

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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BUREAU OF CONVEYANCES
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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Thursday, February 2, 2017

8:30 AM

State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1302
RELATING TO PESTICIDE USE

House Bill 1302 proposes to require all individuals who use or supervise the use of pesticides, to be certified by the Department of Agriculture. **The Department of Land and Natural Resources (Department) opposes this measure.**

Chapter 149A, Hawaii Revised Statutes (HRS), currently only requires certification for individuals who use restricted use pesticides. House Bill 1302 would broaden the current statute to require certification of every individual for the use of any type of pesticide. This measure would pertain to any individual in the State who uses pesticides (herbicides and insecticides), including backyard gardeners and homeowners. The Department has the responsibility to enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources, and pesticides are integral tools to achieve those objectives. The Department is concerned that a potential flood of citizens and employees requiring certification and re-certification could adversely impact the Department's ability to ensure staff and partners are certified to control plant and animal pests, specifically incipient pest species, in a timely manner. The existing language in Chapter 149A, HRS, appropriately set education and training requirements for restricted use pesticides only. The Department does not feel that equivalent requirements should apply to the targeted use of low-risk pesticides by individual citizens and organizations.

Thank you for your consideration of this testimony.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION

FEBRUARY 2, 2017
8:30 A.M.
CONFERENCE ROOM 325

HOUSE BILL NO. 1302
RELATING TO PESTICIDE USE

Chairperson Lee and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1302. This bill amends the definition of “certified applicator” to apply to applicators to use any pesticide, rather than just restricted use pesticides. This bill also includes an educational component to the pesticide use certification process. The Department offers comments on this bill.

This bill seeks to prohibit use of any pesticide unless certified by the Department. A “pesticide” is defined by the Hawaii Pesticide Law (Chapter 149A, Hawaii Revised Statutes) as:

- (1) “Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
- (2) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.”

This definition of pesticide encompasses all use types and includes products that may unintentionally be affected by the proposed measure. There are 8,900 products



currently licensed in the state of Hawaii. This bill would effectively prohibit use of all 8,900 pesticides including bleach, ant and roach traps and baits, sanitization products used in hospitals, mosquito repellents, rodent baits, garden products, pet flea collars, and even disinfecting wipes without a certification. Any product with or without an associated EPA registration number would be subjected to this bill should it become law. With that being said, the Department supports increased pesticide education throughout the State to ensure the safety and well-being of the public. There have been multiple incidents of misuse throughout the State by private homeowners and citizens. In turn, it is critical for citizens to abide by label requirements and apply pesticides in a responsible manner. The Department will continue to perform outreach and education to the public to limit the effects of misuse throughout the State.

The Department's Education and Certification Unit of the Pesticides Branch currently processes 260 certifications annually for use of restricted use pesticides. This measure would result in the need for more Education staff to address the increase in certification applications. Not only would the Department have no way of knowing when and where these products are being purchased and by whom, the number of use complaints would rise, and, in many cases, likely be unfounded or unenforceable. Almost every person in the state would be inadvertently affected by this bill, resulting in a law that will be impossible to regulate.

Thank you for the opportunity to testify on this measure.



HAWAII PEST CONTROL ASSOCIATION

Century Square – 1188 Bishop St., Ste. 1003*Honolulu, HI 96813-3304

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February 2, 2017

Testimony To: House Committee on Energy and Environmental Protection
Representative Chris Lee, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 1302 - Relating to Pesticide Use

Chair Lee and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association, an Association composed of approximately 85 structural pest control operators. We are in opposition to this bill.

We do not oppose this bill based on the fact that we don't think there should be proper training and certification of pesticide applicators. We do however oppose it from a matter of fairness. That is to say that this bill would require all pesticide applicators who apply even general use pesticides to become certified. There are a variety of pesticides that can be purchased over the counter at retail stores and applied by just about anyone who purchases them. Those individuals would not fall under the provisions of this bill and to that extent we find that unfair and also defeating the purpose of this bill.

As a matter of practice, many of our pest control operators do meet some of the requirements of this bill in that they require employees other than those who apply restricted use pesticides to become certified within their own company. They do so because they feel that the education offered by certification is important however to require everyone who does this seems a bit overboard to us. There are for example, bait stations which once locked are very difficult to have anyone get into which would require certification for application however those same bait stations are for sale in retail stores.

Based on the above we cannot support the provisions of this bill.

Thank you.

**PRESENTATION OF THE
PEST CONTROL BOARD**

TO THE HOUSE COMMITTEE ON
ENERGY & ENVIRONMENTAL PROTECTION

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Thursday, February 2, 2017
8:30 a.m.

TESTIMONY ON HOUSE BILL NO. 1302, RELATING TO PESTICIDE USE.

TO THE HONORABLE CHRIS LEE, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is May Ferrer, Executive Officer of the Hawaii Pest Control Board (“Board”). Thank you for the opportunity to provide comments on House Bill No. 1302, Relating to Pesticide Use.

The purpose of House Bill No. 1302 is to amend the definition of “certified pesticide applicator” and to amend the statutory language in sections 149A-31, 149A-33, and 149A-34, Hawaii Revised Statutes (“HRS”).

The Board has not had an opportunity to discuss House Bill No. 1302, however, the Board will convene at its next scheduled meeting on March 17, 2017 and will discuss a potential concern that this measure, as written, may impose certification requirements for the use of non-restricted pesticides by individuals, including homeowners.

Thank you for opportunity to provide comments regarding House Bill No. 767.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 6:36 PM
To: EEPtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1302 on Feb 2, 2017 08:30AM*

HB1302

Submitted on: 1/30/2017

Testimony for EEP on Feb 2, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 2:24 PM
To: EEPtestimony
Cc: cchaudron08@gmail.com
Subject: Submitted testimony for HB1302 on Feb 2, 2017 08:30AM

HB1302

Submitted on: 2/1/2017

Testimony for EEP on Feb 2, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Camila Chaudron	Individual	Support	No

Comments: Hi, my name is Camila Chaudron, and I live in the Manoa/Makiki area. I support this measure to protect our environment against harmful chemicals. All the data indicates that pesticides are harmful to the environment, and have unknown effects on the human body. Citizens have a right to health and safety, but if pesticides are being used in our shared environment, then this right is being unfairly infringed upon. Thank you for supporting this measure. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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OUR MISSION
HCIA is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices and build a healthy economy.

TESTIMONY FROM BENNETTE MISALUCHA, EXECUTIVE DIRECTOR

**Regarding HB 1302
Relating to Pesticide Use
Prohibits the use of any pesticide unless the user is certified by DOA**

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
February 2, 2017, 8:30 a.m.
Conference Room 325

Chair Lee and members of the committee:

The Hawaii Crop Improvement Association (HCIA) is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.

Thank you for the opportunity to provide comment on HB 1302, which seeks to prohibit the use of any pesticide unless the user is certified by the Hawaii Department of Agriculture (HDOA).

Currently, federal and state regulations require Restricted Use Pesticides (RUPs) be purchased and used only by trained, licensed applicators to ensure they're applied properly. RUPs are identified by the EPA as requiring a higher level of professional handling than General Use Pesticides (GUPs).

All pesticide users should be knowledgeable regarding the pesticides they are using. Reading the label is most important. HDOA records indicate that the majority cause for concern regarding pesticide misuse is attributed to homeowners, especially relating to incidents reported at schools. Following the prescribed rules outlined on the product label will help minimize any accidental misuse.

The implementation and enforcement of this initiative will prove both difficult and costly. Fully funding the HDOA is an ideal alternative. It will bolster the State's current pesticide education program as well as the pesticide enforcement branch.

HCIA recognizes the importance of pesticides as a tool to protect both agricultural product and Hawaii's citizenry. We support efforts that help maintain and assess the



proper regulation and enforcement of these tools. The safety of our employees, neighbors, and communities are our top priority. Accordingly, we continually stress the importance of education and a fully funded HDOA.

Thank you for your consideration of our comments on HB 1302.

Respectfully submitted,

Bennette Misalucha
Executive Director



LATE

February 1, 2017

The Honorable Chris Lee
Chair, House Committee on Energy & Environmental Protection
Hawaii House of Representatives
Hawaii State Capitol, Room 436
Honolulu, HI 96813

RE: HB 1302; RELATING TO PESTICIDE USE (OPPOSE)

Dear Chairman Lee:

On behalf of the Western Plant Health Association (WPHA), I am writing to express concerns regarding HB 1302, which would require all pesticide applications be made by “certified pesticide applicators.” WPHA represents the interests of fertilizer and pesticide manufacturers, agricultural biotechnology providers, and agricultural retailers in Hawaii, California, and Arizona.

WPHA appreciates the author’s intent to assure that all pesticides are applied safely. However, WPHA is opposed to all pesticides being applied only by certified applicators. The term certified pesticide applicator is defined by the US EPA and the State of Hawaii as professionals with specific training who apply restricted use pesticides (RUPs). RUPs are pesticides that have been determined by the US EPA and by the Hawaii Department of Agriculture (HDOA) to require a higher level of professional handling than general use or low-risk pesticides. WPHA believes the expansion of the use of the term certified pesticide applicators to all pesticide applications incorrectly infers that all pesticides have a level of risk that can only be mitigated by special handling by professional applicators.

We look forward to working with the author as the bill moves through the legislative process. This proposed expansion to treat all pesticides as restricted use or higher-risk products will unnecessarily drive up the operational costs of farmers. As written, this bill limits home-owner access to affordable pest control tools that are formulated for home use. This will prevent consumers who do not have resources to contract professional applicators from protecting their homes from rodents, insects, and other pests.

WPHA supports safeguards that help ensure the safe application of pesticides. However, WPHA believes a more appropriate approach would be an education program without the requirement for a pesticide application certification. This will keep costs down while ensuring the safe use of pest control products. At this time, we must oppose HB 1302 unless amended. However, WPHA looks forward to working with the author to achieve these goals. We thank you for your consideration of our comments.

Sincerely,

Renee Pinel
President/CEO

LATE



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e-mail info@hfbf.org; www.hfbf.org

February 2, 2017

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

TESTIMONY ON HB 1302
RELATING TO RELATING TO PESTICIDE USE

Room 325
8:30 AM

Aloha Chair Lee, Vice Chair Lowen, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFB offers the following comments on HB 1302, which would prohibit the use of any pesticide unless the user is certified by DOA.

HFB understands the intent of this bill and believes that in a perfect world, everyone would drive carefully, pay attention, read directions, take warnings seriously, keep their children from harm, and live safely and comfortably. Unfortunately, we cannot control every aspect of human activities or guarantee that people will act responsibly. The public isn't required to be trained or certified to use potentially dangerous everyday useful and necessary products such as kitchen stoves, knives, vitamins, and chainsaws, or trampolines, fireworks, and alcohol, that cause hundreds of thousands of deaths and injuries because they weren't used safely. Harm from improper pesticide use pales in comparison.

Although public training and certification isn't required for the use of most pesticides, the EPA takes this into account before allowing any pesticide product to be sold or used, and requires that all pesticides go through rigorous testing and evaluation to assure that they can be used safely. Potential risks, such as those to infants and the elderly, schools and hospitals, and pets, wildlife, and plants, including endangered species, are assessed and factored into the registration, sale, and use of each pesticide.

Pesticides are necessary in many circumstances; they protect public health, save lives, help keep our roadways safe, and protect our critical watersheds. And pesticides *are* being used safely. Many members of the public use pesticides on a daily basis but do not realize it. By definition in our laws, pesticides include not just agricultural products but also:

- Disinfectants like Lysol sprays, wipes, and toilet bowl cleaners
- Clorox bleach
- Sterilizers, cleaners, and disinfectants used in hospitals
- Restricted use pesticides put into our drinking water so we don't get sick from pathogens
- Ant, roach, and rat traps
- Neem oil products and other "Organic" products
- Termiticides used to protect our homes
- Products to keep our pets healthy and parasite-free

Because of the ubiquitous and necessary use of pesticide products, this bill would be impracticable to implement and enforce.

Ironically, despite the fact that farmers' use of pesticides in Hawaii has been in compliance with strict federal and state laws and regulations, with rare exceptions that are investigated and enforced upon, there is a dangerous disconnect between public perception and reality that is exacerbated by the frightening propaganda used by mainland activist groups now operating in Hawaii. Their false claims purposefully target and demonize only **farmers'** use of pesticides, and incidents that have no connection with pesticides or farmers at all.

In fact, farmers are held to higher standards than the general public. Federal and state laws already require farm workers to be trained in pesticide safety before they use a pesticide, even a "general use pesticide" that is used by the public without any training requirement.

When farmers use "restricted use pesticides," those pesticides that are classified differently to ensure they are handled by informed professionals, they must be trained and certified to apply them safely.

Farmers can't afford to be careless in their use of pesticides since their livelihoods depend on the land and a healthy ecosystem.

HFB has carefully monitored pesticide issues across the nation and within the State for decades. We and our farmer-members have supported and participated in many programs within the Department of Agriculture and the University of Hawaii to improve pesticide education and ensure the safe use of pesticides.

We respectfully suggest that rather than an unwieldy individual training and certification program, that under this bill language may be required of nearly every person in the state,

including tourists, funds be made available to educate the general public on pesticides and their safe and appropriate use. Media, including social media could be used. Training modules could be offered, in person, or through the internet, to help people understand and use pesticides properly. In fact, DOA and DOH may already be resurrecting a program to help prevent pesticide accidents within the home and this could be part of the overarching outreach program.

HFB would strongly support this type of public outreach and education program and we are convinced that this type of practical and cost effective effort would achieve what this bill intends to accomplish.

Thank you for the opportunity to provide our comments.