

STAND. COM. REP. NO.

1377

Honolulu, Hawaii

March 24, 2017

RE: S.B. No. 804  
S.D. 1  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred S.B. No. 804, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAWAII PESTICIDES LAW,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to increase the amount of Pesticide Use Revolving Fund (Revolving Fund) moneys that the Department of Agriculture (DOA) can maintain to ensure the Department has the necessary funds available to carry out its statutory mandate.

For the purposes of a public hearing on this bill, your Committee circulated a Proposed S.B. No. 804, S.D. 1, H.D. 1 (Proposed Draft) that deleted its contents and inserted provisions protecting the State's environment and residents from the unintended impacts of large-scale pesticide use by implementing the recommendations of the JFF Study Group's report, which the Good Neighbor Program be revised and expanded. As amended, the Proposed Draft:

- (1) Specifies public annual report disclosure requirements on any commercial agricultural entity that annually purchases or uses more than ten pounds or ten gallons of restricted use pesticides during the prior year;

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- (2) Requires DOA to adopt content requirements of the public annual report, including:
  - (A) A listing of all pesticides used in outdoor applications;
  - (B) Total quantities used for each pesticide; and
  - (C) The geographic location in which the pesticides were used;
- (3) Allows Revolving Fund moneys to be used for clinical studies on pesticides;
- (4) Deletes the limitations on the use of Revolving Fund moneys for personnel costs;
- (5) Changes the \$250,000 fiscal year cap on the Revolving Fund to an unspecified amount; and
- (6) Appropriates funds to provide a grant to the University of Hawaii John A. Burns School of Medicine (JABSOM) to develop a study on the exposure effects of chlorpyrifos on 100 pregnant mothers on the island of Hawaii, Oahu, and Kauai by examining the meconium of newborn babies.

The Hawaii Center for Food Safety, Hawaii Alliance for Progressive Action, Young Progressives Demanding Action, We Are One, Inc., and numerous concerned individuals supported the Proposed Draft. A concerned individual supported the intent of the Proposed Draft. The Hawaii Crop Improvement Association, CropLife America, Monsanto Hawaii, Larry Jefts Farms, LLC, and a few concerned individuals opposed the Proposed Draft. The Department of Agriculture submitted comments on the Proposed Draft. Western Plant Health Association opposed the measure, as received by your Committee.

After considering the merits of both S.B. No. 804, S.D. 1, as received by your Committee, and the Proposed Draft, your Committee, adopted the Proposed Draft with the following amendments:



- (1) Expanding the purpose section to elaborate on the appropriation to the JABSOM;
- (2) Deleting references to "ahupuaa" as a means of identifying the geographic location in which pesticides were used;
- (3) Deleting the mandatory disclosure threshold amounts for non-diluted restricted use pesticides;
- (4) Making unspecified the number of pregnant mothers in the chlorpyrifos study by the John A. Burns School of Medicine;
- (5) Changing the effective date to July 31, 2150, to facilitate further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee requests that DOA consider and recommend to the Legislature the mandatory disclosure threshold amounts for non-diluted restricted use pesticides.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 804, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 804, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

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



RICHARD P. CREAGAN, Chair



