



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB2197
RELATING TO AGRICULTURE**

REPRESENTATIVE RICHARD CREAGAN, CHAIR
HOUSE COMMITTEE ON AGRICULTURE

Hearing Date: 2/7/2020

Room Number: 312

1 **Fiscal Implications:** This unfunded measure may impact the priorities identified in the
2 Governor's Executive Budget Request for the Department of Health's (Department)
3 appropriations and personnel priorities.

4 **Department Testimony:** This measure establishes a task force, including a member from the
5 Department, to assess the impact of glyphosate on Hawaii's natural environment, human health,
6 and agriculture. The Department has the following comments.

7 The Department appreciates the concerns related to glyphosate's impact on the environment and
8 human health. While the overall body of scientific knowledge does not support that glyphosate
9 causes cancer, much controversy remains, especially considering recent jury verdicts.

10 The Department encourages specific goals and questions for the task force as outlined in the
11 measure and would emphasize the importance of carefully assessing the agricultural,
12 environmental and human health trade-offs of replacement herbicides available in Hawaii. In
13 addition, the Department supports the data gathering at the core of the proposed task force as a
14 body of knowledge to help guide scientifically driven policy.

15 **Offered Amendments:** None

16 Thank you for the opportunity to testify on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Agriculture
Friday, February 7, 2020 at 8:30 a.m.

By
Nicholas Comerford, Dean
College of Tropical Agriculture and Human Resources
And
Michael Bruno, PhD
Provost
University of Hawai'i at Mānoa

HB 2197 – RELATING TO AGRICULTURE

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

Thank you for the opportunity to testify in support of HB 2197 that establishes a glyphosate task force to assess the impact of glyphosate on Hawai'i's natural environment, human health, and agriculture.

The bill calls for the dean or the dean's designee of the College of Tropical Agriculture and Human Resources (CTAHR), University of Hawai'i at Manoa to serve on the task force. CTAHR looks forward to serving on the task force.

Thank you for the opportunity to submit testimony in support of HB 2197.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

**FEBRUARY 7, 2020
8:30 A.M.
CONFERENCE ROOM 309**

**HOUSE BILL NO. 2197
RELATING TO AGRICULTURE**

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2197, relating to agriculture. The bill establishes a task force comprised of members representing state, county, and federal agencies to assess the impact of glyphosate on Hawaii's natural environment, human health, and agriculture. The Department offers these comments.

Glyphosate is a general use pesticide, available from hundreds of retail locations in Hawaii and countless online distributors. There are currently about 200 products licensed for sale in Hawaii with glyphosate as an active ingredient. Regulation of all pesticides comes under the enforcement authority of the Department's Pesticides Branch.

On January 31, 2020 EPA announced that it had concluded its regulatory review of glyphosate which is the most widely used herbicide in the United States. After a thorough review of the best available science, as required under the Federal Insecticide, Fungicide, and Rodenticide Act, EPA concluded that there are no risks of concern to human health when glyphosate is used according to label directions and that it is not a



carcinogen. The findings on human health risk are consistent with the conclusions of science reviews by many other countries and other federal agencies, including the U.S. Department of Agriculture, the Canadian Pest Management Regulatory Agency, the Australian Pesticide and Veterinary Medicines Authority, the European Food Safety Authority, and the German Federal Institute for Occupational Safety and Health. The EPA is requiring additional mitigation measures to help farmers target pesticide sprays to the intended pest and reduce the problem of increasing glyphosate resistance in weeds.

In coming to its conclusion regarding the human health risk of glyphosate, EPA reviewed thousands of studies since the initial registration of the product in the 1970s. Glyphosate is used on more than 100 food crops, including glyphosate-resistant corn, soybean, cotton, canola, and sugar beet. It is the leading herbicide for the management of invasive and noxious weeds and is used to manage pastures, rangeland, rights of way, forests, public land, and residential areas. It is an invaluable tool when used to control invasive species such as *Albizia*, *Falcataria moluccana*, where they have taken over native forests and become hazardous to electrical transmission wires in residential areas. In addition, glyphosate has low residual soil toxicity and helps retain no-till and low-till farming operations that reduce the risk of runoff into all surface water bodies. In considering this bill, the Department respectfully asks that the committee members weigh the known benefits of glyphosate product use against the science-based assessments of risks when deliberating on this matter.

A task force to consider the risks vs benefits of glyphosate may be a duplicative exercise when considering the assessment that EPA just concluded. However, if the task force goes forward then risks vs benefits of the use of glyphosate in our State need to consider and compare the impacts to agriculture, environmental and human health with trade-offs associated with replacement herbicides approved for use in Hawaii and other weed management tools that can have their own risk/benefit profile. The bill seeks to collect an abundance of data to do the risk/benefit assessment. It is not apparent from the bill how the information on the assessment will be collected. Given the scope and complexity of the data that will be required by the task force mandates,

the Department's ability to gather the data associated with that mandate is limited. The resources required for the data collection are currently limited to enforcement and that information is normally confined to the inspections and investigations that is confidential until a case is closed. For the Department to gather the data that is required, on a timely basis, it would entail a full time Education position at the EHS II level.

The Department also asks you to consider using the Pesticide Advisory Committee for the work described. Those individuals serving on that committee have been appointed by the Governor and have the talent and ability to process the data gathered into a report that can be utilized to guide glyphosate regulation and public policy going forward.

Thank you for the opportunity to testify on this measure.

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Agriculture

From: Cheryl Kakazu Park, Director

Date: February 7, 2020, 8:30 a.m.
State Capitol, Conference Room 312

Re: Testimony on H.B. No. 2197
Relating to Agriculture

Thank you for the opportunity to submit testimony on this bill, which would establish a Glyphosate Task Force. The Office of Information Practices (OIP) takes no position on the substance of this bill, but has concerns regarding proposed subsection (f) of bill section 2 which would exempt the proposed task force from the Sunshine Law, part I of chapter 92, HRS.

First, as a technical note, the proposed exemption is from all of chapter 92, which includes not only the Sunshine Law (part I of chapter 92) but also miscellaneous provisions such as the one setting copy costs for government records. An exemption from the Sunshine Law should state that a group is “exempt from part I of chapter 92” rather than “exempt from chapter 92.”

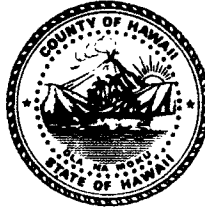
Second, OIP questions whether a total exemption from the Sunshine Law is appropriate for a group intended to address an issue of such high public interest as pesticide use. The proposed group’s membership, which will be representatives of various federal, state, or county government entities, may indeed

result in some members needing to discuss Task Force business with each other outside a meeting as part of their regular job duties, but that could be addressed by giving the Task Force a permitted interaction allowing discussions outside a meeting by less than a quorum of its members, while still giving the public the chance to testify and attend Task Force meetings as provided for by the Sunshine Law. **To create such a permitted interaction, OIP would recommend replacing proposed subsection (f) on bill page 7 with the following:**

Two or more members of the task force, but less than the number of members that would constitute a quorum for the task force, may discuss between themselves matters relating to official business of the working group to enable them to faithfully perform their duties to the task force and the organizations they represent, as long as no commitment to vote is made or sought. Such discussions shall be a permitted interaction under section 92-2.5, Hawaii Revised Statutes.

Thank you for considering OIP's comments and recommendations.

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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February 5, 2020

Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair
Committee on Agriculture
Hawai'i State Legislature

Dear Chair Creagan, Vice-Chair DeCoite, and Committee members:

RE: HB 2197 Relating to Agriculture


HB 1665, previously heard in this Committee, would outlaw glyphosate in the State of Hawaii. While I realize that perhaps I am being politically incorrect, it seems to me that such a decision should be based on solid science, and I think it is premature to pass an outright ban based on the science which is presently available.

I want to thank the Chair of this Committee for introducing HB 2197. HB 2197 does an excellent job of describing the mixed scientific evidence that is on the table with respect to glyphosate, and would establish a Task Force to evaluate the situation and report back with findings and recommendations.

Admittedly, there is a lot of momentum for immediate action. The health of our people is number one. The fact that there have been large jury awards on the mainland is another concern, and our future use of glyphosate needs to take into account all the risks and rewards that we are aware of. But I cannot agree that the product should be outlawed based on the evidence available to us at the present time.

Thank you for your consideration. I hope you will support HB 2197

Respectfully Submitted,


Harry Kim
MAYOR



Testimony from Jeff Case, Senior Director Government Affairs, CropLife America

Offering comments on HB 2197 Relating to Agriculture

Friday, Feb. 7, 8:30 am, Rm. 312, House Committee on Agriculture

Aloha Chair Creagan and members of the committee,

CropLife America (CLA) is the national association representing manufacturers, formulators, and distributors of pesticides products used in agriculture production. We support and promote scientific-based policy in the regulation of pesticide products at both the state and federal level. We offer comments on HB 2197.

While we appreciate the state legislature for considering a task force, the overwhelming evidence on the safety of glyphosate is well proven. No pesticide regulatory authority in the world currently considers glyphosate to be a cancer risk to humans at the levels at which humans are currently exposed. The level of intense scientific review conducted by these international regulatory agencies would be difficult to repeat at the state level due to lack of expertise, resources and funding. Provided below is just one example of Health Canada's evaluation of glyphosate in 2017.

Health Canada's primary objective in regulating pesticides is to protect Canadians' health and the environment. They regularly review all pesticides to make sure that they continue to meet modern health and safety standards. Following the release of the Department's final re-evaluation decision on glyphosate in 2017, Health Canada received eight notices of objection. There have also been concerns raised publicly about the validity of some of the science around glyphosate in what is being referred to as the Monsanto Papers.

Health Canada scientists reviewed the information provided in these notices, and assessed the validity of any studies in question, to determine whether any of the issues raised would influence the results of the assessment and the associated regulatory decision. After a thorough scientific review, they concluded that the concerns raised by the objectors could not be scientifically supported when considering the entire body of relevant data. The objections raised did not create doubt or concern regarding the scientific basis for the 2017 re-evaluation decision for glyphosate. Therefore, their final decision stands to this day.

Their scientists left no stone unturned in conducting their review. They had access to all relevant data and information from federal and provincial governments, international regulatory agencies, published scientific reports and multiple pesticide manufacturers. This includes the reviews referred to in the Monsanto Papers. Health Canada also had access to numerous individual studies and raw scientific data during its assessment of glyphosate, including additional cancer and genotoxicity studies. To help ensure an unbiased assessment of the information, Health Canada selected a group of 20 of its own scientists who were not involved in the 2017 re-evaluation to evaluate the notices of objection.

While we appreciate the concept of a task group, we are concerned about their ability to provide a more thorough and comprehensive analysis than international regulatory agencies from around the world.



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LATE

February 7, 2020

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 2197

RELATING TO AGRICULTURE

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 1,800 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 this measure to establish a glyphosate task force.

As active community members, our primary focus is on the safety and health of our families, our employees, and our communities as we produce the food and other products that residents and visitors need and enjoy. Farmers and ranchers are the stewards of a large portion of Hawai'i's acreage and we know how important it is to protect and conserve our natural resources. Without them, we can't farm.

We understand the intent of this measure and that there is a lot of misunderstanding and confusion about the pesticide glyphosate. We believe that these misunderstandings should be corrected and that public education about the proper use of pesticides, including glyphosate, is warranted.

However, mandating a task force to assess the impact of glyphosate on Hawaii's natural environment, human health, and agriculture may be a herculean undertaking, especially if members of this task force are not experts in pesticide research and analysis and are not provided the appropriate time, data, and scientific resources they would need to make valid findings and recommendations.

We question how a lay-person, local task force would be better able than the regulatory authorities throughout the world, including three WHO programs, to obtain and analyze the best available science. These organizations have determined that glyphosate is **NOT** carcinogenic. Other organizations, including the European Chemicals Committee for Risk Assessment, the European Food Safety Authority and the Joint FAO/WHO Meeting on Pesticide Residues have found glyphosate is not likely to be carcinogenic to humans. The IARC opinion, the only one referenced in HB 2197, has been roundly discredited by leading world scientific bodies. The weight of scientific evidence should be considered, rather than just one body (IARC) that ignores dose in its analysis, and also classifies sunlight, diesel exhaust, and salted fish as probably carcinogenic.

HB 2197 relies on incorrect and flawed information. For example:

California's proposition 65 warning

Under California law, a chemical is required to be added to the Proposition 65 list if IARC formally identifies it as causing cancer. So although the IARC classification has been discredited because it did not evaluate the extensive and relevant dataset, California law requires that once IARC classifies a chemical as a probable carcinogen, it must be added to the list, regardless of conflicting scientific opinion and evidence.

- Importantly, a federal court has stopped California from enforcing the state Proposition 65 requirements involving glyphosate's carcinogenicity, in part on the basis that the required warning statement is false or misleading. That injunction has not been appealed and remains in place. **In the decision, the judge stated: "It is inherently misleading for a warning to state that a chemical is known to the state of California to cause cancer based on the finding of only one organization (International Agency for Research on Cancer—IARC—which only found that substance is probably carcinogenic), when apparently all other regulatory and governmental bodies have found the opposite, including EPA."**

Jury awards

- Regarding lawsuits and jury awards against the makers of glyphosate-based products -- juries are not expert scientific bodies but laypersons who may be biased against corporate defendants, especially in cases where there is a sympathetic plaintiff who is suffering from severe illness. And there is always a question whether jurors are qualified to assess causation and determine appropriate compensation in a fair and reasonable manner. Jury awards should not be a primary basis for State legislative actions.

The scientific consensus is that when glyphosate is used properly, it does not expose anyone to high risk. In fact, the EPA has just (2020) completed its regulatory review of glyphosate and has concluded that there are no risks of concern to human health when glyphosate is used according to the label. It has also found that glyphosate is **not** a carcinogen (<https://www.epa.gov/ingredients-used-pesticide-products/glyphosate>). These findings on human health risk are consistent with the conclusions of science

reviews by many other countries and other federal agencies, including the U.S. Department of Agriculture, the Canadian Pest Management Regulatory Agency, the Australian Pesticide and Veterinary Medicines Authority, the European Food Safety Authority, and the German Federal Institute for Occupational Safety and Health.

Benefits to the environment, farmers and ranchers, and the general public must be considered

HFB believes that if a task force is established, the risks and benefits to public health, the environment, and farmers must be considered. Among other things, these include benefits to our water systems, including protection of the watersheds that are being destroyed by invasive species, the safety of road maintenance workers who may otherwise need to use mechanical methods of weed control, and the protection of crops that would be devastated without glyphosate use. Weeds that are not adequately controlled become perfect habitat and breeding areas for other devastating pests and diseases that will impact Hawai'i's farmers, and others, and risk the continued viability of our farms and ranches.

HFB believes that this measure is unnecessary. Decades of scientific research and experience confirm that glyphosate can be and in fact, *is* being used safely and effectively. Pesticides, including glyphosate, are already highly regulated by both the federal and Hawai'i State government to ensure safety, human, and environmental health. The State Department of Agriculture has just revised its pesticide rules to be even more stringent and has ramped up its enforcement efforts. The State Department of Health continues to conduct environmental monitoring of pesticides and has not found cause for concern.

Finally, if this committee decides to pass HB 2197, we respectfully request that it be amended in the following manner:

Amend the preamble to accurately reflect the facts about glyphosate and its uses in Hawaii. Amend the purpose of the bill; to better understand the uses of glyphosate in Hawaii, the possible alternative pesticides and their pros and cons, and to assess the need for education and training for glyphosate use.

Page 4, line 16: Delete Item (a)(2). There is no way to accurately determine this number.

Page 4, line 18: Delete Item (a)(3). There is no such thing as a glyphosate test site in Hawaii.

Page 5, line 1: Replace the language in Item (a)(5) with the following, "The current need for glyphosate used to combat invasive species and promote native ecosystems;"

Page 5, line 3: Amend Item (a)(6) to clarify: "A comparison of the advantages and disadvantages of using glyphosate alternatives instead of glyphosate, including toxicity, cost, efficacy, and practicability".

Page 5, line 7: Delete Item (a)(7). This requirement is purely speculative and not within the expertise of the task force.

Page 5, after line 20: Add Item (b)(6) to read: "An epidemiologist from the John A. Burns School of Medicine, University of Hawaii."

Page 6, line 3: Amend Item (c)(2) to read, "A representative from each of the county councils, with preference given to a member with an advanced scientific degree;"

Page 6, lines 4 through 9: Amend Item (c)(3) and (4) to read, respectively: (3) "A representative of the house of representatives, to be selected by the speaker of the house of representatives; and (4) "A representative of the senate, to be selected by the president of the senate."

Page 6, lines 10 through 16: Delete Item (d). Replace to read, "The chairpersons of the task force shall designate an appropriate representative to fill any task force vacancy that arises during the term of the task force."

Thank you for your continued support of our local farmers who look forward to providing more of Hawaii's agricultural needs.



February 5, 2020

Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair
House Committee on Agriculture

Comments Concerning HB 2197 Relating to Agriculture (Establishes a glyphosate task force to assess the impact of glyphosate on Hawaii's natural environment, human health, and agriculture.)

Friday, February 7, 2020, 8:30 a.m., in Conf. Rm. 312

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 utility companies. One of LURF's missions 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 and its members also strongly support the long-term use and protection of Important Agricultural Lands (IAL) for agricultural use, and have worked with the State Department of Agriculture (DOA), Hawaii Farm Bureau Federation, Hawaii Cattlemen's Council and other agricultural stakeholders to pass the IAL law, the purpose of which is to provide agricultural incentive programs to promote agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands for agricultural use.

In commenting as to this proposed bill, LURF must emphasize that it clearly is not opposed to measures intended to protect public health and safety, or to efforts made to protect the environment or community from exposure to chemicals properly and lawfully determined by science and research to be harmful.

LURF must, however, strongly caution against efforts such as the establishment of the proposed task force which may be well-intended, but which may, due to factors such as an inarticulate purpose, imprecise scope, and subjective composition, result in biased, inaccurate, and potentially unusable findings. Studies undertaken by such a task force may, from its inception tend to misrepresent or slant facts; be based on unreliable findings or research; lack consultation with and support of key experts and agricultural stakeholders; ultimately lead to unintended negative consequences, including in this case, precluding use of private property and agricultural lands, as well as resulting in

harmful consequences to people, vegetation and the environment; and actually be counter-productive to the State's goals relating to agricultural sustainability.

HB 2197. Given the admitted finding of the Legislature that there is mixed evidence on the potential harmful effects of glyphosates, the establishment of a glyphosate task force to assess the impact of glyphosate on Hawaii's natural environment, human health and agriculture, is a laudable measure to conclusively determine the validity of efforts to regulate glyphosate use.

In its establishment of such a task force, however, the Legislature must ensure that the group, its purpose, objectives, mission, composition and resulting findings and report be unquestionably fair, fact-based, and unbiased. As drafted, the introductory language contained in Section 1 of this bill already appears to lean toward condemning glyphosate as having negative agricultural and environmental impacts.

The mission of the group and its objectives must be clearly identified so as to avoid generalized conclusions and recommendations, and the scope of the responsibilities of the task force must be precisely articulated. In that regard, LURF also questions why the stated scope of the fact-finding and reporting to be conducted by the proposed task force is limited only to glyphosates when there reportedly exist other harmful or even more dangerous chemical products which may impact the environment or public health and safety.

LURF's Position. LURF supports science-based government laws and regulations related to the voluntary disclosure and notification of pesticide use which are a result of the expertise of the EPA, as well as the DOA's Pesticide Branch, in collaboration with the Department of Health, the University of Hawaii College of Tropical Agriculture and Human Resources, federal agencies, county governments, and agricultural operators who are trained, and certified to safely use pesticides (collectively "Agricultural and Pesticide Experts and Stakeholders").

LURF therefore believes it is imperative that any task force established pursuant to this measure:

1. Ensures inclusion of, input from, and consultation and collaboration with the Agricultural and Pesticide Experts and Stakeholders. LURF specifically believes that members of the task force should include:
 - a. Each county Mayor, or representative of the Mayor (this bill currently includes County Council members, but the Council does not have the responsibility or jurisdiction over the use of herbicides, which lies with the County Parks or Public Works Department);
 - b. Scientists who possess expertise with glyphosate and/or other chemicals which reportedly pose a risk to public health/safety or the environment;
 - c. Representatives of the EPA, the U.S. National Institute of Health, U.S. Food and Drug Administration;
 - d. The Hawaii Invasive Species Council; and

- e. Representatives of affected stakeholders (e.g., pesticide/herbicide/chemical companies, Farm Bureau, Chamber of Commerce);
2. Takes into regard EPA's current system of pesticide testing, approval and regulation, which includes years of study and tests based on scientific research to reduce risk and ensure health and safety;
3. Complies with the statutory responsibilities and regulatory framework of HRS Chapter 149-A, the Hawaii Pesticides Law, which specifically designates the DOA as the state agency that is responsible for regulating pesticides; and
4. Relies upon credible evidence and studies endorsed by the Agricultural and Pesticide Experts and Stakeholders.

The potential unfortunate and unintended effects of an inadequately established task force may be, amongst other things, to prohibit use of private property and agricultural lands; to cause harmful consequences to public health and safety, vegetation and the environment; and to actually be counter-productive to the State's goals relating to agricultural sustainability.

LURF therefore believes it would be unreasonable, if not irresponsible for this Committee to support the establishment of the proposed task force pursuant to HB 2197 without consideration of the comments and recommendations respectfully made herein.

Thank you for the opportunity to provide comments regarding this matter.

BAYER
94-520 Kunia Road / P.O. Box 200
Kunia, Hawaii 96759

February 7, 2020

TESTIMONY BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 2197
RELATING TO AGRICULTURE

Chair Creagan; Vice Chair Decoite; and members of the committee:

My name is Alan Takemoto, Government Affairs Lead for Bayer Hawaii. We have several farms in Hawaii and employ over 600 employees who are actively engaged in our local communities where we farm.

Thank you for allowing us the opportunity to comment on HB 2197 which establishes a glyphosate task force to assess the impact of glyphosate on Hawaii's natural environment, human health, and agriculture.

Bayer is one of multiple manufacturers that produce and sell a variety of federally approved commercial products that contain glyphosate. We would like to highlight that there is an extensive body of research, spanning more than 40 years and including more than 800 rigorous studies submitted to regulators, on which leading health authorities worldwide have based their conclusions that glyphosate is not carcinogenic. These health authorities include the U.S. Environmental Protection Agency (EPA), as well as assessments by the European Food Safety Authority, European Chemicals Agency, German BfR, Australian, Korean, Canadian, New Zealand and Japanese regulatory authorities and the Joint FOA/WHO Meeting on Pesticide Residues.

Significantly, the largest and most recent epidemiology studies, which are the most relevant research for assessing exposure effects in the human populations, each found that there was no association between glyphosate-based herbicides and NHL overall in real world use. These studies include the 2018 National Cancer Institute-supported Agricultural Health Study, which followed over 50,000 licensed pesticide applicators for more than 20 years; the 2019 Leon Agricoh Consortium study that included over 300,000 pesticide applicators; and data from the 2016 North American Pooled Project.

Most recently, in January 2020, the EPA concluded its regulatory review of glyphosate and stated that “the EPA thoroughly assessed risks to humans from exposure to glyphosate from all registered uses and all routes of exposure and did not identify any risks of concern.” The EPA reiterated its conclusion that “glyphosate is not likely to be carcinogenic to humans.”

There are many benefits to using products that contain glyphosate – from helping to maintain our roadways and irrigation systems to controlling invasive species that threaten our fragile environment. Glyphosate-based products are also used to control weeds near our homes and schools that may cause harm to our families by producing pollen that trigger allergies, or by harboring insect pests, snails or slugs, and rodents that cause or carry diseases. Weeds may be general pests in our lawns and landscaping, and weeds along roadways can impede driving conditions by limiting drivers’ ability to view lanes or road signs. Weeds in our fields negatively impact crop yields and ultimately threaten our ability to farm sustainably.

Hawaii’s environment and its natural resources are some of the most important assets we all want to protect, now and in the future. Invasive and noxious weed species are among the largest issues impacting Hawaii’s native forests and watershed areas. Herbicides like glyphosate are a very important tool in ongoing efforts to restore our streams, restore habitat for animals and make recreational areas more assessable.

When used according to their labels, products that contain glyphosate are among the safest, effective and most efficient tools on the market today for controlling weeds in a variety of settings. Scientists with the U.S. EPA recently performed an independent evaluation of glyphosate and found 1) no risk to human health from current uses of glyphosate, 2) no indication that children are more sensitive to glyphosate, and 3) no evidence that glyphosate causes cancer. These findings are consistent with numerous other international expert panels and regulatory authorities.

Thank you for allowing us to submit comments.



**House Committee on Agriculture
HB2197: Hawai'i Center for Food Safety comments and proposed amendments**

Aloha e Chair Creagan, Vice Chair Decoite, and members of the committee,

My name is Lauryn Rego and I am the Director for the Hawai'i Center for Food Safety (CFS). CFS is a nationwide public interest, sustainable agriculture nonprofit organization whose missions include the promotion of agricultural production methods that are beneficial to the ecosystem. We have over 950,000 farmer and consumer members across the country, including nearly 14,000 in Hawai'i. On behalf of CFS and our members, I thank you for the opportunity to submit testimony today regarding this important bill.

CFS has been dedicated to addressing the human health and environmental impacts of our increased reliance on pesticide use in food production, both in the State of Hawai'i and nationally. We were instrumental in providing legal and communications support in the passage of numerous ordinances relating to pesticide use and disclosure, including Act 45 (Session Laws of Hawai'i 2018), which banned the use of the toxic pesticide chlorpyrifos throughout the State.

CFS deeply appreciates the intention of this bill to protect Hawai'i from the potential harms of glyphosate. However, we strongly believe that the science is clear on the harms of glyphosate, and would urge the State to take actions immediately to limit human health and environmental exposure to this toxic pesticide. As the findings of the bill notes, glyphosate has been linked with numerous health risks, including the risks of leukemia and non-Hodgkin's lymphoma. The world's leading cancer authority on cancer, the International Agency for Research on Cancer, a division of the World Health Organization, unanimously concluded that glyphosate is a probable carcinogen. The International Agency for Research on Cancer's determination was based on a rigorous assessment that concluded that there is sufficient evidence of carcinogenicity in experimental animals.

In addition to its significant public health risks, glyphosate is also incredibly toxic to species and the environment. The increased use of glyphosate in genetically engineered agriculture has resulted in the rapid development and proliferation of previously unknown herbicide-tolerant superweeds. As more crops are genetically engineered to resist glyphosate, glyphosate use and resistance in weeds both increase. Superweeds threaten to overtake the habitat of native flora and fauna in uncultivated lands and force farmers and land managers to use increasingly toxic and expensive herbicides, which further exacerbates the environmental and health-related impacts of the herbicide. The increased use of glyphosate-based herbicides with glyphosate-resistant crops has substantial environmental impacts, including reduced biodiversity, the loss of milkweed (a plant

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that the monarch butterfly relies on, which has caused a steady decline in monarch butterfly populations), and potential impacts to water and aquatic life, such as amphibians.

These significant harms are why numerous jurisdictions have taken actions to ban or restrict the use of glyphosate in light of these significant health and environment risks. We should follow suit and take immediate actions to get rid of this toxic chemical.

However, should the committee move forward with the creation of a glyphosate task force, we feel that the bill must be amended to ensure that the task force includes experts and representatives from the public health and environmental communities, in order to ensure a holistic and accurate assessment of the impacts of glyphosate to Hawai'i citizens and its environment. To that end, we respectfully urge the committee to amend Section 2(b) of the bill as follows (suggested additions underlined):

(b) The task force shall consist of the following members:

(1) The chairperson of the board of agriculture, or the chairperson's designee, who shall serve as co-chairperson of the task force;

(2) The director of health, or the director's designee, who shall serve as co-chairperson of the task force;

(3) The superintendent of education, or the superintendent's designee;

(4) The chairperson of the board of land and natural resources, or the chairperson's designee; and

(5) The dean of the University of Hawai'i at Manoa college of tropical agriculture and human resources, or the dean's designee.

(c) The task force shall also invite:

(1) A representative from the United States National Park Service;

(2) A representative from each of the county councils;

(3) A representative of the house of representatives, to be selected by the chair of the house committee on agriculture; ~~and~~

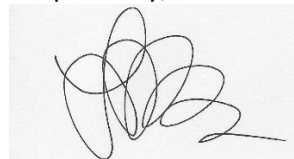
(4) A representative of the senate, to be selected by the chair of the senate committee on agriculture and environment-;

(5) A representative from the American Academy of Pediatrics; and

(6) A representative from an environmental nonprofit organization

Thank you considering my testimony and proposed amendments to this important bill.

Respectfully,



Lauryn Rego, Director, Hawai'i Center for Food Safety



Board of Directors 2018 - 2020

TESTIMONY FROM THE HAWAII CROP IMPROVEMENT ASSOCIATION

President
Joshua Uyehara

Comments on HB2197 RELATING TO AGRICULTURE

Vice-President
Warren Mayberry

House Committee on Agriculture
Thursday, 02-07-20 8:30AM
House conference room 312

Secretary
Dawn Bicoy

Chair Creagan, Vice-Chair DeCoite, and members of the committee:

Treasurer
Laurie Yoshida

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony with comments on HB2197 which establishes a glyphosate task force to assess the impact of glyphosate on Hawaii's natural environment, human health, and agriculture.

Directors-at-Large
Alan Takemoto
Mark Stoutemyer
Leslie Campaniano
Michelle Starke
Joshua Uyehara
Warren Mayberry

We understand the interest regarding glyphosate and embrace the opportunity to engage in discussions to promote transparency and education. That being said, we offer the following comments and proposed amendments to this measure:

President Emeritus
Alan Takemoto

Section (2)(a)

As glyphosate is one of the most studied chemistries in existence, we propose the taskforce provide a meta-analysis of the current available data on glyphosate to support their assessment of glyphosate's impact on Hawaii's natural environment, human health, and agriculture.

Section (2)(a)(2)

As glyphosate is sold in many formulations and uses different vehicles for sale, we propose that determining the number of glyphosate users using fifty gallons or more of glyphosate per year will be impossible because of the lack of data available. We recommend removing Section (2)(a)(2).

Section (2)(a)(7)

The proposed composition of the taskforce does not specifically include a member with the skillset to discern "potential liabilities" as referenced in Section (2)(a)(7). Additionally, during pending litigation, it may be difficult to assess any "potential liabilities". Therefore, we recommend removing Section (2)(a)(7) until said liabilities, if any, are defined.



Section (2)(c)(3)&(4)

In line with the established practice of the Hawaii State Legislature, we recommend editing Section (2)(c)(3)&(4) to read as follows:

“(3) A representative of the house of representatives, to be selected by the Speaker of the Hawaii State house of representatives; and

(4) A representative of the senate, to be selected by the President of the Hawaii State senate.”

Section (2)(g)&(h)

Due to the abundance of available data regarding glyphosate and its formulations, we recommend removing Section (2)(g)&(h) as it is premature to define the length of time necessary to complete said task without knowledge of the necessity for any third party reviews, data evaluation timelines, and/or general processing time that may be required for the taskforce’s assessment. Forcing a scientific review of this nature to comply with timelines set without the appropriate data is irresponsible and potentially reckless.

Fiscal Mechanism

HB2197 does not include a fiscal mechanism to support the taskforce in its duty to assess the impact of glyphosate on Hawaii's natural environment, human health, and agriculture. We defer to the Hawaii Department of Agriculture and the College of Tropical Agriculture and Human Resources to determine the appropriate funding necessary to engage third party and/or internal resources to review and evaluate the data required to determine the taskforce’s assessment.

Mahalo for this opportunity to testify with comments on HB2197.

Sincerely,

Emmanuel Zibakalam
Program Director, Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association 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.



Board of Directors:

House Committee on Agriculture

Gary L. Hooser
President

**Hawaii Alliance for Progressive Action (HAPA) with
Comments: HB2197**

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

Friday, February 7, 2020, 8:30 a.m. Conference Room 312

Kim Coco Iwamoto
Treasurer

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

Bart E. Dame
Secretary

Thank you for the opportunity to submit the following comments on
behalf of the Hawai'i Alliance for Progressive Action (HAPA) regarding
HB 2197 which seeks to establish a glyphosate task force to assess the
impact of glyphosate on Hawaii's natural environment, human health,
and agriculture.

Paul Achitoff

Laura Harrelson

HAPA is a state-wide environmental, social and economic justice
organization. We engage over 10,000 local residents annually through
our work. HAPA is committed to working to protect our communities and
local environment from the impacts of pesticide exposure. Over the last
few years we have worked to bring awareness to the growing concerns
about the health impacts of exposure related to the ubiquitous use of
glyphosate.

Kaleikoa Ka'eo

Michael Miranda

Walter Ritte Jr.

Pua Rossi-Fukino

A growing body of evidence documenting the health and environmental
impacts of glyphosate-based herbicides is clear, so much so that it has
led several other jurisdictions to take action in banning or reducing their
usage and transitioning to less or non-toxic land management practices.

Karen Shishido

Leslie Malulani Shizue Miki

The proposed task force is not equipped to weigh in on the validity of
research by the IARC, the world's leading authority on cancer, or to
conduct peer-reviewed studies on environmental impacts. However,
research on the amount of glyphosate used in Hawaii, and would be very
useful data to inform how Hawaii could transition towards less toxic or
non-toxic alternatives.

**In sum, the focus of the proposed task force should not be whether
Hawaii should transition to less toxic alternatives, but rather how to
do so effectively.**

Furthermore, should a task-force be convened we would advocate for two additional positions to be included:

(1) A representative from the Hawaii Chapter of the American Academy of Pediatrics.

(2) A representative from an environmental nonprofit organization well versed on the scientific research and policies regarding glyphosate-based herbicides.

Research on the Impact of Glyphosate-based Herbicides

There is a growing body of evidence relating to the health impacts associated with exposure to glyphosate-based herbicides such as "Roundup," including non-Hodgkin's lymphoma, endocrine disruption, organ damage and birth defects [1]. Glyphosate has been detected in the blood and urine of agricultural workers, indicating absorption into the body [2].

In 2015, the International Agency for Research on Cancer, a division of the World Health Organization, and the world's leading authority on cancer, unanimously concluded that glyphosate is "probably carcinogenic to humans." [3]

Today over 40,000+ lawsuits have been filed against Monsanto/Bayer in the United States alleging they developed non-Hodgkin lymphoma due to exposure to Monsanto's glyphosate-based weed killers and this number is on the rise [4,5,6]. Of the three lawsuits that have been heard to date, in each case juries have found in favor of the plaintiff's [7]. Internal industry documents uncovered during these trials have revealed that Monsanto suppressed evidence of health risks of its herbicides [8].

In addition to public health impacts there is an increasing body of research that suggests glyphosate-based herbicides are impacting the wildlife and organisms at the base of our food chain [8,10,11]. In aquatic and terrestrial environments, researchers have linked changes in metabolism, growth, behavior and reproduction of certain fishes, mollusks and insects with exposure to glyphosate-containing herbicides. [12].

Over reliance on glyphosate-based herbicides have also given rise to new superweeds which are herbicide resistant [13,14,15].

Our concerns are compounded by the fact that glyphosate is the most heavily used agricultural chemical ever in history, in fact there is no precedent for an agricultural chemical ever to be used at this scale.[16] Government and academic research shows that glyphosate is pervasive in water, in our air, and in our food.

Many other municipalities and even other nations have taken similar steps to protect public health and the environment by banning glyphosate [17,18]. They have successfully transitioned to organic land management practices, even in climates similar to Hawai'i with little to no cost difference [19]. With the quickly growing push to come up with less toxic solutions for land management there are now resources available to provide training and materials to assist communities with how to cost-effectively transition away from herbicide use.

Given the increasing number of studies that demonstrate the health risks associated with glyphosate, and considering the now thousands of lawsuits claiming health impacts due to exposure, we encourage this committee consider how a proposed task force could focus on transitioning Hawai'i away from the use of glyphosate-based herbicides, and to include the recommended additional expertise mentioned above.

Thank you for your consideration.

Respectfully,



Anne Frederick,
Executive Director

The Hawai'i Alliance for Progressive Action (HAPA) is a public non-profit organization under Section 501(c)(3) of the Internal Revenue Code. HAPA's mission is to catalyze community empowerment and systemic change towards valuing 'aina (that which feeds us) and people ahead of corporate profit.

References

[1] Carcinogenicity of tetrachlorvinphos, parathion, malathion, diazinon, and glyphosate
http://www.centerforfoodsafety.org/files/guyton-et-al-2015_35818.pdf

[2] *ibid.*

[3] IARC Monographs Volume 112: evaluation of five organophosphate insecticides and herbicides
<https://www.iarc.fr/wp-content/uploads/2018/07/MonographVolume112-1.pdf>

[4] Bayer faces skyrocketing US lawsuits over glyphosate July 2019
<https://www.dw.com/en/bayer-faces-skyrocketing-us-lawsuits-over-glyphosate/a-49797934>

[5] Consumer Safety Watch Compensation Application Page https://www.consumersafetywatch.com/non-hodgkin-lymphoma-roundup/?adwords&gclid=Cj0KCQiApt_xBRDxARIsAAMUMu8NtqJWdP1uuUHXaJrdftxvktQJBKMkrgVVL2gW2ccd7cHNIAj_jDAaAIFHEALw_wcB

[6] Factbox: Bayer Faces Lengthy Roundup Appeals and Settlement Talks Continue Feb 3rd 2020
<https://www.nytimes.com/reuters/2020/02/03/business/31reuters-bayer-glyphosate-lawsuit-trials-factbox.html>

[7] Landmark lawsuit claims Monsanto hid cancer danger of weedkiller for decades
<https://www.theguardian.com/business/2018/may/22/monsanto-trial-cancer-weedkiller-roundup-dewayne-johnson>

[8] Glyphosate Herbicides Are Altering the Food Chain
<https://truthout.org/articles/glyphosate-herbicides-are-altering-the-food-chain/>

[9] Ecotoxicology of Glyphosate and Glyphosate-Based Herbicides — Toxicity to Wildlife and Humans
<https://www.intechopen.com/books/toxicity-and-hazard-of-agrochemicals/ecotoxicology-of-glyphosate-and-glyphosate-based-herbicides-toxicity-to-wildlife-and-humans>

[10] What's the world's most widely used herbicide doing to tiny critters?
<https://www.ehn.org/whats-the-worlds-most-widely-used-herbicide-doing-to-tiny-critters-2631750527.html?rebellitem=2#rebellitem2>

[11] Farmers Fight Explosion of "Superweeds"

The Hawai'i Alliance for Progressive Action (HAPA) is a public non-profit organization under Section 501(c)(3) of the Internal Revenue Code. HAPA's mission is to catalyze community empowerment and systemic change towards valuing 'aina (environment) and people ahead of corporate profit.

<https://www.scientificamerican.com/article/farmers-fight-explosion-of-superweeds/>

[12] Farmers Cope with Roundup Resistant Weeds

<https://www.nytimes.com/2010/05/04/business/energy-environment/04weed.html?src=me&ref=business>

[13] Adler, Jerry. "THE GROWING MENACE FROM SUPERWEEDS." Scientific American, vol. 304, no. 5, 2011, pp. 74-79. JSTOR, www.jstor.org/stable/26002525

[14] Where is Glyphosate Banned? <https://www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/where-is-glyphosate-banned/>

[15] NYC leaders join calls for ban on Monsanto herbicide

<https://www.ehn.org/monsantos-herbicide-defense-falling-on-deaf-ears-as-nyc-leaders-join-calls-for-ban-2634974362.html?rebelltitem=1#rebelltitem1>

[16] Main, Douglas. "Glyphosate Now the Most-Used Agricultural Chemical Ever" Newsweek, February 2, 2016,

<https://www.newsweek.com/glyphosate-now-most-used-agricultural-chemical-ever-422419>

[17] Non Toxic Landscapes <http://www.nontoxiccommunities.com/organic-land-care.html>

[18] A Cost Comparison of Conventional (Chemical) Turf Management and Natural (Organic) Turf Management for School Athletic Fields <http://www.grassrootsinfo.org/pdf/turfcomparisonreport.pdf>

[19] Using Traditional, Synthetic Chemicals and Fertilizers - Vista Verde School Field, Irvine

<http://www.nontoxiccommunities.com/uploads/1/2/3/8/123860248/before-aftervistaverdeirvineca.pdf>



HB 2197, RELATING TO AGRICULTURE

FEBRUARY 7, 2020 · HOUSE AGRICULTURE
COMMITTEE · CHAIR REP. RICHARD P. CREAGAN

POSITION: Support.

RATIONALE: IMUAlliance supports HB 2197, relating to agriculture, which establishes a glyphosate task force to assess the impact of glyphosate on Hawai'i's natural environment, human health, and agriculture.

Glyphosate kills. Glyphosate-containing herbicides and products, including Roundup, are used for landscaping purposes throughout the State, including on public school campuses. Yet, the World Health Organization's International Agency for Research on Cancer's Monograph 112, published in 2017, states that there is evidence in humans for the carcinogenicity of glyphosate, which has been positively associated with non-Hodgkin lymphoma.

Moreover, IARC Monograph 112 further contends that there is sufficient evidence of the carcinogenicity of glyphosate in experimental animals to conclude that a causal relationship has been established between exposure to the agent and human cancer. To protect its citizens, in 2017, the State of California added glyphosate to a list of chemicals recognized as carcinogens in the California Labor Code and under California's Proposition 65, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986.

In 2018, a California trial court upheld an award of \$78.5 million in damages to Lee Johnson, a school groundskeeper, after a jury determined he contracted non-Hodgkin lymphoma through

repeated exposure to glyphosate-containing herbicides he applied throughout his school district. This decision was followed by a similar verdict in 2019, in which a California jury awarded \$2 billion to Alva and Alberta Pilliod, finding that the couple's use of Roundup over thirty years for residential landscaping substantially impacted their development of non-Hodgkin's lymphoma.

In our experience, pesticide abuse—including with regard to glyphosate-containing herbicides—is common on farms that also engage in human trafficking and exploit migrant workers. At least sixty-one cities, counties, and communities across twenty-two states, and twenty-seven countries worldwide, have moved to halt or restrict the use of glyphosate on public lands due to environmental and human health risks. It's time for Hawai'i to do the same.

HB-2197

Submitted on: 2/4/2020 9:53:09 PM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandra Kahn	Individual	Support	No

Comments:

HB-2197

Submitted on: 2/4/2020 8:04:30 PM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

HB-2197

Submitted on: 2/5/2020 8:20:06 AM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wailana Marvin	Individual	Support	No

Comments:

HB-2197

Submitted on: 2/5/2020 8:20:14 AM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
pat gegen	Individual	Support	No

Comments:

HB-2197

Submitted on: 2/5/2020 8:22:57 AM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
June Hsu	Individual	Support	No

Comments:

HB-2197

Submitted on: 2/5/2020 10:51:07 AM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucas McSweeney	Individual	Support	No

Comments:

HB-2197

Submitted on: 2/5/2020 3:42:21 PM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tanya Aynessazian	Individual	Oppose	No

Comments:

Thank you for the opportunity to provide comments on HB 2197 - Related to agriculture and the creation of a TASK FORCE for "administrative purposes". This bill's requires the creation of a task force, which over two years shall assess the impact of glyphosate on Hawai'i's natural environment, human health, and agriculture.

The second paragraph of this bill states: "In 2015, the International Agency for Research on Cancer, a division of the World Health Organization and the world's leading authority on cancer, unanimously concluded that glyphosate is a probable carcinogen. The International Agency for Research on Cancer's determination was based on a rigorous assessment that concluded that there was sufficient evidence of carcinogenicity in experimental animals. In California, three successful lawsuits against Bayer, formerly Monsanto, were won by plaintiffs through the jury's conclusion that a connection existed between the plaintiffs' extended use of Roundup and their development of non-Hodgkin's lymphoma. To date, 42,700 plaintiffs have filed lawsuits against Bayer over Roundup use and Bayer has lost billions in market value since the lawsuits began in 2018. In 2019, Bayer committed \$5,600,000,000 of its research and development budget into alternatives to its glyphosate weed killer."

Do you guys read your own bills? Bayer knows what is at stake - human lives. Let's not beat around the bush here and let's put more teeth into this task force. This task force is made up of busy, important people. To get them all together, why not make their meeting purpose and required outcomes be meatier when we know the outcome we need: to ban glyphosate as soon as possible in this state to avoid future legal costs and complications.

I urge you to not put off the inevitable. While I support this bill in its intention, I humbly ask why we need a task force to determine, for example (as per the bill):

- "Whether glyphosate users correctly apply glyphosate products, as determined by the label, and if there is a need for further user education"
- "The costs and benefits of using glyphosate alternatives instead of current glyphosate applications"
- "A fiscal analysis of potential liabilities to the State from the State's use of glyphosate"

Given that the bill states in paragraph three "The legislature also finds that many countries and cities and municipalities in the United States have moved to ban or restrict glyphosate use, citing potential environmental and human health risks posed by extended exposure to glyphosate."

and continues with "In 2017, California determined that significant exposure to glyphosate caused cancer and listed it under proposition 65, which required businesses "to provide a warning when they cause an exposure to a chemical listed as known to the state to cause cancer", I would rather see the purpose of the task force be amended to determine

- how to immediately determine the financial costs and full cost-benefits of using glyphosate alternatives instead of current glyphosate applications and
- a timeline to switch the state's use from glyphosate as possible and
- how soon we can ban the use of tax payer funds for the purpose of using glyphosate on public lands
- recommend a date to legislate a ban on import and use of glyphosate in the State of Hawaii

HB-2197

Submitted on: 2/4/2020 6:28:39 PM

Testimony for AGR on 2/7/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

Wast of Money that could be use for more important things!!