FDA. There is big money in selling chemicals instead Bio Controls. Chemical companies are not promoting a healthier alternative. Sound familiar? Look at ethanol and petroleum.

This should be a solution based approach not a bunch of complaining and fighting back and forth This is an easy fix that might save them money and should be looked at by the companies as a research field for organic farming practices, which in the long term WILL be the revolution in the future of farming. I have been a fisherman and farmer for 25 years and I am a problem solver. The problem with these big companies is that they do not change easily. The management is so entrenched that they do not bend. The buffer zone around the schools is needed to save our children from long term harm. The problem is that cancer is a slow to show and toxic exposure to these chemicals does not show up for many years and the companies know they will not be held accountable. It will be found inconclusive in a cause and effect study and they will get off without paying a dollar. So they feel they do not have to change.

My children are the biggest investment I have. If they get sick there lives are ruined. They are our future leaders in the community. If they are ill we all loose. What kind of message does it send to our children that a company can put poison in there system but they should not do it to themselves ie. pot, coke, ice, ect.?

What does it say when our law makers find they cave into a big company because of low paying jobs which now are being filled by migrant mexican

workers in some fields? The local children are left defenseless for the trade off of low wage Jobs.

I live on the other side of these same fields. My house is the first house in Kekaha to be impacted by typical summertime east winds. The pollen from the GMO fields blows right into our house. It is effecting our quality of health. Just in the past few years it has become a big problem. We worry everyday about our children and there health from this silent killer. Sugar plantations were never like this! Feel free to call me anytime if you have questions, 337-1890

**Do Not Use Our Children As Test Lab Rats For These Companies Research Projects! A Buffer Zone Around Our Schools Is The First Start To A Healthier Kauai!**

**Please Support SB3170 Because The Biggest Investment We Have Is Our Children!**

Sincerely Greg Holzman PO BOX 764 KEKAHA 96752