

HCR 129, HD2

REQUESTING THE DIRECTOR OF HEALTH TO
DEVELOP PARTNERSHIPS TO ADDRESS THE
DATA GAP ON AIR, SURFACE WATER, AND
NEAR SHORE EFFECTS OF ATRAZINE.

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

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TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES
ON
ENERGY AND ENVIRONMENT AND HEALTH

APRIL 19, 2013
1:30 PM
ROOM 229

HOUSE CONCURRENT RESOLUTION NO. 129
REQUESTING THE DIRECTOR OF HEALTH TO ESTABLISH A TASK FORCE TO
STUDY THE EFFECTS OF ATRAZINE ON HUMAN HEALTH

Chairs Gabbard and Green and Members of the Committees:

HCR 129 HD 2 requests the Director of the Department of Health to develop partnerships to address the data gap regarding the air, surface water, and near shore effects of the pesticide, atrazine. As the agency responsible for pesticide regulation under the Hawaii Pesticide Law, the Department of Agriculture sees the need to correct certain inaccurate and misleading statements regarding the Department's activities relative to atrazine and regarding atrazine use that appear in this Resolution.

HCR 129 H.D. 2, at page 2, lines 26 – 31, states:

“WHEREAS, the Department of Agriculture does not test for atrazine because of the lack of inspectors, and atrazine users are largely left to police themselves with regard to compliance with atrazine guidelines promulgated by the Environmental Protection Agency that limit spraying and require setback from water resources; and”

The statement that the Hawaii Department of Agriculture does not test for atrazine because of lack of inspectors is not accurate. Despite the limited number of pesticide enforcement inspectors, in cases initiated by a complainant where the suspected pesticide used in the spray application has been identified with the active ingredient, atrazine, enforcement inspectors will collect samples (swab, plant, soil and other material) which the Department's Central Analysis Laboratory will test for the presence of atrazine.

The Hawaii Department of Agriculture's Pesticide Enforcement section has authority under the Hawaii Pesticides Law, chapter 149A, Hawaii Revised Statutes, to examine and



inspect pesticide application methods and equipment and to examine and collect samples of plants, soil, and other materials. Routine agriculture use inspections are carried out by pesticide inspectors and their investigation can focus on a pesticide product with the active ingredient atrazine or any other active ingredient if the product was used within 60 days prior to inspection. Inspections are conducted to determine if pesticide applications are being made according to the product label.

All pesticide products with the active ingredient of atrazine are classified as Restricted Use Pesticides (RUPs) and their use must be documented by applicators and records kept and made available for inspection by pesticide enforcement inspectors for a period of 2 years from the date of application.

We submit that this Whereas clause that discusses atrazine testing by Department inspectors either be deleted entirely or corrected to accurately reflect the facts of the situation.

We also note that HCR 129, H.D. 2, at lines 19 - 20, states:

"WHEREAS, atrazine has been used for decades in Hawaii to treat sugarcane, pineapple, and more recently seed corn; and"

This language is misleading as it implies that atrazine is applied directly on sugarcane, pineapple and seed corn, which is not correct. Atrazine can be applied as a pre-plant, pre-emergence treatment to soil to kill weeds prior to the planting of sugarcane, pineapple and seed corn, or applied later as a spot spray application to weeds actively growing near or around those crops.

To be accurate, the above-cited language at page 2, lines 19 – 20 of the HCR should be revised as follows:

"WHEREAS, atrazine has been used for decades as an herbicide application in the growing of sugarcane, pineapple, and more recently, seed corn; and"

On the basis of the foregoing clarification and in the interest of accuracy, we respectfully request: (1) that the Whereas clause on page 2 of the Resolution, lines 26 – 31, be either deleted in its entirety, or corrected to reflect the facts of the situation; and (2) that the Whereas clause at page 2, lines 19 – 20 be revised as shown in the immediately preceding paragraph.

Thank you for the opportunity to present testimony.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENT
COMMITTEE ON HEALTH

**H.C.R. 129, H.D. 2, REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP
PARTNERSHIPS TO ADDRESS THE DATA GAP ON AIR, SURFACE WATER, AND
NEAR SHORE EFFECTS OF ATRAZINE**

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

March 19, 2013
1:30 P.M.

1 **Department's Position:** The Department of Health supports the intent of this measure.

2 **Fiscal Implications:** Uncertain

3 **Purpose and Justification:** HCR 129 H.D.2 requests the Director of Health to develop partnerships to
4 address the data gap on air, surface water and near shore effects of atrazine. Such partnerships may
5 include consulting with other state and federal agencies, academic institutions, and private
6 organizations.

7 The federal government is engaged in a study of the effects of atrazine on human health and the
8 environment. Budget constraints at both the federal and state levels will impact the timeliness of this
9 investigation. The Department intends to review scientific information and collaborate with others in
10 the scientific and public health communities to gather a more comprehensive set of data about atrazine
11 and other pesticides in Hawaii's environment. But because of the severe funding shortage for all our
12 environmental programs, DOH cannot guarantee that we will be able to perform the work requested by
13 this resolution.

14 Thank you for the opportunity to testify on this measure.



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SENATE COMMITTEES ON
ENERGY AND ENVIRONMENT
and
HEALTH

HCR 129 HD2

REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP
PARTNERSHIPS TO ADDRESS THE DATA GAP ON AIR, SURFACE
WATER, AND NEAR SHORE EFFECTS OF ATRAZINE.

Friday, April 19, 2013
1:30 PM
Conference Room 229

Aloha Chairs Gabbard and Green, Vice Chairs Ruderman and Baker, and Members of the Committees,

I am Dean Okimoto, President of the Hawaii Farm Bureau Federation (HFBBF). Organized since 1948, the HFBBF is comprised of approximately 2,000 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

HFBBF strongly opposes this resolution because it contains assertions that are grossly inaccurate, misleading, and inflammatory.

The federal agency, the Environmental Protection Agency (EPA), under federal laws and regulations specific to pesticides, is tasked with performing evaluations of these products before allowing any of them to be sold and used as a pesticide in the United States. EPA has conducted reviews of atrazine within its rigorous and lengthy pesticide registration process and continues to review new research and information. In fact, the agency is scheduled to conduct a registration review of atrazine within the next several months which will include a review of any human health effects and effects on wildlife and the environment.

This resolution repeats allegations against atrazine that have been made in the media and blogs but have been rejected by EPA and independent scientists. EPA has reviewed and rejected certain atrazine studies because they did not meet EPA's standards and could not be substantiated or reproduced. Despite this, certain websites and charismatic speakers continue to cite these flawed studies to rally fear and distrust about the use of atrazine. The allegations made in this resolution add to the inappropriate fear-mongering that is giving the public the impression that they are no longer safe living in Hawaii.

Information used in a Hawaii legislative bill or resolution should come from the most accurate and credible source available. In this case, that source should be EPA. Since EPA will be conducting another review of atrazine in the very near future, we respectfully request that this measure be held until the results of that effort are known and can be used to guide State actions.

Atrazine has been used for many decades in many countries and continues to be used safely. It has been determined to be safe by health organizations and government authorities around the world. While it is true that it is not used in Europe, the assertion is specious since a very similar triazine herbicide *is* used there. Atrazine is an important product in Hawaii, and elsewhere, because it can be used safely to protect crops from competition by weeds that rob them of nutrients and water.

HFBF is not clear on the type of information that is being sought by this resolution. Hawaii's drinking water is regularly tested and the test results are reported annually to each public water system user. While it is true that atrazine has been found in some water systems at extremely low levels, the levels are many times lower than EPA's very conservative safety thresholds. Importantly, these detections are not expected to continue, in part because of strict use controls to prevent leaching and because the use of atrazine in Hawaii has decreased substantially over the last few decades.

However, if this body decides to pass this measure, HFBF respectfully suggests that the best way to determine what, if any, local information about atrazine is lacking and how best to obtain that information, is to assign this task to the current State Advisory Committee on Pesticides, a statutorily-mandated body that includes broad and diverse representation (appointed, and confirmed by the Senate) by all appropriate stakeholders, including the Department of Health, the University of Hawaii, and the community, that is tasked with making recommendations regarding pesticide issues.

The current resolution language could be replaced with the following factual information and request:

WHEREAS, herbicides are essential to commercial farming in Hawaii, enabling farmers to use less land to grow their crops; and

WHEREAS, the use of pesticides, such as atrazine, protects crops from competition from weeds that rob them of nutrients and water, thus allowing farmers to use less water than they would without atrazine; and

WHEREAS, atrazine has been approved by the U.S. Environmental Protection Agency (EPA) twice, and other health organizations and government authorities around the world, including the World Health Organization, Australia, the United Kingdom and Canada have also determined that atrazine is safe, and

WHEREAS, the EPA is scheduled to begin conducting its periodic review of atrazine in a few months, the findings of which should provide valuable information for the state to consider in any assessment it undertakes; and

WHEREAS, although atrazine is not used in Europe, the product received a favorable safety review there, and many European farmers continue to rely on very similar triazine herbicide; and

WHEREAS, atrazine is also used in more than 60 countries across Asia, Africa, North America, South America and the Middle East and;

WHEREAS, some communities have expressed interest in obtaining more information about exposure to atrazine and potential risk and the State desires to address their concerns and determine what information it may need to adequately assess exposure to residents from atrazine, now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2013, the Senate concurring, that the Advisory Committee on Pesticides review and assess the need for more information regarding residents' atrazine exposure and make recommendations accordingly.

BE IT FURTHER RESOLVED that the Director of Agriculture is requested to report to the Legislature progress, findings, and recommendations, including any proposed legislation arising from the review by the Advisory Committee on Pesticides, no later than October 31, 2013;

Thank you for your consideration of our comments and for your continued support of farming in Hawaii.

**TESTIMONY TO THE SENATE COMMITTEES ON ENERGY AND ENVIRONMENT,
AND HEALTH**

Mark Phillipson, Syngenta Hawaii, Corporate Affairs Lead

Friday, April 19, 2013

Re: HR100/HCR129 – Requesting the Director of Health to develop partnerships to address the data gap on air, surface water, and near shore effects of atrazine.

Aloha Chairs Gabbard and Green, Vice Chairs Ruderman and Baker, and members of the committees,

My name is Mark Phillipson and I am Corporate Affairs for Syngenta Hawaii.

Syngenta Hawaii supports efforts to educate and inform the public about atrazine and other herbicides. The public should understand their importance to sustainable agriculture in our state and, to reduce unwarranted concern, should be informed about the exceptional level of regulation that governs their use.

However, we cannot support HR100/HCR129 in their current form. As written, these resolutions contains numerous factual errors that misrepresents atrazine's solid safety record and inappropriately creates anxiety among the public about an essential tool that Hawaii farmers and others depend on. Farmers rely on atrazine for a variety of reasons: to keep their fields productive, to conserve water and to enable them to use no-till farming techniques, which preserve topsoil, improve water quality and reduce the carbon footprint of agriculture.

The U.S. Environmental Protection Agency (EPA) has re-registered atrazine twice over the past 50 years, most recently in 2006. The agency typically reviews 160 to 180 scientific studies before registering a product. But in the case of atrazine, EPA reviewed nearly 7,000 studies. Based on thorough and transparent reviews of atrazine's overwhelmingly detailed database, EPA concluded that atrazine can be safely used. Furthermore, the agency is set to begin the next scheduled registration review of atrazine this summer. No state-level task force could meet the scale of effort put forth by EPA to comprehend the vast amount of technical detail that supports atrazine's registration. For that reason, states have relied on EPA's comprehensive and publically available reviews and regulatory judgments, rather than expend considerable resources to duplicate its efforts.

In addition to EPA, the World Health Organization (WHO) and government regulators in the United Kingdom, Canada and Australia have found atrazine to be safe at levels found in the environment. In fact, after a thorough review of all the available scientific evidence, WHO in 2010 raised its recommended acceptable atrazine levels in drinking water by 50-fold — from 2 parts per billion (ppb) to 100 ppb — more than 33 times higher than the EPA standard of 3 ppb.

Beyond its crucial role in American agriculture, atrazine is used in more than 60 countries across Asia, Africa, North America, South America and the Middle East. Though not used in Europe,

atrazine received favorable safety reviews from regulators, and a sister herbicide is widely used by many European farmers.

Atrazine effectively manages weeds, enabling farmers to grow more food on less land, using less water, less labor, less energy and releasing less carbon into the atmosphere. And that benefits everyone. Here in Hawaii, seed farmers use atrazine as an integral part of cultivating enough seeds to feed an expanding global population, expected to reach 9 billion people by 2050.

If this proposed task force does indeed move forward, we would respectfully suggest including scientists and agriculture representatives who are familiar with the field of crop protection, EPA's registration process and its Scientific Advisory Panels, and the studies the agency and other regulators have relied upon in making their decisions regarding atrazine's safety. Also know the company is willing to cooperate as a resource.

Thank you.

HCR129

Submitted on: 4/16/2013

Testimony for ENE/HTH on Apr 19, 2013 13:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

HCR129

Submitted on: 4/18/2013

Testimony for ENE/HTH on Apr 19, 2013 13:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Janeel Hew	Individual	Support	No

Comments: Greetings, May it go on record that I support this Resolution and strongly urge you to consider HCR 129 with the utmost importance of being accepted. We and our environment are ONE in Hawaii. Each depending on the other for survival. It is our responsibility to ascertain all impact information regarding the effects of Atrazine. Thank you for your time and consideration in the passing of HCR 129. Janeel Hew

HCR129

Submitted on: 4/19/2013

Testimony for ENE/HTH on Apr 19, 2013 13:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Support	No

Comments: Please do what is right and just and pass this resolution.