

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 1, 2019
8:30 A.M.
CONFERENCE ROOM 312

HOUSE BILL NO. 1575
RELATING TO PESTICIDE USE

Chairpersons Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1575. 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 has strong concerns with 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.”

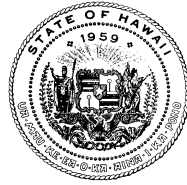
This definition of pesticide encompasses all use types and includes products that may unintentionally be affected by the proposed measure. There are about 8,700 products currently licensed in the state of Hawaii. This bill would effectively prohibit use of all 8,700 pesticides including bleach, ant and 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.

The Department's Education and Certification Unit of the Pesticides Branch currently processes 290 new certifications and 50 renewed 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.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to HB1575
RELATING TO PESTICIDES**

REPRESENTATIVE RICHARD P. CREAGAN, CHAIR
HOUSE COMMITTEE ON AGRICULTURE

Hearing Date: February 1, 2019 Room Number: 312

- 1 **Fiscal Implications:** No funding is provided to implement this measure.
- 2 **Department Testimony:** Department of Health (DOH) opposes HB1575, which seeks to
- 3 prohibit the use of all pesticides unless the user is certified by the Department of Agriculture
- 4 (DOA) and requires the DOA to include an educational component in the certification process.
- 5 Clearly, pesticides can have deleterious health effects when used improperly. However, DOH
- 6 considers safe, effective use of pesticides by residents and visitors an important public health
- 7 practice to reduce the incidence of vector borne diseases, such as dengue, zika, and rat lung
- 8 worm. Requiring certification for general use products creates an unreasonable obstacle that will
- 9 compromise the significant public health benefits of household pest control. Further, household
- 10 pesticides commonly used by people in Hawaii to keep roaches from your home, control rodents,
- 11 treat fleas on your dog, or protect yourself from mosquitos are relatively safe uses that do not
- 12 require specialized training.
- 13 DOH continues to provide technical and scientific support to DOA regarding pesticide
- 14 monitoring, safety, and exposure.
- 15 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
AGRICULTURE**

**Friday, February 1, 2019
8:30 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 1575
RELATING TO PESTICIDES**

House Bill 1575 proposes to require all pesticide use to be under the certification of the Department of Agriculture (DOA). **The Department of Land and Natural Resources (Department) offers the following comments.**

Chapter 149A, Hawaii Revised Statutes (HRS), describes the requirements for the use of restricted use pesticides (RUPs) in Hawaii, including the requirement of a certified pesticide applicator license. RUPs are associated with additional restrictions on purchasing, importing, record keeping, and reporting. By amending Chapter 149A, HRS, to remove specific references to RUPs, this measure would effectively result in all pesticides in Hawaii being regulated in the same manner as RUPs are currently regulated.

Pesticides are an extremely broad class of chemicals used for the control of unwanted plants, insects, animals, and fungi. The Department notes that pesticides are critical tools in the mitigation of invasive species. Our native birds and tree snails are protected using rodenticides that control introduce rats; our ability to protect natural areas from little fire ant relies on insecticides; our efforts to protect native forests by controlling invasive plants rely heavily on herbicides; and fungicides are being evaluated as tools in controlling the pathogen that causes rapid ohia death. The frequency and urgency with which these tools are sometimes used would make it extremely difficult to maintain effective conservation programs if all pesticides became subject to the additional requirements of RUPs, as the restrictions would make implementing field operations much more time consuming and costly. When deploying for outbreaks of species, such as coqui frog and little fire ant (and the inevitability of new pest introductions), time is of the essence.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

The Department suggests increased pesticide education and outreach efforts as an alternative way to address the misunderstandings about pesticides described in SECTION 1 of this measure and defers to the DOA on best approaches for this strategy.

Thank you for the opportunity to comment on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Agriculture
Friday, February 1, 2019 at 8:30 a.m.

By
Nicholas Comerford
Dean, College of Tropical Agriculture and Human Resources
And
Michael Bruno
Interim Vice Chancellor for Academic Affairs
Vice Chancellor for Research
University of Hawai'i at Mānoa

HB 1575 – RELATING TO PESTICIDES

Chair Creagan, Vice Chair DeCoite and members of the House Committee on Agriculture:

Thank you for the opportunity to testify on HB 1575 relating to pesticides, which prohibits the use of any pesticide use unless the user is certified by the Hawai'i Department of Agriculture (HDOA) and requires HDOA to include an educational component in the pesticide use certification process. The University of Hawai'i at Mānoa, College of Tropical Agriculture and Human Resources opposes the intent of this bill and we respectfully provide the following information to substantiate our position.

- 1) We are aware of no data that support prohibiting the use of all pesticides unless the applicator is certified by HDOA.
- 2) All pesticides have a label which is specifically designed to encourage safe and effective use. It is not clear why pesticides such as Neem Oil, CuSO₄, and others of certain toxicities which can be safely applied using basic care, would require a certified applicator.
- 3) We do not believe that sufficient consideration has been given to the amount of time and resources required to train and certify thousands of current farmers and to train and certify new farmers. How will the state provide the capacity for thousands of farmers to re-certify by taking 17 credit hours of seminars, etc. in a three-year period, or retake the exam as is done with restricted use pesticides?
- 4) The bill does not determine nor fund the need to offer continuous educational workshops on pesticide safety for re-certification credits.
- 5) This is another regulation being cast upon the farmers who are already dealing with the requirements of the U.S. Food and Drug Administration Food Safety Modernization Act and other regulations that are putting them out of business, so how will we resolve our food security issues and double food production?

- 6) The U.S. Environmental Protection Agency and HDOA already have rules and federal laws that address pesticide application. Federal law stipulates that the label on a pesticide has to be followed or it can lead to civil or criminal liability for damages to other parties. Certain pesticides, based on their chemistry and toxicity, are already required to use a certified applicator at the federal level. This bill does not provide any justification that the same should apply to all pesticides.
- 7) As written, this bill appears to apply to any pesticide, including those used in the home such as RAID, boric acid and other similar materials for small extermination events. Is that the intent of the bill? Will one need a certification to buy such materials?
- 8) We question how this will adversely affect the fight against invasive species such as little fire ants where homeowners are asked to be part of the solution.
- 9) Currently the funding is insufficient to do the background work to put new crops/pests on current labels of pesticides. This has been a continuing problem that would be aggravated by this bill.

In lieu of passing additional regulations that are unnecessary if current law and regulations are followed, the legislature should address the main concerns that cause misuse of pesticides. We oppose this bill as written and recommend the following amendments.

- 1) Translation services (oral and written) for the immigrant farming community on proper pesticide use would address the fact that they may not be able to read the labels in English. Pertinent information can be put in their native languages.
- 2) Workshops for the diverse variety of communities on the proper use of pesticides.
- 3) Develop Best Management Practices for pesticides and work toward 100% adoption by individual farmers.

We believe that education is the first line of defense.

Thank you for the opportunity to submit testimony.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 1, 2019

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 1575
RELATING PESTICIDES

Room 312
8:30 AM

Aloha Chair Creagan, Vice Chair DeCoite, and Members of the Committee:

I am Brian Miyamoto, Executive Director 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 opposes HB 1575 that would prohibit the use of all pesticides unless the applicator is certified as a pesticide applicator by the department of agriculture.

HFB appreciates the intent of the bill and agrees that all pesticide users should have a thorough understanding of the proper use of these materials before using them. Recently in Hawaii, media focus has targeted farmers' use of pesticides, especially those who are certified to use restricted use pesticides (RUPs). This focus ignores the fact that RUPs in Hawaii are primarily used to disinfect our drinking water and disregards the fact that nearly all of the heavily publicized school odor incidents involved non-restricted use pesticides applied by homeowners.

Pesticides are used throughout the islands, and the nation, as sanitizers in schools, restaurants, and homes, as one of the only practical methods to control weeds that make roads unsafe and keep invasive species from destroying our watersheds. They are used to kill mosquitos, Little Fire Ants, and other dangerous vectors that threaten public health. Among many other uses, pesticides protect our homes, schools, and offices from destruction by termites. In other words, pesticide use is ubiquitous and, in many cases, necessary.

However, we are concerned that a regulatory program as required by this bill will be impracticable, extremely costly, and impossible to enforce.

In keeping with the intent of this measure to ensure that public health is protected from improper pesticide use, HFB respectfully suggests that the bill be modified to fund a public educational outreach program that effectively conveys what pesticides are, how they can be used safely, and the resources available to learn more.

Thank you for the opportunity to testify and for your support of Hawaii's farmers and ranchers.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 312
FRIDAY, FEBRUARY 1, 2019 AT 8:30 A.M.**

To The Honorable Richard P. Creagan, Chair;
The Honorable Lynn DeCoite, Vice Chair; and
Members of the Committee Agriculture;

TESTIMONY ON HB 1575 RELATING TO PESTICIDES

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce, with approximately 650 members. We appreciate the opportunity to provide comments on HB 1575 that prohibits the use of pesticides unless the user is certified by the Department of Agriculture.

We understand the impetus for this bill as oftentimes homeowner pesticide use causes significant challenges because of the lack of knowledge on how to safely/appropriately use pesticides, but we would like to raise a few questions on the possible implications of this bill:

- Does the term all pesticides incorporate household pesticides, including cockroach and ant killers? As we know, household pests like cockroaches and ants are common here and many homeowners use indoor pesticides.
- While we think it would be ideal if the general public understood how to properly use pesticides and this would greatly reduce any negative impacts, will this bill extend beyond industry use?
- How will the public be informed of these changes?
- What will it take for the government to be able to educate the public on this matter, in terms of funding and resources, and how will the Department of Agriculture enforce the law, should this bill be passed?

Further, in the past there have been movements made on the county and state level to try and get those who are using pesticides to report what they are using and when they will use it. While this has been considered for businesses (and not necessarily for residents), will there be related implications for farmers and residents should this bill be passed?

We appreciate the opportunity to present comments on this bill as we want to avoid any unintended negative impacts.

Mahalo for your consideration of our testimony

Sincerely,

Pamela Tumpap
President



HAWAII PEST CONTROL ASSOCIATION

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

Telephone (808) 533-6404 • Fax (808) 533-2739

February 1, 2019

Testimony To: House Committee on Agriculture
Representative Richard P. Creagan, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 1575 – RELATING TO PESTICIDES

Chair Creagan and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association, an organization composed of 95% of all the structural pest control operators in the State of Hawaii. We support the concept of this bill but have some comments.

This bill has some very far reaching consequences. By deleting the current application of Restricted Use Pesticides and therefore making it apply to all pesticides, we believe that the Department will need a huge increase in their budget in order to handle the administrative tasks of administering this kind of a program. Under Chapter 149A, a pesticide is any substance intended for preventing, destroying or repelling or mitigating any pest. As we read that definition, that includes everything from Raid to ant bait to Clorox and in that light then, the

janitorial staff of most commercial buildings and as well as perhaps all of our schools will need to become certified.

It would apparently be the intent of this bill to broaden the regulatory scheme and we can understand why. Much of the abuse of pesticides that goes on is from the unregulated side of the community that does not know pesticides, has not been trained in pesticides and often subscribes to the theory that if a little bit is good, a lot is even better which is a false assumption.

Most of our members do not use Restricted Use Pesticides except for the fumigators however, our industry goes through a great deal of trouble, time, effort and expense to do constant training of our employees even for general use pesticides and as a result we find very few violations in the general use category. That being the case, an educational component as is referenced in this bill and a wider regulatory scope would likely benefit everyone in the State and to that extent, we agree.

Thank you.



HAWAII CROP IMPROVEMENT ASSOCIATION

Board of Directors 2018 - 2020

TESTIMONY FROM BENNETTE MISALUCHA, EXECUTIVE DIRECTOR

Comments on HB929 & HB1575

President

Joshua Uyehara

HOUSE COMMITTEE ON AGRICULTURE

February 1, 2019, 8:30 a.m., Rm. 312

Vice-President

Warren Mayberry

RE: HB929 Relating to Pesticides
HB1575 Relating to Pesticides

Secretary

Dawn Bicoy

Chair Creagan and Committee Members:

Treasurer

Laurie Yoshida

The Hawaii Crop Improvement Association has concerns regarding HB929 and HB1575, both Relating to Pesticides.

Directors-at-Large

Alan Takemoto

Adolf Helm

Leslie Campaniano

Dan Clegg

Joshua Uyehara

Warren Mayberry

In 2018 this Legislature passed SB3095 SD1 HB1 CD1 Relating to Environmental Protection, which was signed into law by Governor Ige as Act 45 (2018). The Department of Agriculture is in the process of completing the Chapter 91 rule making process for implementation. Many community members throughout the State were allowed to participate and provide input in the rule making process. We believe that this legislature should allow the rule making process to continue and allow the Department of Agriculture the ability to implement the rules without intervention. Passage of HB929 and HB1575 circumvents the rule-making process and goes beyond the intent of Act 45 (2018).

President Emeritus

Alan Takemoto

We strongly believe that the current rules should have an opportunity to work themselves out through the process before this Legislature steps in to further regulate.

Executive Director

Bennette Misalucha

Thank you for this opportunity to testify.

Respectfully,

Bennette Misalucha

Executive Director, Hawaii Crop Improvement Association

HCIA is a Hawaii-based non-profit organization that promotes modern agriculture to help farms 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.



WPHA

Western Plant Health Association

January 31, 2019

The Honorable Richard Creagan
Chair, House Committee on Agriculture
Hawaii State Capitol, Rm. 427
Honolulu, HI 96813

Re: HB 1575 – HDOA; Pesticide Use

Dear Chair Creagan:

On behalf of the Western Plant Health Association (WPHA), I am writing to express our **opposition** to HB 1575, which would require an applicator certification to apply any pesticide. 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 interest in assuring the safe application of pesticides. We understand that while the intent of the bill is to assure that pesticides are applied safely, we believe the requirement that the application of any pesticide requires a Hawaii Department of Agriculture (HDOA) certification is problematic. We are concerned that it communicates that all pesticides pose the same level of risk.

The requirement that identifies what pesticides require a certified applicator is determined through a thorough process during the registration of a pesticide at the federal and state level. This process is based on a determination of risk in the application of a product to the public, environment and workers. To in effect expand all pesticides to a Restricted Use Pesticide (RUP) status exaggerates the risk of many pesticides which would otherwise be low risk through their formulation. We are concerned that it could also send the opposite message about the need for awareness in handling RUPs. If all pesticides require certification for application, we are concerned that there would be less awareness of the need for the special handling of RUPs. We are also concerned that as this applies to all pesticides, the cost to the Hawaii Department of Agriculture would be prohibitive both from a personnel standpoint as well as in processing those certifications.

WPHA supports the author's call for additional education for the safe handling of pesticides. We support the author's effort to educate more consumers on the safe handling of pesticide products. However, we believe educational outreach without requiring certification is a more effective process to accomplish pesticide education. For these reasons we ask that you vote **no** on HB 1575. WPHA thanks you for your consideration of our comments and welcomes any questions you may have.

Sincerely,

Renee Pinel
President/CEO

HB-1575

Submitted on: 1/30/2019 4:53:29 PM

Testimony for AGR on 2/1/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kate Paine	Individual	Support	No

Comments:

HB-1575

Submitted on: 1/30/2019 5:17:29 PM

Testimony for AGR on 2/1/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
RC Blake	Individual	Support	No

Comments:

HB-1575

Submitted on: 1/31/2019 4:09:56 PM

Testimony for AGR on 2/1/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Faith Tuipulotu	Individual	Support	No

Comments: