

Honolulu, Hawaii

FEB 02 2017

RE: S.B. No. 779

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 779 entitled:

"A BILL FOR AN ACT RELATING TO PESTICIDES,"

begs leave to report as follows:

The purpose and intent of this measure is to expand the membership and duties of the Pesticide Advisory Committee in accordance with the recommendations of the *Pesticide Use by Large Agribusinesses on Kaua'i* report.

Your Committee received testimony in support of this measure from the Department of Education; 'Ohana O Kaua'i; Hawaii Center for Food Safety; Ka Ohana 'O Na Pua; Hawai'i Nurses' Association, OPEIU Local 50; Hawai'i Alliance for Progressive Action; We Are One, Inc.; Hale Lea Medicine, LLC; Farm Lovers Farmers Markets; Montessori Hale O'Keiki, Inc.; and one hundred six individuals. Your Committee received testimony in opposition to this measure from the Department of Agriculture; Hawai'i Farm Bureau; Hawaii Cattlemen's Council, Inc.; Hawaii Crop Improvement Association; and Western Plant Health Association.

Your Committee finds that Ordinance 960, passed by the County of Kauai in 2013 relating to pesticides and genetically modified organisms, which was overturned in federal court in 2014, contained a provision to create a Joint Fact Finding Group (JFFG) to help address key environmental and public health questions related to large-scale commercial agriculture entities using pesticides and genetically modified organisms on Kauai. When the



ordinance was struck down by the court, the Department of Agriculture and the Kauai County Office of the Mayor contracted an independent public policy group, ACCORD3.0 Network, to facilitate the JFFG project. The JFFG was charged with gathering accurate information on the lands used by the seed companies and Kauai Coffee, their pesticide usage, and evidence of any possible adverse health and environmental impacts.

Your Committee also finds that the JFFG issued its findings and recommendations on May 25, 2016, in a report titled, *Pesticide Use by Large Agribusinesses on Kaua'i* (Report), and arrived at the following conclusions regarding health and environmental impacts on the west side of Kauai:

- (1) The Kauai health data examined is very limited and does not show a causal relationship between the pesticides used by the seed companies and health problems found on the west side or any other part of Kauai; and
- (2) There needs to be additional data gathering going forward to continue to demonstrate the impacts of agricultural pesticide use.

Your Committee further finds that passage of this bill will implement many of the JFFG's recommendations. The Report recommends that the Pesticide Advisory Committee be expanded and its mission broadened to:

- (1) Carefully establish new state standards for "chronicity" to account for low-level continuous and cumulative exposures to pesticides;
- (2) Undertake a major update of Hawaii's pesticide laws and regulations;
- (3) Revise and expand the Good Neighbor Program; and
- (4) Establish a consistent and data-driven buffer zone policy and use "green screens".

Your Committee appreciates the concerns of the Department of Agriculture but believes this measure deserves further discussion and debate.



As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 779 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,


A handwritten signature in cursive script that reads "Mike Gabbard". The signature is written in black ink and is positioned above a horizontal line.

MIKE GABBAARD, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 779	Committee Referral: AEN, WAM	Date: 1-30-17		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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			
RIVIERE, Gil (VC)	X			
NISHIHARA, Clarence K.				X
RHOADS, Karl	X			
RUDERMAN, Russell E.	X			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; 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