

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 673
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Agriculture and Energy and Environment, to which was referred H.B. No. 673, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PESTICIDES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to post information on its website regarding restricted use pesticides in the State; and
- (2) Require the Legislative Reference Bureau to conduct a study regarding other states' pesticide reporting and registration requirements and report its findings to the Legislature.

Your Committees received testimony in support of this measure from the Hawaii Organic Farming Association, Aurora Foundation, Kauai Beekeeper's Association, Pesticide Action Network North America, and seventy-four individuals. Your Committees received testimony in opposition to this measure from Hawaii Aquaculture and Aquaponics Association; Ka'u Farm Bureau; Dole Food Company, Inc.; Dupont Pioneer; and three individuals. Your Committees received comments on this measure from the Department of Agriculture, Department of Land and Natural Resources, Legislative Reference Bureau, Hawaii Pest Control Association, and four individuals.



Your Committees find that reporting and disclosing restricted pesticide use will better inform the community and allow concerned residents to take necessary precautions against the possible harmful effects of pesticide exposure. However, your Committees also find that a report required by the Legislative Reference Bureau would be administratively burdensome and unnecessary given the federal requirements for recordkeeping in the 1990 Farm Bill and that Hawaii pesticide users must already maintain restricted use pesticide records. Your Committees also note concerns regarding the publishing of private information on its website, such as home telephone numbers and other confidential information.

Accordingly, your Committees have amended this measure by:


- (1) Clarifying that the information the Department of Agriculture is required to publish on its website is the public information contained in all restricted use pesticide records, reports, or forms submitted to the Department, except those records, reports, or forms required by the Department for restricted use pesticides used for structural pest control;
- (2) Authorizing the Department of Agriculture to require persons or entities filing pesticide records, reports, or forms to furnish an additional form that is suitable for posting online in response to requests pursuant to the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (also referred to as UIPA); or the Freedom of Information Act, title 5 United States Code section 552 (also referred to as FOIA);
- (3) Deleting the requirement that the Legislative Reference Bureau conduct a study regarding other states' pesticide reporting and registration requirements and report its findings to the Legislature; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

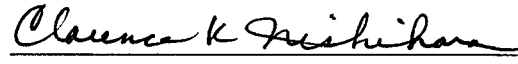
As affirmed by the records of votes of the members of your Committees on Agriculture and Energy and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 673, H.D. 2, as amended herein, and



recommend that it pass Second Reading in the form attached hereto as H.B. No. 673, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

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

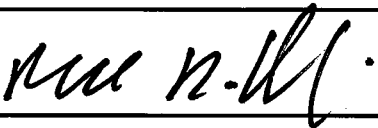

MIKE GABBARD, Chair


CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.:* HB 673, HD2	Committee Referral: AGL/ENE, WAM	Date: 3/12/13		
<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
NISHIHARA, Clarence K. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani				✓
THIELEN, Laura H.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:right; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* HB 673 HD2	Committee Referral: AGL/ENE, WAM	Date: 3/19/13
--	--	-------------------------

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
GABBARD, Mike (C)	X			
RUDERMAN, Russell E. (VC)	X			
CHUN OAKLAND, Suzanne				X
IHARA, Jr., Les	X			
SLOM, Sam				X
TOTAL	3			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes