

DAVID Y. IGE  
Governor

DOUGLAS S. CHIN  
Lt. Governor



SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON ENERGY & ENVIRONMENTAL  
PROTECTION AND AGRICULTURE**

**MARCH 20, 2018  
9:35 A.M.  
CONFERENCE ROOM 325**

**HOUSE CONCURRENT RESOLUTION NO. 230/HOUSE RESOLUTION NO. 200  
REQUESTING THE DEPARTMENTS OF AGRICULTURE AND HEALTH TO  
EVALUATE CALIFORNIA'S CURRENT AND PENDING REGULATIONS ON  
CHLORPYRIFOS AND MAKE RECOMMENDATIONS FOR IMPLEMENTATION OF  
SIMILAR REGULATIONS IN HAWAII**

Chairperson Lee, Chairperson Creagan and Members of the Committees:

Thank you for the opportunity to provide testimony on HCR 230/HR 200 that requests the Departments of Agriculture and Health to jointly evaluate California's current and pending regulations on chlorpyrifos and develop recommendations for similar regulations applicable to Hawaii. The two departments are requested to evaluate any negative impact on Hawaii if the Environmental Protection Agency regulations on chlorpyrifos are not implemented and the departments are also requested to submit a report of their findings and recommendations no later than twenty days prior to the convening of the 2019 legislative session. The Department of Agriculture provides comments on this measure.

The use of chlorpyrifos in Hawaii has declined precipitously in recent years. we found that since 2014 chlorpyrifos use, as referenced by sales, decreased overall, statewide, by 64% with the biggest decreases on Maui (88%), Oahu (85%), and Kauai (71%). However, farmers here still need access to the product to save their crops from serious insect infestations when no other pest control products are available and other management practices are not working.

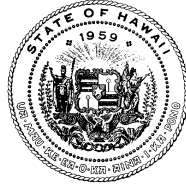
A review is currently being conducted for the Hawaii Department of Agriculture that includes an evaluation of California's current and pending regulations on chlorpyrifos along with recommendations for the State of Hawaii. That report is expected to be completed within the next several months.

In California, farmers use over one million pounds of chlorpyrifos per year. After conducting its own risk assessment, independent of that conducted by EPA, California



did not ban chlorpyrifos. It did recently release Interim Recommended Permit Conditions for the use of the pesticide. These conditions limit chlorpyrifos application to certain setback distances of specific sites, and depend on the method of application, the application rate, and whether the site is occupied. The Department is currently in the process of restricting the use of all formulations of chlorpyrifos by reclassifying it to a State restricted-use pesticide (RUP) which will only allow it to be used by state-tested and certified applicators. Additionally, the Department will look to mirror further restrictions through the annual use permit such as regulated buffer zones. The revised State rules are anticipated to be finalized by this summer.

Thank you for the opportunity to provide comments on these resolutions.



**STATE OF HAWAII**  
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**Testimony COMMENTING on HCR 230 and HR 200**  
**REQUESTING THE DEPARTMENTS OF AGRICULTURE AND HEALTH TO**  
**EVALUATE CALIFORNIA'S CURRENT AND PENDING REGULATIONS ON**  
**CHLORPYRIFOS AND MAKE RECOMMENDATIONS FOR IMPLEMENTATION**  
**OF SIMILAR REGULATIONS IN HAWAII**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

REPRESENTATIVE RICHARD P. CREAGAN, CHAIR  
HOUSE COMMITTEE ON AGRICULTURE

Hearing Date: March 20, 2018  
Time: 9:35 a.m.

Room Number: 325

1 **Fiscal Implications:** No funding is provided to implement this measure and the Department  
2 defers to the Governor's Supplemental Budget Request for appropriation priorities.

3 **Department Testimony:** The Department supports the intent of these resolutions and is  
4 providing comment. These resolutions request that the Departments jointly evaluate California's  
5 current and pending regulations on chlorpyrifos and develop recommendations applicable to  
6 Hawaii. It is our understanding that Department of Agriculture is well underway with this work,  
7 having begun an assessment of California's regulations in 2017, and proposed rulemaking in  
8 January, 2018.

9

10 The Department supports additional state restrictions proposed by the Department of Agriculture  
11 on chlorpyrifos products to protect pregnant women and their children, farmworkers, residents,  
12 schools and local communities.

1 Three high quality epidemiological studies have shown an association between prenatal  
2 chlorpyrifos and/or organophosphate exposure and adverse neurodevelopmental outcomes in  
3 children. In 2000, residential uses were eliminated through an agreement with manufacturers due  
4 to unacceptable household exposures. In 2012, spray drift mitigation measures and use  
5 restrictions were added to the chlorpyrifos label. EPA's 2016 human health risk assessment  
6 showed risks from dietary and drinking water exposure, as well as bystander exposures from  
7 both drift and post application volatilization from agricultural field treatment. Additionally,  
8 EPA's assessment showed risks of concern to children and adults golfing on chlorpyrifos treated  
9 courses as well as risks to workers who mix, load and apply chlorpyrifos pesticide products.  
10 However, in March 2017, EPA deferred a final opinion on chlorpyrifos until 2022.

11  
12 Given the strength of the science, it is appropriate that the Department of Agriculture is already  
13 taking important steps to reduce chlorpyrifos exposures, including proposed rulemaking to  
14 require all chlorpyrifos products be licensed in Hawaii as state restricted use pesticides and to  
15 require an Annual Use Permit for chlorpyrifos use, incorporating permit conditions for  
16 applications. This important step alone requires that all chlorpyrifos products be applied by state  
17 licensed applicators, and all sales be reported to the Department. Given the intensive usage of  
18 chlorpyrifos in California relative to Hawaii and the regulatory studies conducted there,  
19 Department of Agriculture's ongoing review of the California regulatory structure allows further  
20 consideration of California's regulatory approaches to determine if they are applicable to  
21 Hawaii's agricultural uses and which are likely to further reduce exposures for our state's  
22 residents and visitors.

23 Chlorpyrifos has been occasionally detected at trace levels below regulatory action levels in  
24 limited environmental sampling over the last ten years in Hawaii. Additional sampling currently  
25 underway through the Statewide Pesticide Initiative will continue to monitor and publicly report  
26 on the presence of chlorpyrifos statewide, under both dry and storm weather conditions.

27 We defer to the Department of Agriculture (DOA) regarding final determination of chlorpyrifos  
28 restrictions for crop management in Hawaii and implementation of label adjustments. DOH

- 1 continues to provide technical and scientific support to DOA regarding pesticide monitoring,
- 2 safety and human health exposures.
- 3 Thank you for the opportunity to testify on this measure.

**HCR-230**

Submitted on: 3/19/2018 9:04:50 AM

Testimony for EEP on 3/20/2018 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC on Legislative Priorities, Democratic Party of Hawai'i	Support	No

Comments:

**HCR-230**

Submitted on: 3/16/2018 7:55:49 AM

Testimony for EEP on 3/20/2018 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

**HCR-230**

Submitted on: 3/18/2018 7:40:19 AM

Testimony for EEP on 3/20/2018 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Curtis	Life of the Land	Support	No

Comments:



**HCR-230**

Submitted on: 3/19/2018 2:45:07 PM

Testimony for EEP on 3/20/2018 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dale Sandlin	Hawaii Cattlemens Council	Oppose	No

Comments:

**LATE**

**HCR-230**

Submitted on: 3/19/2018 4:05:29 PM  
Testimony for EEP on 3/20/2018 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erica Scott	Individual	Support	No

Comments:



**LATE**

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March 20, 2018

HEARING BEFORE THE  
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION  
HOUSE COMMITTEE ON AGRICULTURE

**TESTIMONY ON HCR 230/HR 200**  
REQUESTING THE DEPARTMENTS OF AGRICULTURE AND HEALTH TO  
EVALUATE CALIFORNIA'S CURRENT AND PENDING REGULATIONS ON  
CHLORPYRIFOS AND MAKE RECOMMENDATIONS FOR IMPLEMENTATION OF  
SIMILAR REGULATIONS IN HAWAII.

Room 325  
9:35 AM

Aloha Chair Lee, Chair Creagan, Vice Chair Lowen, Vice Chair DeCoite, and Members of the Committees:

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.

The Hawaii Farm Bureau offers the following comments on HCR 230/HR 200.

HFB and its members take health and safety concerns very seriously; not only for our farmworkers, who are often our own family members, but also for the broader community and the environment that we cherish and rely upon for our living. We view pesticides, including chlorpyrifos, as a tool that must only be used in accordance with the strict federal and State laws and regulations that govern their use.

HFB supports a robust State regulatory framework to ensure that pesticides used by farmers, golf courses, homeowners, hotels, restaurants, termite control companies, conservationists, municipalities, and others, will be used safely and judiciously.

We believe that the proposed resolutions are not needed at this time, since it is our understanding that an evaluation of California's regulation of chlorpyrifos is currently being undertaken and will include recommendations for appropriate regulation in Hawaii. This action is in addition to the proposed State pesticide rule revisions that were recently approved by the Board of Agriculture to move forward toward promulgation. The revisions

include more stringent restrictions on chlorpyrifos use in Hawaii, beyond what EPA mandates.

We would like to respectfully disagree with the misleading justifications outlined in the resolutions. Our understanding of EPA's 2016 Revised Human Health Risk Assessment for Registration Review for chlorpyrifos is that the agency is still in the process of reviewing data to ensure that future restrictions on the compound are accurate and based on sound science, especially since it is relied upon across the United States, and in many other countries, often as a last resort when other farming practices fail to control crop-destroying insects.

In Hawaii, chlorpyrifos use in agriculture has decreased significantly; however, there are some circumstances in which the tool may be needed, especially when there are no good alternatives. We believe that with appropriate regulation and enforcement, chlorpyrifos can be used safely. Environmental monitoring data in Hawaii indicates that any chlorpyrifos detected in the islands, has been at levels below regulatory concern.

Thank you for this opportunity to provide our comments on this important matter.