



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**LATE**

**Date:** 02/13/2018

**Time:** 10:30 AM

**Location:** 211

**Committee:** Senate Ways and Means

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** SB 2569 RELATING TO PESTICIDES.

**Purpose of Bill:** Expands the membership of the pesticide advisory committee to include a representative from the DOE, each county mayors' office, a medical expert, and a non-governmental organization scientist. Expands the duties of the pesticide advisory committee to include establishment of state standards for chronicity, recommendation to the legislature of specific changes to the State's pesticide laws and regulations, expansion of the good neighbor program, and establishment of a comprehensive buffer zone policy for the State.

**Department's Position:**

The Hawaii State Department of Education defers to the Department of Agriculture in establishing State standards for pesticide chronicity, recommending specific changes to the State's pesticide laws and regulations to the Legislature, and the establishment of a comprehensive buffer zone policy.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).

DAVID Y. IGE  
Governor

DOUGLAS S. CHIN  
Lt. Governor



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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 SENATE COMMITTEE ON WAYS & MEANS

FEBRUARY 13, 2018  
10:30 A.M.  
CONFERENCE ROOM 211

SENATE BILL NO. 2569  
RELATING TO PESTICIDES

Chairperson Dela Cruz and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2569. This bill expands the membership of the advisory committee on pesticides, requiring the addition of representatives from the Hawaii Department of Education, each county mayor's offices, and Hawaii Farmers Union United, as well as a medical expert and a non-governmental organization scientist. This bill also requires expansion of duties to include:

1. Establishing of state standards for chronicity to account for low-level continuous exposures;
2. Evaluation and recommendation to legislature regarding specific changes to the State's pesticide law;
3. Revision and expansion of the Kauai Agricultural Good Neighbor Program;  
and
4. Establishment of a comprehensive buffer zone policy

The Department of Agriculture opposes this bill.

The role of the advisory committee on pesticides is to "advise and assist the department in developing or revising laws and rules to carry out and effectuate the purposes of this chapter and in advising the department in pesticide problems." This bill



seeks to expand the committee to include members who have no expertise in pesticide use and imposes duties that are not under the purview of the department. This would dilute the goal of the committee and result in the inability of the Department to fulfill its mission to effectively regulate the use and distribution of pesticides through applicator certification, education and outreach, product registration and licensing, use and misuse surveillance, and administration of enforcement actions.

Thank you for the opportunity to testify on this measure.



**LATE**

February 13, 2018

Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Agaran, Vice Chair  
Senate Committee on Ways and Means

**Comments and Concerns and Opposition to SB 2569, Relating to Pesticides (Expands the membership of the pesticide advisory committee to include a representative from the DOE, each county mayors' office, a medical expert, and a non-governmental organization scientist. Expands the duties of the pesticide advisory committee to include establishment of state standards for chronicity, recommendation to the legislature of specific changes to the State's pesticide laws and regulations, expansion of the good neighbor program, and establishment of a comprehensive buffer zone policy for the State.)**

**Tuesday, February 13, 2018, 10:30 a.m., in Conference Room 211**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to provide its comments, concerns and **OPPOSITION** to SB 2569, because it is unjustified, unnecessary, and could unreasonably infringe upon and usurp the expertise and statutory authority of the responsible government agencies, including, among others, the United States Environmental Protection Agency (U.S. EPA), the State Department of Agriculture (State DOA), State Department of Health, and State Department of Land and Natural Resources). Moreover, the proposed new roles and responsibilities of the Advisory Committee are preempted by federal and state laws, rules and regulations.

**SB 2569.** Without any purpose clause or justification, this measure proposes to expand the membership of the pesticide advisory committee (Advisory Committee) to include a representative from the Department of Education, each county mayors' office, a medical expert, and a non-governmental organization scientist; and expands the duties of the Advisory Committee to include establishment of state standards for chronicity, recommendations to the legislature of specific changes to the State's pesticide laws and regulations, expansion of the good neighbor program, and establishment of a comprehensive buffer zone policy for the State.

**LURF's Position.** LURF is not opposed to fair and equitable governmental regulation of pesticides and pesticide use, based on science and legitimate safety concerns. However, while this bill was probably well-intended, LURF must oppose this measure, based on, among other things, the following:

- 1. There is no justification for SB 2569 - it does not include a purpose clause, does not include any justification, or any facts that would indicate any necessity for the proposed changes in the membership and roles of the Advisory Committee.** The State DOA, following the applicable federal and state laws and the rules and regulations of the U.S. EPA, is fulfilling its mission to effectively regulate the use and distribution of pesticides through applicator certification, education and outreach, product registration and licensing, use and misuse surveillance, and administration of enforcement actions.
- 2. It is unnecessary to add members to the Advisory Committee on Pesticides (Committee) - the current Committee members already include those with expertise in agricultural, pesticides, science and health, along with representatives from an environmental organization and a citizen group.** Most of the proposed additional members do not have any expertise in agriculture and pesticide use, or are duplicative. In addition, the public, including the representatives proposed as new members of the Advisory Committee in the bill, already have the opportunity to participate in rule-making for all pesticide-related matters.
- 3. The role of the Advisory Committee is advisory only, it is not meant to usurp the responsibilities and expertise of the Department of Agriculture and the U.S. Environmental Protection Agency.** The role of the Advisory Committee is to *“advise and assist the department in developing or revising laws and rules to carry out and effectuate the purposes of this chapter and in advising the department in pesticide problems.”* Attempt to expand the duties of the Advisory Committee to include establishment of state standards for chronicity, expansion of the good neighbor program, and establishment of a comprehensive buffer zone policy for the State. These proposed new areas of responsibility are not appropriate, because they are within the responsibility of, and preempted by the U.S. EPA and the State DOA.

**Conclusion.** Based on the above, LURF respectfully requests that SB 2569 be **deferred and held** in this Committee.

Thank you for the opportunity to provide comments, concerns and **opposition** relating to this proposed measure. Please feel free to contact David Arakawa, LURF Executive Director, if there are any questions.



**WPHA**  
Western Plant Health Association

**LATE**

February 13, 2018

Committee on Ways and Means  
Hawaii Senate  
Hawaii State Capitol, Rm. 211  
Honolulu, HI 96813

**RE: SB 2569; RELATING TO PESTICIDES (OPPOSE)**

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

On behalf of the Western Plant Health Association (WPHA), I am writing to express our **opposition** to SB 2569, which would revise the membership and duties of the pesticide advisory committee. 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 allow greater diversity of participation in the advisory committee. However, WPHA is also concerned about the expansion of the role of the advisory committee. The scientific assessment and establishment of rules for the safe use of pesticides is the responsibility of the Hawaii Department of Agriculture (HDOA). WPHA believes that the proposed make-up of the committee is not qualified to undertake the establishment of rules focused on the sound scientific assessment of products, to establish scientifically valid programs, or qualified to objectively assess the effectiveness of current or future programs. We believe that the role of an advisory committee is to advise the HDOA, not direct the department. WPHA strongly believes the technical duties proposed for the advisory committee should remain the sole responsibility of the HDOA.

WPHA supports HDOA's plans to undertake thoughtful projects that can develop scientifically sound data on risks from pesticide use. We also believe that this responsibility should continue to remain fully with HDOA and with the government agencies that collaborate with HDOA. For these reasons WPHA opposes SB 2569. We thank you for your consideration of our comments.

Sincerely,

Renee Pinel  
President/CEO



Board of Directors:

**Senate Committee on Ways and Means**

Gary L. Hooser  
President

**Hawaii Alliance for Progressive Action (HAPA) strongly supports: SB2569**

Andrea N. Brower  
Ikaika M. Hussey  
Co-Vice Presidents

Aloha Chair Dela Cruz & Vice Chair Keith-Agaran, members of the committee,

Kim Coco Iwamoto  
Treasurer

On behalf of the Hawaii Alliance for Progressive Action (HAPA), I am writing to submit testimony in strong support of HB 2569 to expand membership of the pesticide advisory committee to more accurately reflect current concerns on pesticides.

Bart E. Dame  
Secretary

HAPA is a statewide environmental, social and economic justice organization. HAPA's fair and sustainable food systems work focuses on protecting Hawaii's environment and the health of its residents from potentially harmful pesticide impacts. HAPA engages over 10,000 local residents annually through its work.

Paul Achitoff

Malia K. Chun  
Laura Harrelson

HAPA strongly supports the amendment to expand the existing pesticide advisory committee; however, we believe that the following proposed amendments will address community concerns.

Kim Coco Iwamoto  
Katie McMillan

We would ask that the committee to revise the current bill specifically to make the Kauai agricultural good neighbor program mandatory statewide within one year after the bill's passage, and for the committee to complete the bill's other mandates: to establish state standards for chronicity to account for low-level continuous exposures, evaluate and recommend to the legislature specific changes to the State's pesticide laws and regulations, and establish a comprehensive buffer zone policy for the State, within 2 years from the bill's passage.

Walter Ritte Jr.

Karen Shishido

Leslie Malu Shizue Miki

Kekaulike Prosper Tomich

Cade Watanabe



Specifically, we propose the following amendments to subsection (b) of the bill (proposed amended language are in bold and capitalized):

(b) The committee shall advise and assist the department in developing or revising laws and rules to carry out and effectuate the purposes of this chapter and in advising the department in pesticide problems. Specifically, the **DEPARTMENT WORKING WITH THE** committee shall:

1. Establish state standards for chronicity to account for low-level continuous exposures **BY 2020**;
- (2) Evaluate and recommend to the legislature specific changes to the State's pesticide laws and regulations **BY 2020**;
3. **MAKE MANDATORY** the Kauai agricultural good neighbor program statewide, **INCLUDING ITS REQUIREMENTS FOR PRE-APPLICATION NOTICE AND POST-APPLICATION REPORTING OF RESTRICTED USE PESTICIDE USE AND 100-FT BUFFER ZONES, WITHIN 12 MONTHS OF THE BILL'S PASSAGE**; and
  - (4) Establish a comprehensive buffer zone policy for the State **BY 2020. IN THE INTERIM, THE BUFFER ZONE RESTRICTIONS FROM THE KAUAI GOOD NEIGHBOR PROGRAM SHALL BE MANDATORY.**

HAPA is supported by thousands of residents across the state of Hawaii who have made it clear that the risks associated with the use of toxic pesticides in commercial agriculture are unacceptable. That is why it is crucial that we take action to reduce and prevent the potential negative impacts of such use.

Thank you for this opportunity to provide testimony, I encourage to pass SB2569 with the proposed amendments.

Respectfully,

Anne Frederick, Executive Director  
Hawaii Alliance for Progressive Action



**LATE**

**SB-2569**

Submitted on: 2/12/2018 4:01:47 PM

Testimony for WAM on 2/13/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeanne Kapela	Individual	Support	No

Comments:

Aloha Chair Dela Cruz and members of the committee,

Pesticide abuse poses major health risks. According to the Cascadia Times, pesticide application by four large agrochemical companies on Kaua'i—Syngenta, BASF Plant Science, DuPont Pioneer, and Dow AgroSciences—is ten times the national average and relies on the misuse or overuse of a number of restricted use pesticides, including chlorpyrifos, atrazine, and paraquat. A study published in the medical journal The Lancet Neurology, in March of 2014, found that chlorpyrifos, specifically, led to developmental disabilities in children.

Yet, the U.S. the Environmental Protection Agency prematurely declared with “reasonable certainty” that chlorpyrifos carries no significant risk of harm, as they have done with other RUPs, leaving our state to fend for itself in defending against pesticide abuse. Unfortunately, Hawai'i's pesticide regulations are also inadequate to prevent harm to people's health. As a victim service provider for survivors of human trafficking, I am particularly concerned about the overlap of pesticide abuse and labor trafficking. Foreign workers, often held in debt bondage, are often provided with little to no information about the health risks of pesticides placed in their hands and are not given equipment to protect themselves from harm.

Pesticide drift likewise imperils our keiki. In 2007, for example, at Kahuku High and Intermediate, a dozen students fell ill when a nearby sod farmer ignored windy weather while applying pesticides. In 2008, in Waimea on Kaua'i, dozens of students got sick after farmers applied pesticide on a nearby seed corn plot. Therefore, lawmakers must pass legislation establishing buffer zones around schools, requiring increased disclosure of RUPs, and banning the most dangerous pesticides being sprayed across our shores, especially chlorpyrifos.

Please pass the measure to protect our children from chemical abuse. The political fallout from large agrochemical companies is nothing compared to the chemical fallout besieging our communities.

Mahalo,

Jeanne Kapela

**LATE**

**SB-2569**

Submitted on: 2/12/2018 11:44:29 PM

Testimony for WAM on 2/13/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Circe Carr	Individual	Support	No

Comments: