

STAND. COM. REP. NO.

180

Honolulu, Hawaii

February 12, 2015

RE: H.B. No. 1514

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1514 entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to protect the health and safety of Hawaii's residents by, among other things:

- (1) Requiring the mandatory disclosure and notification of outdoor pesticide use by specified schools, child care facilities, early childhood education and care facilities, family child care homes, group child care centers, and group child care homes;
- (2) Requiring the mandatory disclosure and notification of outdoor pesticide use by specified commercial agricultural entities;
- (3) Establishing pesticide buffer zones for sensitive areas;
- (4) Providing for citizen suits; and
- (5) Allowing counties to regulate pesticide disclosure, notification, and use in a manner that is equivalent to or more stringent than the provisions of this measure.



Two members of the Kauai County Council, two members of the Maui County Council, the Hawaii Center for Food Safety, Pesticide Action Network North America, Hawaii Fruit Growers, Legislation Committee of the Democratic Party of Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Planned Parenthood of Hawaii, Life of the Land, Banyan Tree Farm, Maui Beekeepers, Hawaii Health Guide, Hawaii Agricultural Land Management Systems LLC, Haiku Aina Permaculture Initiative, Malu Aina, Babes Against Biotech, and numerous concerned individuals supported this measure. The Chamber of Commerce of Hawaii; Alexander & Baldwin, Inc.; DuPont Pioneer; Dow Agrosiences; Monsanto Co.; Hawaii Cattlemen's Council; Hawaii Crop Improvement Association; Hawaii Farm Bureau; Maui County Farm Bureau; Western Plant Health Association; Kamiya Gold, Inc.; and a concerned individual opposed this measure. The Department of Agriculture, Hawaii Pest Control Association, and a concerned individual submitted comments.

Your Committee has amended this measure by:

- (1) Specifically allowing the structural or termite application of pesticides, whether the applications are applied in or outside of a building or enclosed structure;
- (2) Removing specific references to the counties' authority to regulate the outdoor application of pesticides;
- (3) Deleting the provision that would have allowed counties to regulate pesticide disclosure, notification, and use in a manner that is equivalent to or more stringent than the provisions of this measure; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee finds that the unintended impacts of high volumes of outdoor pesticide use can pose a serious health and safety risk to students and residents in close proximity to these areas. The conclusions of studies by national pediatrics and medical organizations show higher rates of autism and other developmental issues in communities with high volumes of outdoor pesticide use. The personal testimony of local residents living in close proximity to such areas warrants moving this measure forward for further discussion.



Your Committee notes that none of the organizations or individuals who submitted testimony in opposition to the measure attended the public hearing to answer questions. Therefore, your Committee is including the recommendations of medical experts and other individuals who made specific suggestions as a starting point for subsequent committees to weigh against other considerations:

- (1) Applying disclosure requirements and restriction requirements to quantities in excess of five pounds or 15 gallons of restricted-use pesticides purchased or used in the preceding calendar year;
- (2) Buffer zones of 0.75 miles around sensitive areas;
- (3) Buffer zones of 500 feet within any surface water, watershed, or shoreline;
- (4) Notification for occupants and residents of sensitive areas within 500 feet of the boundary of the property of the commercial agricultural entity upon which pesticide is anticipated to be sprayed; and
- (5) A wind-speed threshold of five miles per hour, above which schools, child care facilities, early childhood education and care facilities, family child care homes, group child care centers, group child care homes, and commercial agricultural entities are prohibited from conducting any outdoor application of pesticides.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1514, H.D. 1, and be referred to the Committee on Agriculture.



Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



CHRIS LEE, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 186

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 1514	Committee Referral: EEP, AGR, CPJ/JUD	Date: 2/5/2015		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. EVANS, Cindy	✓			
5. ING, Kaniéla	✓			
6. NISHIMOTO, Scott Y.	✓			
7. SAY, Calvin K.Y.	✓			
8. YAMANE, Ryan I.	✓			
9. POUHA, Feki	✓			
10. THIELEN, Cynthia	✓			
TOTAL (10)	10	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Nicole E. Lowen</i></u>				
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