

Honolulu, Hawaii

APR 04, 2018

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

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

Sir:

Your Committee on Finance, to which was referred S.B. No. 3095, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure, as received, is to collect data on the impacts of large-scale agricultural restricted use pesticide on children by:

- (1) Requiring the Department of Agriculture to establish a pilot program for vegetative buffer zones around selected schools within the State;
- (2) Requiring the Department of Agriculture to develop and implement a pesticide drift monitoring study at three schools participating in the vegetative buffer zones pilot program; and
- (3) Appropriating an unspecified amount to implement the pesticide drift monitoring study.

Hawaii Nurses Association, OPEIU Local 50; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; GMO Free Kaua'i; Kihei Ice Inc; and several individuals



supported this measure. The College of Tropical Agriculture and Human Resources of the University of Hawaii; Moloka'i Chamber of Commerce; Land Use Research Foundation of Hawaii; DuPont Pioneer; Western Plant Health Association; CropLife America; Larry Jefts Farms, LLC; Hawaii Cattlemen's Council, Inc.; Molokai Farm Bureau; Monsanto; Hawaii Crop Improvement Association; Hawai'i Farm Bureau; and numerous individuals opposed this measure. The Department of Agriculture; a Councilmember of the Hawai'i County Council; a Councilmember of the Maui County Council; Sierra Club of Hawai'i; Young Progressives Demanding Action - Hawai'i; IMUAlliance; Hawai'i Alliance for Progressive Action; Hawaii Children's Action Network; Hawaii State Teachers Association; Pono Hawai'i Initiative; Hawaii Psychological Association; Americans for Democratic Action; Civic Education Council; Hawai'i Center for Food Safety; ONE Landscape Co. LLC; Environmental Caucus of the Democratic Party of Hawai'i; Green Collar Technologies; Molokai Seed Company; Respiratory and Environmental Disabilities Association of Hawaii; Prayer Rock Foundation; and many individuals offered comments.

Your Committee has amended this measure by deleting its contents and replacing it with provisions 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 and deems those reports as public record; 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 the 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) Prohibit the use of any pesticide containing chlorpyrifos as an active ingredient, unless the Department of Agriculture grants a temporary permit, beginning January 1, 2019;
- (5) Appropriate \$105,648 and authorize two full-time equivalent positions to effectuate the Pesticide Reporting and Regulation Program; and
- (6) Appropriate \$300,000 for education and outreach for the Pesticide Reporting and Regulation Program.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3095, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3095, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



SYLVIA LUKE, Chair



