

Honolulu, Hawaii

APR 27 2018

RE: S.B. No. 3095
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3095, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Establish a pesticide reporting and regulation program that:
 - (A) Specifies the reporting requirements for commercial agricultural entities regarding the use of restricted use pesticides to the Department of Agriculture (DOA) and deems those reports as public records; and
 - (B) Prohibits the use of a restricted use pesticide within 100 feet of a school during school



instructional hours, beginning one year after the effective date of this measure;

- (2) Deposit all penalties and fines collected for violations of the Hawaii Pesticides Law into the pesticide use revolving fund;
- (3) Increase the cap on the amount of funds that may remain in the pesticide use revolving fund at the close of each fiscal year from \$250,000 to \$1,000,000;
- (4) Beginning January 1, 2019, prohibit the use or application of any pesticide containing chlorpyrifos as an active ingredient, unless the DOA grants a temporary permit authorizing the permittee, until December 31, 2021, to do so;
- (5) Appropriate \$105,648 from the pesticide use revolving fund and authorize two full-time equivalent positions to effectuate the pesticide reporting and regulation program; and
- (6) Appropriate \$300,000 from the pesticide use revolving fund for education and outreach for the pesticide reporting and regulation program.

Your Committee on Conference finds that many residents in the State are very concerned about the long-term health effects and potential negative impacts of pesticide drift, especially from pesticides containing chlorpyrifos. Children can be exposed to pesticides applied on school grounds, pesticides that drift onto school grounds, or pesticide residues, which put them at risk of developmental delays and other health complications. This measure seeks to ensure that data is collected regarding restricted use pesticide use and that schools are protected from the potential negative effects of long-term pesticide exposure.

Your Committee on Conference has amended this measure by:

- (1) Making reporting requirements applicable to all users of restricted use pesticides, rather than just commercial agricultural entities;
- (2) Specifying that post-application reporting of restricted use pesticide use reported to the DOA is for departmental use, rather than deemed public record;



- (3) Requiring the information to be included in annual reports to the DOA to include a listing of all restricted use pesticides used, not only in outdoor applications, and the date on which applications occurred;
- (4) Requiring the DOA to produce summaries for public disclosure of pesticide use by county;
- (5) Clarifying that restricted use pesticides application is prohibited on or within 100 feet of a school property during normal school hours and that such prohibition does not apply to whole structure fumigation;
- (6) Clarifying that the post-application reporting and buffer zone requirements begin January 1, 2019;
- (7) Extending the authorization under a temporary permit for use or application of any pesticide containing chlorpyrifos until December 31, 2022;
- (8) Deleting language that would have required the DOA to publicly disclose the names of all persons applying for temporary permits for use or application of any pesticide containing chlorpyrifos;
- (9) Requiring the DOA to develop a pesticide drift monitoring study no later than July 1, 2019, and to submit a report of its findings to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020;
- (10) Updating various definitions;
- (11) Adding an appropriation of \$300,000 from general revenues for the pesticide drift monitoring study;
- (12) Making appropriations from general revenues rather than out of the pesticide use revolving fund for the establishment of two full-time equivalent positions and for outreach and education; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3095, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3095, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



RICHARD P. CREAGAN
Co-Chair



MIKE GABBARD
Chair



CHRIS LEE
Co-Chair



ROSALYN H. BAKER
Co-Chair



TY J. CULLEN
Co-Chair



MICHELLE N. KIDANI
Co-Chair



GILBERT S.C. KEITH-ARGAN
Co-Chair



Hawai'i State Legislature

CCR154-18

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 3095, SD 1, HD 1					Date/Time: <i>4/27/18 4:07pm</i>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
GABBARD, Mike, Chr.		✓	✓			CREAGAN, Richard P., Co-Chr.		✓	✓		
BAKER, Rosalyn H., Co-Chr.		✓	✓			LEE, Chris, Co-Chr.		✓	✓		
KIDANI, Michelle N., Co-Chr.		✓	✓			CULLEN, Ty J.K., Co-Chr.		✓	✓		
KEITH-AGARAN, Gilbert S.C., Co-Chr.		✓	✓			WARD, Gene		✓	✓		
NISHIHARA, Clarence K.					1						
TOTAL		4	-	-	1	TOTAL		4	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature: <i>Mike Gabbard</i>						House Lead Chair's or Designee's Signature: <i>Richard Creagan</i>					
Distribution:		Original		Yellow		Pink		Goldenrod			
		File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency			