

SB2110

Testimony



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE
Thursday, January 23, 2014
2:45 P.M.
Conference Room 229

SENATE BILL NO. 2110
RELATING TO AGRICULTURE

Chairperson Nishihara and Members of the Committee,

Thank you for the opportunity to testify on Senate Bill 2110. This bill would appropriate \$555,000 to the Hawaii Department of Agriculture (HDOA) for three inspector positions within the HDOA to administer and regulate restricted use pesticides.

HDOA supports the intent of this bill to increase the number of personnel positions needed to administer pesticide regulations under Chapter 149A, Hawaii Revised Statutes. The HDOA would like to point out that in our 2014 administration budget, 8 new positions are being requested for our Pesticides Branch. In addition to enforcement, these positions would provide educational outreach that we feel is necessary in creating a greater understanding of safe pesticide practices and additional support to the Pesticides Branch.

Thank you, again, for the opportunity to testify on this measure.



Testimony of the
County of Kaua'i
Bernard P. Carvalho, Jr., Mayor
4444 Rice Street, Suite 235
Līhu'e, Hawai'i 96766
Tel: (808) 241-4900; Fax (808) 241-6877

Re: SB 2110 Relating to the Regulation of Pesticides
Before a hearing of the
Senate Committee on Agriculture
January 21, 2014

Aloha from the Garden Island!

Mahalo for your timely consideration of this measure, which is included in the Kaua'i County 2014 Legislative Package.

Pesticide use by agricultural entities on Kaua'i has been a topic of intense conversation over the past nine months. While we understand that the budget crisis of several years ago necessitated the elimination of positions in the Department of Agriculture's pesticide program, it is imperative that these positions are restored in order to properly oversee the use of pesticides on Kaua'i and throughout the State.

The lone inspector for Kaua'i has done an admirable job attempting to prioritize the needs and respond to complaints to the best of her ability. However, it is clear that she cannot do the job alone. Whether it is via this bill, or the Governor's supplemental budget request which also proposes to restore the pesticide program positions, we implore you to take swift action to provide the necessary resources to the Department of Agriculture so that they can provide robust oversight of agricultural pesticide use in Hawai'i.

Respectfully submitted,



Bernard P. Carvalho, Jr.
Mayor, County of Kaua'i

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David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maucounty.gov/council

January 22, 2014

TO: The Honorable Clarence K. Nishihara, Chair
House Committee on Agriculture

FROM: Gladys C. Baisa
Council Chair 

SUBJECT: **HEARING OF JANUARY 23, 2014; TESTIMONY IN SUPPORT OF SB2110,
RELATING TO THE REGULATION OF PESTICIDES**

Thank you for the opportunity to testify **in support** of this important measure. The purpose of this measure is to appropriate funds for pesticide regulation by restoring three additional inspector positions for the Department of Agriculture.

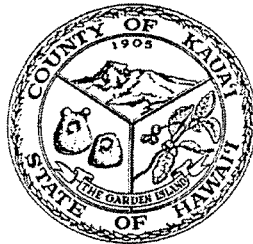
I support this measure for the following reasons:

1. The elimination of agriculture inspector positions, based on previous budget shortfalls, has resulted in the need of inspectors to perform required testing of restricted use pesticides has created potential gaps. Among other things, restoring personnel will help guarantee that standards for pesticide regulation are met under the Hawaii Revised Statutes, Hawaii Pesticides Law, Chapter 149A.
2. Maintaining sufficient agriculture inspector staffing is particularly important for Maui County because of the unique challenges faced by our multi-island, significantly agricultural community.
3. This measure will directly and indirectly assist on Maui County's ongoing efforts in dealing with invasive species, including miconia, coqui frogs, axis deer, and, most recently, the little fire ants that can produce painful stings for humans and blindness for pets.

For the foregoing reasons, I **support** this measure.

COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

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Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

January 21, 2014

**TESTIMONY OF JAY FURFARO
COUNCIL CHAIR, KAUAI COUNTY COUNCIL
ON**

SB 2110, RELATING TO THE REGULATION OF PESTICIDES
Committee on Agriculture
Thursday, January 23, 2014
2:45 p.m.
Conference Room 229

Dear Chair Nishihara and Committee Members:

Thank you for this opportunity to submit testimony in strong support of SB 2110, relating to the Regulation of Pesticides. My testimony is submitted in my capacity as Council Chair of the Kaua'i County Council.

SB 2110 is part of the 2014 Kaua'i County Legislative Package, which appropriates \$555,000 for Fiscal Year 2014-2015 for the Department of Agriculture. The purpose of this bill is to properly fund the necessary positions needed to administer the Hawai'i Pesticides Law.

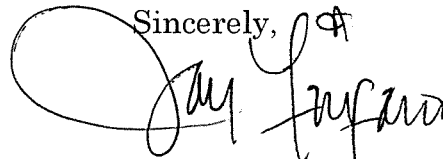
This proposed bill was considered by the Kaua'i County Council at the same time Governor Neil Abercrombie released a statement on September 23, 2013, stating that he will work with the Legislature to restore positions and seek additional funding "to address pesticide compliance and conduct inspections regarding pesticide contamination."

The Hawai'i Pesticides Law authorizes the Department of Agriculture to regulate the sale and use of pesticides, which provides a regulatory framework and personnel to properly address the concerns raised by the public. In 2010, critical positions that were needed to administer this law were eliminated as a result of the fiscal crisis. The Federal sequestration may have also had an impact on the State's finances at that time. However, many of our citizens continue to have concerns regarding the amount of Restricted Use Pesticides ("RUP") being applied by major seed companies across the State.

Senator Clarence K. Nishihara & Committee Members
RE: SB 2110 Relating to the Regulation of Pesticides
January 21, 2014
Page 2

To properly address the concerns raised by the public, and in the interest of the public's health, safety, and welfare, it is of the utmost importance that the appropriate staffing levels are committed and restored to properly regulate RUPs. An appropriation of \$555,000, which includes the cost of fringe benefits, supports an additional three (3) Inspector positions for the Department of Agriculture. This bill will also support Governor Neil Abercrombie's prior statement.

For the reasons stated above, I respectfully request the Committee's approval of this measure. Again, thank you for this opportunity to submit testimony.

Sincerely, 

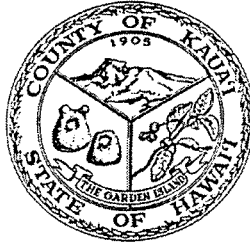
JAY FURFARO

Council Chair, Kaua'i County Council

AB:mn

COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

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Līhu'e, Kaua'i, Hawai'i 96766

January 21, 2014

TESTIMONY OF MEL RAPOZO
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON

SB 2110, RELATING TO THE REGULATION OF PESTICIDES

Committee on Agriculture

Thursday, January 23, 2014

2:45 p.m.

Conference Room 229

Dear Chair Nishihara and Committee Members:

Thank you for this opportunity to submit testimony in strong support of SB 2110, relating to the Regulation of Pesticides. My testimony is submitted in my capacity as Councilmember of the Kaua'i County Council.

SB 2110 is part of the 2014 Kaua'i County Legislative Package, which appropriates \$555,000 for Fiscal Year 2014-2015 for the Department of Agriculture. The purpose of this bill is to properly fund the necessary positions needed to administer the Hawai'i Pesticides Law.

This proposed bill was considered by the Kaua'i County Council during the time Governor Neil Abercrombie released a statement on September 23, 2013, stating that he will work with the Legislature to restore positions and seek additional funding "to address pesticide compliance and conduct inspections regarding pesticide contamination."

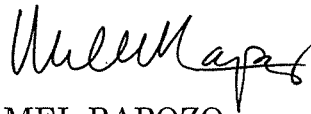
The Hawai'i Pesticides Law authorizes the Department of Agriculture to regulate the sale and use of pesticides, which provides a regulatory framework and personnel to properly address the concerns raised by the public. In 2010, critical positions that were needed to administer this law were eliminated as a result of the fiscal crisis. The Federal sequestration may have also had an impact on the State's finances at that time. However, many of our citizens continue to have concerns regarding the amount of Restricted Use Pesticides ("RUP") being applied by major seed companies across the State.

Senator Clarence K. Nishihara & Committee Members
RE: SB 2110 Relating to the Regulation of Pesticides
January 21, 2014
Page 2

To properly address the concerns raised by the public, and in the interest of the public's health, safety, and welfare, it is of utmost importance that the appropriate staffing levels are committed and restored to properly regulate RUPs. An appropriation of \$555,000, which includes the cost of fringe benefits, supports an additional three (3) Inspector positions for the Department of Agriculture. This bill will also support Governor Neil Abercrombie's prior statement.

For the reasons stated above, I respectfully request that the Committee approve this measure. Again, thank you for this opportunity to submit testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Mel Rapozo", written in a cursive style.

MEL RAPOZO
Councilmember, Kaua'i County Council

AB:mn

COUNTY COUNCIL

Jay Furfaro, Chair
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January 22, 2014

TESTIMONY OF GARY L. HOOSER
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 2110, RELATING TO THE REGULATION OF PESTICIDES
Committee on Agriculture
Thursday, January 23, 2014
2:45 p.m.
Conference Room 229

Dear Chair Nishihara and Committee Members:

Thank you for this opportunity to submit testimony in strong support of SB 2110, relating to the Regulation of Pesticides. My testimony is submitted in my capacity as Chair of the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee and Councilmember of the Kaua'i County Council.

SB 2110 is part of the 2014 Kaua'i County Legislative Package, which appropriates five hundred fifty-five thousand dollars (\$555,000) for Fiscal Year 2014-2015 for the Department of Agriculture (DOA). The purpose of this Bill is to properly fund the necessary positions needed to administer the Hawai'i Pesticides Law.

This proposed Bill was considered by the Kaua'i County Council at the same time Governor Neil Abercrombie released a statement on September 23, 2013, stating that he will work with the Legislature to restore positions and seek additional funding "to address pesticide compliance and conduct inspections regarding pesticide contamination."

In my recent experience involving the passage of Bill No. 2491 (Ordinance No. 960) on Kaua'i, I was informed that it takes the DOA sometimes two (2) or three (3) years to complete investigations of cases relating to pesticide drift. I was also informed that the surrounding public is not notified of this situation (that pesticide drift occurs in their neighborhood) until the investigator completes their investigation and only if the public requests said notification.

On October 8, 2013, the Honolulu Civil Beat reported the following, which is attached hereto for your reference:

1. "The State Department of Agriculture has only one employee assigned to review pesticide inspection reports and follow up on possible violations. And she says she hasn't gotten around to reviewing most reports in several years so there's been little if any action against pesticide misuse."

2. "The State Department of Health has no program in place to regularly test for pesticide contamination in the soil, air, or water. The sole position on Kaua'i that is supposed to monitor dust under pesticide regulations has been vacant for more than a year."
3. "The Environmental Health Specialist in the Agriculture Department's Pesticides Branch who is supposed to review pesticide inspection reports to determine whether there have been violations and if fines need to be levied. She told Civil Beat last week she's been able to review only a handful of reports in the past few years. She finished just seven of 72 investigations into possible violations on Kaua'i alone for 2011 and 2012. An overall tally of backlogged reports — either for inspections or public complaints — wasn't available, according to department officials."
4. "The department doesn't track general-use pesticides that are being sprayed throughout the State, about 75 percent of all of the pesticides sprayed, according to the Federal Environmental Protection Agency."

In addition, inspector logs provided by the DOA show that forty-three percent (43%) of the information was "redacted" and apparently under further investigation. The inspection logs also indicate that extensive users applying large amounts of RUP two hundred fifty (250) times or more per year are only being inspected on a minimal basis, perhaps seven (7) to twelve (12) times per year. A copy of the inspection logs are attached for your reference as well.

To properly address the concerns raised by the public, and in the interest of the public's health, safety, and welfare, it is of utmost importance that the appropriate staffing levels are committed and restored to properly regulate RUPs. An appropriation of five hundred fifty-five thousand dollars (\$555,000), which includes the cost of fringe benefits, supports an additional three (3) inspector positions for the Department of Agriculture.

In conclusion, I ask this Committee to support this appropriation as requested and work with the DOA, Department of Health and the Counties in partnership to properly address the health and environmental impacts that occur due to the intensive use of pesticides around our State.

For the reasons stated above, I respectfully request the Committee's approval of this measure. Again, thank you for this opportunity to submit testimony.

Sincerely,



GARY L. HOOSER
Councilmember, Kaua'i County Council



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Does Hawaii's Failure to Enforce Pesticide Use Justify Action by Kauai?

By Sophie Cocke

10/08/2013

The state Department of Agriculture has only one employee assigned to review pesticide inspection reports and follow up on possible violations. And she says she hasn't gotten around to reviewing most reports in several years so there's been little if any action against pesticide misuse.

Since 2009, the department has suffered budget cuts that have stretched its pesticide oversight to the limit, its director says. There are only six pesticide inspectors in the state, including one on Kauai, where local officials are moving to take pesticide oversight into their own hands.

Meanwhile, the state Department of Health has no program in place to regularly test for pesticide contamination in the soil, air, or water. The sole position on Kauai that is supposed to monitor dust under pesticide regulations has been vacant for more than a year.

The state's lack of ability to effectively oversee pesticide use and public health concerns is giving impetus to a move by the Kauai County Council to take matters into its own hands. The council is slated to vote as early as today on a measure — Bill 2491 — that would increase county oversight of the heaviest agricultural users of restricted-use pesticides, namely the four biotech companies operating on the island — Syngenta, DuPont-Pioneer, Dow and BASF — and Kauai Coffee Co.

"We need to do something. We can't count on the state," said Kauai County Councilman Gary Hooser, who co-sponsored the bill with Councilman Tim Bynum. "In our particular situation, I believe there is urgency. The doctors we talked to in those committee hearings believe there is urgency and we can't sit around and wait for the state to get its act together."

The bill takes a more aggressive approach to overseeing pesticide use on Kauai. It requires that the state's largest restricted-use pesticide users disclose what they are spraying, where and in what quantities, something the state hasn't embraced.

It also sets up buffer zones between GMO fields and public spaces, including schools, roads and waterways, another requirement lacking in state regulations.

And it requires the county to conduct studies on whether pesticides are contaminating the environment and harming human health. The state has not invested in wholesale studies of pesticide contamination.

Bill 2491 originally included extensive regulations of both pesticides and genetically modified organisms. But last month, the Kauai County Council's Economic Development and Intergovernmental Relations Committee amended the measure to focus more closely on pesticide use. The committee passed it 4-1 on Sept. 27 and is set to be heard by the full council today.

The biotech companies are vigorously fighting the bill. They say they are being unfairly targeted in the midst of what they describe as a radical, pseudo-scientific attack on genetically modified organisms.

"It's not about community health, it's not about pesticide use, it's about getting rid of these companies," said Alicia Maluafiti, executive director of the Hawaii Crop Improvement Association, a trade group for the biotech companies. She noted that the companies employ more than 500 people on Kauai.

Residents, including health care providers, on the west side of Kauai where the biotech operations are concentrated, have been particularly worried over the years that the pesticides being sprayed on GMO fields are making people sick and harming the environment. In 2011, more than 150 residents in Waimea [filed a lawsuit](#) against Dupont-Pioneer, formerly Pioneer Hi-Bred, alleging that the company's pesticides sparked health concerns and drove down local property values.



Sophie Cocke / Civil Beat

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About the Author

Sophie Cocke
Reporter



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Sophie Cocke

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Community Voices

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Kauai residents have complained that state officials have been slow to respond to their concerns and investigate reports of pesticide odors, dust and possible oversprays.

State Oversight Lax

Avis Onaga is the environmental health specialist in the agriculture department's pesticides branch who is supposed to review pesticide inspection reports to determine whether there have been violations and if fines need to be levied. She told Civil Beat last week she's been able to review only a handful of reports in the past few years.

She finished just seven of 72 investigations into possible violations on Kauai alone for 2011 and 2012. An overall tally of backlogged reports — either for inspections or public complaints — wasn't available, according to department officials.

Instead, she said, she has been designated as the person responsible for responding to public records requests about pesticides and those duties have kept her so bogged down she hasn't had time to concentrate on the job she was hired to do. The requests are coming from lawyers, Kauai County Council members and media.

"I've had so many requests that I haven't had a chance to work on any of my cases for the past so many years," she said.

Onaga, who said she has received 46 public records requests since 2010, said that she had prioritized the requests over her inspection reports because public records requests have a deadline and pesticide inspection reviews do not.

Russell Kokubun, director of the Department of Agriculture conceded the department could become more efficient in making records available to the public and said he would seek approval from the Legislature for an additional position to investigate pesticide violations.

But that's not the only problem at the Department of Agriculture, which is in charge of monitoring pesticide use under the Federal Insecticide, Fungicide and Rodenticide Act.

The department doesn't track general-use pesticides that are being sprayed throughout the state, about 75 percent of all of the pesticides sprayed, according to the federal Environmental Protection Agency. The state does have sales records for restricted-use pesticides, but the records only provide limited information.

Kokubun said that the department was just starting to rebuild its pesticides branch which was weakened by the 2009 budget cuts. He wants the department to enhance its oversight beyond what it was doing before the budget cuts.

"We don't want to just stop with what was there before," Kokubun said. "There needs to be more outreach and more awareness about what pesticides are and what they do."

The Hawaii health department also says it suffers from a chronic lack of funding when it comes to monitoring the environment for pesticides.

The department is responsible for overseeing the federal Clean Water Act, but it has no statewide testing program for pesticides.

The health department turned responsibility for testing drinking water over to the counties, which test for pesticides. But the health department doesn't have a statewide program for monitoring whether chemicals are leaching into the soil, contaminating streams and coastal areas or being carried on dust from GMO fields.

There is a position for an environmental health specialist on Kauai who would be in charge of enforcing dust regulations. But the position has remained vacant for nearly a year.

The agency has interviewed candidates for the position and is waiting for approval to hire from the state's human resources department, according to Janice Okubo, a state health department spokeswoman.

Last month, a Kauai County Council member asked department officials how the agency was doing enforcing dust regulations on Kauai.

"Probably badly," responded Gary Gill, deputy director for environmental health.

Legislature Also Fails to Get Tough

Backers of Bill 2491 also point to a history of watered-down measures passed by the [Hawaii Legislature](#) and a failure of the state departments to toughen their own rules and regulations.

Lawmakers debated a bill last year that would have required extensive public disclosure of both general-use pesticides and restricted-use pesticides — which have [more potential](#) to harm public health and the environment.

But the legislation that passed only requires that sales records for restricted-use pesticides be posted on the Department of Agriculture's website. The department has yet to post the information, saying there are propriety

From a Private Garden Into the Ripe GMO Debate

GMO Debate: Kauai's Struggle for Health and the Environment

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business concerns it needs to resolve first.

The Legislature also passed a resolution this year requesting that the health department test for levels of atrazine in surface water, coastal waters and the air. Atrazine is a pesticide that's been linked to birth defects.

But, as the health department's Gill recently told the Kauai County Council, the Legislature didn't provide any money for the testing. The department has pulled together \$70,000 to do statewide testing for atrazine as well as other pesticides, he said.

Rep. Cynthia Thielen, who sponsored the resolution on atrazine, supports the Kauai regulatory effort because she thinks the state is doing a bad job regulating pesticides. "I think it's important for the county to act to protect its own population," she said.

Hooser, the Kauai councilman behind Bill 2491, said that the department's lack of willingness to fund pesticide testing and programs shows the state isn't taking the issue of pesticides seriously.

"It just boggles the mind the lack of urgency from the state," he said.

But overseeing pesticide use doesn't come cheap, whether it's the state or the county taking the lead. Bill 2491 would cost the county millions of dollars and county officials say they aren't sure where the money will come from.

Kauai County Council Chair Jay Furfaro initially put the price at \$4.4 million for the first two years and \$911,000 every year after that.

Hooser said that the the biggest cost would likely be health and environmental studies, which could amount to \$2 million and that the costs of regulation would be relatively minimal. He said that the studies are critical to figuring out if there is cause to be concerned about pesticides.

If studies show unsafe levels of pesticides in the environment, then the county can charge the companies for cleanup efforts and further testing, he said.

"Ultimately, these companies should pay the price, not the people of the community," he said.

Last month, days before the Kauai council committee voted on Bill 2491, Gov. Neil Abercrombie promised that he would work with the Legislature to restore funding and positions for pesticide regulation within the health and agriculture departments. He also suggested that agricultural companies would voluntarily comply with new safety and health guidelines that would be put in place while the Legislature and department heads deliberated on stricter controls.

But supporters of Bill 2491 were swiftly critical, arguing that the governor was simply trying to derail the county's efforts. They questioned whether the biotech companies would really comply with new guidelines voluntarily, especially since the companies had taken a hard line against the bill during hearings, protesting buffer zones and pesticide disclosure.

Alicia Maluafiti of the Hawaii Crop Improvement Association said that the biotech companies hadn't had time to meet with the governor to discuss issues such as buffer zones and pesticide disclosure because they are too busy fighting "fear mongering by Mr. Hooser and the extremists on Kauai."

"We obviously haven't had a chance to sit down," she said. "We are still fighting a pretty pissy bill on Kauai."

Bill 2491 with amendments:

(September 27, 2013)

FLOOR AMENDMENT

Bill No. 2491. Relating to Pesticides and Genetically Modified Organisms

Introduced by: NADINE K. NAKAMURA and JOANN A. YUKIMUR

Amend Bill No. 2491 by amending the proposed new Article 22 in
follows:

**"ARTICLE 22. PESTICIDES AND GENETICALLY
ORGANISMS**

Sec. 22-22.1 Findings.

(a) In order to establish provisions governing the use of
genetically modified organisms (GMOs) ~~by large-scale commercial
entities on Kauai~~, the Council finds that:

(1) Section 1, Article XI of the State Constitution in
benefit of present and future generations, the State and
subdivisions shall conserve and protect Hawaii's natural and
natural resources, including land, water, air, minerals, and
and shall promote the development and utilization of these
manner consistent with their conservation and in further
self-sufficiency of the State. All public natural resources are
the State for the benefit of the people."

DISCUSSION: *Do you think the Kauai County Council should step in when it comes to the regulation of
pesticides?*

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STATE OF HAWAII DEPARTMENT OF AGRICULTURE
INSPECTION LOG
KAUAI, 2011-2012

SUMMARY

- The information in this HDOA inspection log covers two years, 2011 and 2012.
- There were a total of 175 inspections conducted on Kauai during this two-year period.
- Of the total inspections conducted, 75 have been redacted by the HDOA due to possible violations and are currently pending investigation.

NOTE: On two separate occasions, Kauai County Councilmember Hooser has requested in writing from the HDOA "the nature of the violations and investigations without the accompanying company identification." This information has not been provided.

- The total amount of redacted inspections equals approximately 43% of all inspections.
- Of the total un-redacted inspections during this two year period, the following inspections were conducted on these 5 operations:

o BASF	2
o Dow	None
o Kauai Coffee	3
o Pioneer	13
o Syngenta	9

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SB2110

Submitted on: 1/18/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Hawaii Cattlemen's Council	Support	No

Comments:

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e-mail info@hfbf.org; www.hfbf.org

January 23, 2014

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE

TESTIMONY ON SB 2110
RELATING TO THE REGULATION OF PESTICIDES

Room 229
2:45 PM

Chair Nishihara, Vice Chair Kouchi, and Members of the Committee:

I am Christopher Manfredi, Acting President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

Hawaii Farm Bureau supports the intent of this bill and offers the following comments.

There is significant misunderstanding within the community about pesticide science and use. Although this area is highly studied, evaluated by scientific experts, and regulated, both at the federal and State levels, some in our community have been led to believe otherwise; that pesticides are being used excessively in Hawaii, and that pesticides are causing illnesses and environmental harm here. This has fostered unjustified fears and feelings that our government is not protecting us, especially when it comes to the agricultural use of pesticides.

The use of pesticides in our everyday environment is a fact of life in Hawaii and elsewhere. We use "restricted use" termiticides to ensure that our houses aren't destroyed. We use herbicides to combat invasive species that threaten to destroy our precious watersheds, we use insecticides against mosquitos, found even on Oahu last year, that spread dengue virus and other deadly diseases. We even use "restricted use" pesticides *in* our drinking water, to ensure that it is safe to drink. And yes, farmers use pesticides so they don't lose entire crops to bugs, diseases, and weeds.

So long as pesticides are used properly, they don't pose risks to humans or the environment. To ensure they are used properly, our State Department of Agriculture, along with the EPA, regulates pesticide use and enforces the stringent laws and regulations if there are violations.

Although we fully support HDOA and agree that it should be given the resources it needs to accomplish its mission, this bill may be unnecessary because funding for these positions, and pesticide educational outreach positions, are being sought in the budget. We request that if this bill is passed out of committee, modifications to the language should be made for accuracy, as follows.

Preamble, page 1, line 11:

The reduction in force that eliminated HDOA Pesticide Branch positions did not affect “required testing” of restricted use pesticides. This sentence should be corrected by deleting the stricken through words, as follows:

The legislature further finds that in 2010, the State was faced with a significant reduction in force, which resulted in the elimination of personnel positions needed to administer Chapter 149A and perform required testing of restricted use pesticides.

Page 2, lines 1 and 2 (sentence begins on page 1, line 16):

The following sentence should be amended to accurately reflect that HDOA regulates ALL pesticides, not only restricted use pesticides.

To properly address concerns raised by the public, and in the interest of public health, safety, and welfare, it is of utmost importance that appropriate staffing levels be committed and restored so the department of agriculture can properly administer and regulate ~~restricted use pesticides~~, in accordance with the Hawaii Pesticides Law.

Thank you for the opportunity to comment on this measure.

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: babesagainstbiotech@gmail.com
Subject: *Submitted testimony for SB2110 on Jan 23, 2014 14:45PM*
Date: Monday, January 20, 2014 10:57:20 PM

SB2110

Submitted on: 1/20/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nomi Carmona	Babes Against Biotech	Support	Yes

Comments:

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Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

Testimony by Alicia Maluafiti, Executive Director
SB 2110 – Relating to the Regulation of Pesticides
The Senate Committee on Agriculture
Thursday, January 23, 2014
2:45 pm, Room 229

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Executive Director

Alicia Maluafiti

Position: Opposition

Aloha Chair Nishihara, Vice Chair Kahele, and members of the Committee:

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association, a nonprofit trade association representing Hawaii seed farmers and a proud member of the Hawaii Farm Bureau Federation and Hawaii Farmers and Ranchers Alliance. We oppose SB 2110.

While we appreciate the intent of any bill to fund the Dept. of Agriculture – one of the most underfunded departments in the state – we believe that a more fiscally responsible appropriation decision should really be made in the context of the DOA's overall budget request and its application to the many other challenges they – and the agricultural community - are facing. As we understand, the DOA has requested more positions than this bill attempts to address so we prefer the more comprehensive and strategic approach offered by the Dept. of Agriculture.

It is refreshing to see that this funding request is part of the Kauai County Council package, an obvious acknowledgement that they now understand that it is the state's kuleana to regulate pesticides. Their request of more than \$500,000 to fund only three state positions for the regulation of pesticides is just a foreshadowing of the level of dollars needed by the County of Kauai to fund their own recently passed pesticide program. And it is further justification that the taxpayers should not be burdened by wasteful and duplicate government oversight – paying multiple people at the county, state and federal level to do the same work.

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: farmfreshhawaii@gmail.com
Subject: Submitted testimony for SB2110 on Jan 23, 2014 14:45PM
Date: Thursday, January 23, 2014 1:43:40 AM

SB2110

Submitted on: 1/23/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Juanita Kawamoto Brown	Environmental Caucus of the Democratic Party of Hi	Support	Yes

Comments: The Environmental caucus of the DPH strongly supports the appropriation of funds for positions to regulate pesticide use here in the State of Hawaii.

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Cindy Goldstein, Ph. D
Industry Relations Manager
DuPont Pioneer
Waialua Parent Seed, Kekaha Parent Seed
Kunia Research Center, Waimea Research
PO Box 520
Waialua, HI 96791

SB 2110 : Relating to Pesticides, Hawaii Dept of Ag Inspectors, Appropriation
Senate Committee on Agriculture
Hearing Thursday Jan 23, 2014
Room 229 at 2:45 pm

Position: Support intent

Chair Nishihara, Vice Chair Kouchi and Members of the Senate Committee on Agriculture,

DuPont Pioneer is a seed company with farming operations in four locations in Hawaii. DuPont Pioneer employs approximately 350 people in a wide range of types of jobs on Oahu and Kaua`i. Our farm management practices include the application of science and technology, and innovative farming techniques that include the responsible use of pesticides. Farmers understand the importance of good stewardship practices, including judicious use of pesticides and management practices that reduce pests.

DuPont Pioneer supports the intent of Bill 2110, providing an appropriation that would restore Department of Agriculture positions lost during times of fiscal crisis. Many entities and individuals use pesticides for both agricultural and non-agricultural uses. We support not only restoring positions for regulation of both restricted use and general use pesticides, but also believe it is of high importance to educate the general public about pesticides. Pesticides go through a great deal of assessment prior to registration and development of label specifications for use by homeowners, property managers, organic farmers, conventional farmers, and the many other users of registered pesticides. Much of the general public is not aware that pesticides are in fact regulated and then re-evaluated by the Hawaii Dept of Agriculture and the US Environmental Protection Agency once approved for use. In addition to positions for regulation and enforcement, we encourage creation of HDOA positions that create a framework to address public questions with education around pesticide regulation, terminology, safe use of pesticides, and other related topics.

As this bill demonstrates, the State of Hawaii already has a regulatory role in place to administer and regulate pesticide sales and use, along with the federal agency, EPA.

Thank you for the opportunity to submit testimony in support of funding HDOA positions.

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: warrenmcfb@gmail.com
Subject: *Submitted testimony for SB2110 on Jan 23, 2014 14:45PM*
Date: Wednesday, January 22, 2014 9:41:09 PM

SB2110

Submitted on: 1/22/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: barb@punapono.com
Subject: Submitted testimony for SB2110 on Jan 23, 2014 14:45PM
Date: Sunday, January 19, 2014 12:50:03 PM

SB2110

Submitted on: 1/19/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Barb Cuttance	Individual	Support	No

Comments: Thank you for the opportunity to supply testimony for the bill. I strongly support this bill everywhere in Hawaii. Please pass this bill. Barb Cuttance 14/266 Papaya Farms Road, Pahoa, Hawaii 96778

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: mauibrad@hotmail.com
Subject: Submitted testimony for SB2110 on Jan 23, 2014 14:45PM
Date: Friday, January 17, 2014 3:22:50 PM

SB2110

Submitted on: 1/17/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Comments Only	No

Comments: Senators: I support the original stated intent of this bill SB2110 and the need for more Dept. of Ag inspectors of pesticide use in the state. Believe, though, that more than 3 additional inspectors are needed. Also, question the motive for this to be a stand alone bill rather than a part of the Dept. of Ag's portion of the state budget bill before WAM and FIN. Do not support the use of this bill for anything other than the original stated intent. Mahalo, Brad Parsons Aloha Analytics

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB2110 on Jan 23, 2014 14:45PM*
Date: Friday, January 17, 2014 3:37:11 PM

SB2110

Submitted on: 1/17/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

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

Comments:

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From: [John Gelert](#)
To: [AGL Testimony](#)
Subject: Re: Pesticides detected at home near sugarcane field
Date: Wednesday, January 15, 2014 8:25:42 AM

To whom it may concern,

Please disclose and regulate the dangerous pesticides that are being sprayed on agriculture in Maui County! Please use this pesticide information for testimony on HB1386, HB1533, HB1611, HB1661, SB590, SB2037, and SB2110.

Karen Chum lives in Kuau Bayview in Paia, Maui next to the sugarcane fields. She said the Dept. of Agriculture measured these chemicals in her yard after HC&S over-sprayed: Ametryn, Pendimethalin, Diuron, Hexazinone, Dicamba, and 2,4-D. These chemicals are burned causing more toxic chemicals like dioxin. The dust is contaminated with them as it harms people and reefs downwind. People are getting sick. The reefs are dying fast.

Mahalo!
John Gelert

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: maefuimaono@yahoo.com
Subject: Submitted testimony for SB2110 on Jan 23, 2014 14:45PM
Date: Saturday, January 18, 2014 10:31:14 AM

SB2110

Submitted on: 1/18/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Fuimaono	Individual	Comments Only	Yes

Comments: Aloha Committee members, Thank you for hearing this very important piece of legislation. I am a family nurse practitioner with a masters degree in science and nursing. I have spent the past couple of years studying pesticides and their effects on health. In 2013 the largest and most respected bodies for women and children ACOG (American college of Gynecology) and AAP (American Academy of Pediatrics) issued official policy statements regarding pesticide use. In their statements they stated the most vulnerable populations are children and pregnant women. Pesticide exposure can be directly linked to birth defects, miscarriage, neurological disorders in children including ADHD etc. Kauai's 2491 provides for minimal protection 500 foot buffer zones (are probably not enough) but hey we gotta start somewhere. The most important piece of this legislation is the study. Funding it is of the ut most importance! I fully support SB 2110 Thank you, Me Fuimaono RN, MSN

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To: [AGL Testimony](#)
Cc: mnakahata@gmail.com
Subject: *Submitted testimony for SB2110 on Jan 23, 2014 14:45PM*
Date: Wednesday, January 22, 2014 9:52:42 PM

SB2110

Submitted on: 1/22/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Oppose	No

Comments:

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To: [AGL Testimony](#)
Cc: unmanib@maui.net
Subject: *Submitted testimony for SB2110 on Jan 23, 2014 14:45PM*
Date: Thursday, January 23, 2014 3:50:12 AM

SB2110

Submitted on: 1/23/2014

Testimony for AGL on Jan 23, 2014 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Unmani Cynthia Groves	Individual	Support	No

Comments:

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