

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

Testimony in SUPPORT of SB3098
RELATING TO PESTICIDES

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Hearing Date: 2/12/2020 Room Number: 224

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

4 **Department Testimony:** The Department supports this measure directing the Department of
5 Agriculture, in consultation with the Department, to develop and implement a one-time restricted
6 use pesticide disposal program offering safe collection and lawful disposal of banned, outdated,
7 or unwanted pesticides from bona fide farmers. These waste chemicals can become a serious
8 public health and environmental threat.

9 This bill has tremendous potential to provide environmental and human health benefits for the
10 community by removing threats to residents, waterways, and the environment. This measure is
11 timely, as legal disposal options are limited in Hawaii, and the longer waste pesticides are left
12 unmanaged, the more likely the container will leak, the label will be become unreadable,
13 someone will be exposed, or the chemicals will leach into the ground or wash into nearby
14 waterways.

15 Farmers and other businesses have a legal obligation to properly dispose of the waste pesticides
16 that they generate, including those qualifying as hazardous waste. Waste pesticide collection
17 programs have been established in other states that require farmers to provide inventories of
18 waste materials being received by the waste contractors conducting the events. With proper

1 documentation, hazardous waste pesticides can be properly managed as universal waste under
2 such a collection program.

3 **Offered Amendments:** The word amnesty should be struck from the text in all instances. We
4 suggest calling this a “collection program,” which aligns with language in the universal waste
5 rules for pesticides in chapter 11-273.1, Hawaii Administrative Rules. The bill does not and
6 should not provide amnesty from following waste disposal regulations.

7 Thank you for the opportunity to testify on this measure,

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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
1428 South King Street
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**FEBRUARY 12, 2020
1:30 P.M.
CONFERENCE ROOM 224**

**SENATE BILL NO. 3098
RELATING TO PESTICIDES**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 3098, relating to pesticides. The bill appropriates funds from the general fund for fiscal year 2020-2021 to the Hawaii Department of Agriculture to develop, in consultation with the Hawaii Department of Health, a restricted use pesticide disposal amnesty program to provide a one-time, affordable, and environmentally accessible means for the disposal of restricted use pesticides from a bona fide agricultural entity; and directs the Department to convene a steering committee to guide and monitor the restricted use pesticide disposal amnesty program. The Department supports this measure provided it does not adversely impact the Administration's priorities in the Executive Budget and offers the following comments.

The bill addresses Restricted Use Pesticides (RUPs) only, and does not include any non-Restricted Use Pesticides, some of which have higher degrees of toxicity than RUPs. By targeting only RUPs, we do not achieve a significant reduction in potential contamination by unused pesticides.



An amnesty option for anonymous disposal of unwanted or illegal RUPs is very risky. RUPs are strictly controlled by the U.S. EPA and U.S. Department of Agriculture. These pesticides are not available to the general public. They are only available to persons holding the appropriate license from the Department. Licensed applicators must keep accurate records of every milliliter of RUP products that they have purchased, what is currently in their inventory, and how they use the products. No amount of the material is allowed to be disposed anonymously.

While we support the concept of a one-time pesticide disposal program, the Department respectfully encourages the Committee to consider, in the alternative, establishing a pilot program that is specifically associated with agricultural pesticides of all types. Currently there exists on most counties a disposal program that is limited to household types of pesticide products. The Department would like to use a pilot program to obtain better data to determine how much volume of material would be associated with an amnesty disposal effort. Without this information the Department would be ill prepared to design a more comprehensive program to make a significant impact on removing unused and unwanted pesticide products from the State.

Thank you for the opportunity to testify on this measure.

SB-3098

Submitted on: 2/10/2020 9:12:42 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Testifying for Maui County Farm Bureau	Support	No

Comments:



Chair Mike Gabbard
Vice Chair Russell Ruderman

Senate Committee on Agriculture & Environment

Wednesday, February 12, 2020
1:30 PM

TESTIMONY IN OPPOSITION TO SB3098 RELATING TO PESTICIDES

Aloha Chair Gabbard, Vice Chair Ruderman, Members of the Senate Committee on Agriculture & Environment,

My name is Jun Shin. I am a Sophomore at the University of Hawai'i at Mānoa. I am the Environmental Justice Action Committee Chair for the Young Progressives Demanding Action (YPDA). YPDA advocates for public policies that reflect the values of young people throughout the State of Hawai'i. YPDA is in **opposition to SB3098 as is**, relating to pesticides. This measure would establish an amnesty program for the disposal of Restricted Use Pesticides (RUPs).

Our organization continues our dedication to the keiki and their future in our advocacy, striving to create a better world for them. It is for the sake of future generations that we need to demand further accountability and meaningful enforcement of our pesticide laws. We deserve to live in healthy communities where we don't have to live in fear of pesticide drift. We appreciate and strongly support the intent of this bill. Helping people both easily and safely get rid of Restricted Use Pesticides (RUP) is important to transitioning us to a sustainable future of organic land management while making life easier for smaller users.

However this measure is concerning as large agrochemical interests may use this to pass on their responsibility to the state government and regular people. It is agrochemical interests that have abused these pesticides on a massive level. For years now there have been incidents, notably in Kaua'i, Maui and Moloka'i in which toxic (and banned) pesticides have drifted into schools, communities, and even our natural resources like lands and our waters. In November of 2019 we saw Monsanto, now Bayer pled guilty and paid \$10 million as part of a plea agreement with the United States Environmental Protection Agency for illegally using the banned pesticide PennCap-M on Maui and Molokai. \$10 million isn't enough to cover the years and years of damages. Proper accountability needs to be allowed to happen. We

the people should not have to pick up the pieces. Young Progressives Demanding Action is currently in **opposition** to **SB3098**. If the committee is to pass this bill, we ask for an amendment to exclude the large agrochemical companies from this bill.

Thank you for the opportunity to testify,

Jun Shin,
Environmental Justice Action Committee Chair
Young Progressives Demanding Action (YPDA)
P.O. Box 11105
Honolulu, HI 96828
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org

SB-3098

Submitted on: 2/4/2020 9:14:19 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeri Di Pietro	Testifying for Hawai'i SEED	Support	No

Comments:

SB-3098

Submitted on: 2/7/2020 2:31:25 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Sheehan	Testifying for SHAKA Movement	Support	No

Comments:

Dear Senators,

I recommend support of this bill only if large AG corporations are excluded.

Mark Sheehan, Ph.D. Haiku, Maui

SB-3098

Submitted on: 2/9/2020 9:05:24 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Emmanuel Zibakalam	Testifying for Hawaii Crop Improvement Association	Support	No

Comments:



February 6, 2020

The Honorable Senator Mike Gabbard, Chair
Senate Committee on Agriculture and the Environment
Hawaii State Senate
Hawaii State Capitol, Room 201
Honolulu, HI 96813

RE: SB 3098 – Pesticide Container Collection - Support

Dear Chair Gabbard:

On behalf of the Western Plant Health Association (WPHA), I am writing to express our support of SB 3098, which will provide a collection program for the proper disposal of illegal or unused restricted use pesticides. WPHA appreciates the interest of House members to provide a mechanism whereby individuals may safely dispose of unused products. WPHA represents the interests of fertilizer and pesticide manufacturers, agricultural biotechnology providers, and agricultural retailers in Hawaii, California, and Arizona.

WPHA supports programs facilitating the safe disposal of all unused pesticides, so we suggest that the committee may want to consider providing a mechanism that provides the Chair of the Department of Agriculture (Chair) in consultation with the Department of Health, discretion in prioritizing what type of pesticide products require the most immediate action. Pesticide illness and accident reports around the country demonstrate that the greatest risk to public health or the environment from pesticides is the illegal storage and disposal of consumer based pesticide products. The Hawaii Department of Health's own surface water monitoring projects have demonstrated that the highest detections of pesticides are in urban water systems. Monitoring programs have demonstrated that the inappropriate or illegal disposal of pesticide products into storm drains or waste collection programs contributes to these detections. Unlike restricted use pesticides which requires handlers to demonstrate a professional level of knowledge in the handling and use of products, consumers are more likely to mishandle old or unused products due to their lack of awareness of environmental and health risks. As such, we recommend the committee consider providing the Chair discretion to make determinations for prioritizing product collections.

While WPHA does recommend greater flexibility in identifying or prioritizing product collections, we do believe that all programs in this area are worthwhile efforts to help eliminate unused products from being used either accidentally or illegally. Therefore, we are pleased to support to SB 3098. We thank the committee for its consideration of our comments.

Sincerely,

Renee Pinel
President/CEO



P.O. Box 253, Kunia, Hawai'i 96759
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e-mail info@hfbf.org; www.hfbf.org

February 12, 2020

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 3098
RELATING TO PESTICIDES

Room 224
1:30 PM

Aloha Chair Gabbard, Vice Chair Ruderman, 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 strongly supports HB 3098, which establishes the Restricted Use Pesticide Disposal Amnesty Program within the Department of Agriculture to provide a one-time, affordable, and environmentally accessible means for the disposal of restricted use pesticides from a bona fide agricultural entity and convenes a Restricted Use Pesticide Disposal Amnesty Program Steering Committee to guide and monitor the program.

HFB supports a State-sponsored pesticide disposal program to help farmers properly dispose of unwanted pesticides **of all types** (*not just RUPs*). We respectfully request two amendments to the bill.

1. That the term "Restricted Use" be deleted from the bill so that the program is not limited to just those specific pesticides. Other pesticides and "unknowns" must be included in the program if it is to accomplish the goal of helping our farmers and providing safe disposal options to our communities.
2. That the sections of the bill referring to "collections with a duration of fourteen consecutive calendar days" be deleted. The duration of collections must be determined by the department, working closely with the contractor (and if appropriate, a Steering Committee) selected by the agency to conduct the collection and disposal. This is a very complicated and expensive undertaking, not only because of our isolated geography and the fact that we are trying to accommodate six separate islands, but because of the extremely strict federal laws regulating these materials.

3. HFB would like to partner with HDOA to help with a pesticide disposal program for agriculture similar to the one that the agency conducted some years ago. We have the knowledge and experience in this area to provide assistance. We respectfully request that HFB be included as part of the Pesticide Disposal Amnesty Program Steering Committee.

The program would need to be in compliance with the strict requirements of the Environmental Protection Agency, the Hawaii Departments of Agriculture and Health, and the local fire departments, among others. The counties already provide for *residential household* hazardous waste collection at various times throughout the year but farmers are not permitted to participate. Many mainland states periodically hold unwanted pesticide collection events specifically for farmers and ranchers. Unfortunately, because of Hawaii's isolated location and the need for numerous island collection sites, a program of this type is logistically complex and costly, but with proper planning and funding, it will benefit farmers and ranchers and their communities.

Thank you for this opportunity to testify on this important subject.



**Senate Committee on Agriculture and Environment
Hawai'i Center for Food Safety Supports with Amendments SB3098**

Aloha Chair Gabbard, Vice Chair Ruderman, 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), concerning uses of restricted use pesticides (RUPs) by agricultural users in the State of Hawai'i.

I am writing in support of the intent of SB3098, and to urge this committee to pass the measure with the proposed amendment below.

SB3098 requires the Hawai'i Department of Agriculture to create a one-time RUP disposal amnesty program under which agricultural users may dispose of any unwanted RUPs for no or little cost. CFS applauds the bill's recognition of the dangers of RUPs and the importance of their safe disposal. However, as written, SB3098 provides a way for large agrichemical users to shift the financial and legal responsibilities associated with their uses of RUPs to the State of Hawai'i. This is unfair to our citizens.

Specifically, as written, SB3098 prohibits the Department of Agriculture from charging agricultural users for the safe disposal of their RUPs, so long as the total weight of the active ingredient in the formulated RUPs do not exceed 50 pounds. We believe that the 50-lb active ingredient threshold is too high, and impractical, since pesticides labels may express their size by either weight or volume. Previously, in classifying data from the Kauai Good Neighbor Program, the Department of Agriculture itself had classified large RUP users as those using more than 5 lbs. or 15 gallons of any single RUP. To ensure that the bill does not provide a way for large agricultural RUP users to shift their financial and legal responsibility to the State; at a minimum, 5 lbs. or 15 gallons of any single RUP as the cut off for free disposal under the RUP amnesty program is appropriate. Large RUP users should bear the financial and legal responsibility for their use of these dangerous chemicals.

Therefore, we respectfully request the following amendment to section 2(c) of the bill (suggested deletions stricken and suggested additions underlined):

NATIONAL HEADQUARTERS

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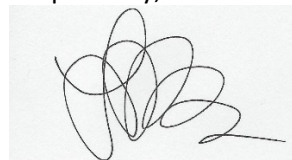
(c) The department of agriculture shall operate the restricted use pesticide disposal amnesty program as a free or low-cost program to encourage the safe and legal disposal of restricted use pesticides. The department shall not charge a fee for disposal of restricted use pesticides from a single agricultural entity so long as the amount of any single restricted use pesticide disposed is less than 5 pounds or 15 gallons ~~that include an active ingredient of restricted use pesticide weighing less than fifty pounds~~. The department may impose a fee for disposal of a restricted use pesticide that is more than 5 pounds or 15 gallons ~~includes an active ingredient weighing fifty pounds or more~~.

We believe that agricultural companies that choose to purchase and use RUPs, so called because of their potential harm to public health and the environment, should bear the financial and legal responsibility to properly dispose of these chemicals. In publicly available court papers from the recent Monsanto pesticide violation on Maui, where Monsanto illegally stored and sprayed pennacap-M, a RUP that had been cancelled and banned by the EPA, the U.S. District Attorney stated that Monsanto “knowingly stored 180 pounds of pennacap-M hazardous waste, which it ultimately disposed of with a licensed hazardous waste disposal company on September 17, 2014.”¹ Thus, agricultural users of RUPs are perfectly capable of legally and safely disposing RUPs in the state of Hawai‘i.

Again, we appreciate the intent of the bill, but feel strongly that agrichemical users, not the State nor its resources, should be responsible for safe disposal of these dangerous chemicals that they choose to apply and use in our environment. For these reasons, we urge you to amend this bill.

Thank you for considering my testimony.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lauryn Rego', is placed over a light gray rectangular background.

Lauryn Rego
Director, Hawai‘i Center for Food Safety

¹ See <https://www.justice.gov/usao-cdca/press-release/file/1219516/download>, at pg. 2.



Senate Committee on Agriculture and Environment

Hawaii Alliance for Progressive Action (HAPA) Supports with Amendments: SB 3098

Board of Directors:

Wednesday, February 12, 2020 1:30pm, Conference Room 224

President

Aloha Chair Gabbard, Vice Chair Ruderman and Members of the Committee,

Gary L. Hooser

The Hawai'i Alliance for Progressive Action (HAPA) submits this testimony in support with amendments to SB3098, establishing an amnesty program for the disposal of Restricted Use Pesticides (RUPs).

CoVice Presidents

Andrea N. Brower

HAPA supports safe disposal of RUPs and the intention of this bill. However, this bill needs to ensure that this amnesty program will be used correctly and that large agrichemical corporations do not use this as a way to offload their responsibility of disposal onto our state government and taxpayers.

Ikaika Hussey

Treasurer

Kim Coco Iwamoto

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 environment from the impacts of pesticide exposure. Our organization was formed in response to community concerns about the public health and environmental impacts from the migration of pesticides from large agrochemical fields into adjacent communities.

Secretary

Bart E. Dame

As is mentioned in documentation regarding the recent Monsanto pesticide violation on Maui, where Monsanto illegally stored and used Penncap-M, Monsanto disposed of the illegally stored pesticide with a licensed hazardous waste disposal company ^[1]. This is the correct method for disposal of these pesticides and should be the way in which large users are required to dispose of unwanted pesticides.

Members

Paul Achitoff

Federal and state laws are intended to ensure that companies that purchase and use RUPs also take on the financial and legal responsibility to properly dispose of these chemicals properly in a way that is safe and environmentally friendly.

Kaleikoa Ka'eo

SB3098 provides free disposal of RUPs containing up to 50 pounds of active ingredient, which would often translate into much larger amounts of formulated pesticide product. In previous assessments, large RUP users have been defined as those using more than 5 lbs or 15 gallons of RUPs (formulated product). To ensure that the state is not allowing large multi-billion dollar agricultural corporations to shift their financial and legal responsibility to taxpayers, a threshold of 5 lbs/15 gallons should be adopted as the cut off for any amnesty program. Large agricultural users should be responsible for the financial and legal responsibility of the disposal of toxic RUPs they are using.

Michael Miranda

Walter Ritte Jr.

Pua Rossi-Fukino

Karen Shishido

There are also concerns with how sites will be selected for collection and disposal. Historically such dump sites have often been placed near economically disadvantageous communities and native Hawaiian communities. The bill should

Leslie Malu Shizue Miki

clarify that the steering committee includes representatives from OHA and other stakeholders from an appropriate environmental justice organization.

Again, we support SB3098 but feel strongly that large agrichemical users, not the State or taxpayer dollars, should be responsible for ensuring safe disposal of their Restricted Use Pesticides.

Thank you for your consideration.

Respectfully,



Anne Frederick,
Executive Director

References

[1] Exhibit B in recent Monsanto violation case
<https://www.justice.gov/usao-cdca/press-release/file/1219516/download>

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.

**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

SB3098, Relating to Pesticides
Sen AEN Hearing
Wednesday, February 12, 2020
1:30pm
Conference Room 224

Testimony By: Larry Jeffs
Position: Support

Chair Gabbard, Vice Chair Ruderman and Members of the Sen AEN Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

Support is expressed for this proposal to establish an affordable and accessible RUP pesticide disposal program. It's suggested that the pesticide disposal program be expanded to include all types of unwanted pesticides rather than only RUPs.

This would provide farmers a means for legal and safe disposal of pesticides that are outdated, banned or no longer used.

SB3098 indicates that this a one-time affordable and environmentally accessible disposal program. That's a good start. We suggest that the proposed Steering Committee consider how often the pesticide disposal program should be available and the necessary funding that is needed for future implementation.

Thank you for consideration of this testimony.



HAWAII PEST CONTROL ASSOCIATION

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

February 12, 2020

Testimony To: Senate Committee on Agriculture and Environment
Senator Mike Gabbard, Chair

Presented By: Tim Lyons, CAE
Executive Director

LATE

Subject: S.B. 3098 – RELATING TO PESTICIDES.

Chair Gabbard and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association, an association composed of pest control operators who perform structural pest control.

We support this bill with an amendment.

The discussion on this bill and its intent as introduced focused only on restricted use pesticides. Because our industry only uses one (1) restricted use pesticide and we virtually use all of it, we had no need of a pesticide disposal amnesty program however, in Decision Making the House Committee expanded the scope of this bill to include non-restricted use pesticides, also known as general use pesticides. Our industry does use those and as a result we would very much want to be included in this program. The discussion in Committee also had a great deal of

concern that large agricultural users might avail themselves of this free disposal program and as a result, Standing Committee Report 184-20 notes that it is not intended for large agricultural operations. It also goes on to set a fee waiver limit at fifty (50) pounds. We think that limitation is fine and we have no problem with it. We would however like the record to show that this program can be made accessible to all users of general use and restricted use pesticides who can abide by that fifty (50) pounds limit.

With the above amendment, we are fully supportive of the bill and the program.

Thank you.

SB-3098

Submitted on: 2/5/2020 8:26:42 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Josh Graves	Individual	Support	No

Comments:

SB-3098

Submitted on: 2/9/2020 12:54:50 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

can you add an amendment that prevents large corporate industries from abusing this bill?

SB-3098

Submitted on: 2/5/2020 10:42:46 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

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

Comments:

SB-3098

Submitted on: 2/10/2020 10:20:53 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara L. George	Individual	Comments	No

Comments:

I support the intent of this bill. However, it should be amended to ensure that large users and chemical companies are not able to exploit and abuse the bill. If these changes are made, I am in support.

SB-3098

Submitted on: 2/10/2020 11:35:04 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Koohan Paik	Individual	Support	No

Comments:

Support with amendments to exclude large corporate actors.

Mahalo,

Koohan Paik-Mander

SB-3098

Submitted on: 2/10/2020 12:31:58 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherri Thal	Individual	Support	No

Comments:

Although I long for the day when Hawaii stops using them, I support the idea and implementation of an environmentally sound and "safe" way to dispose of restricted use pesticides. I hope that there will be oversight that will ensure that large agro-businesses are not using this as a free dumping site. It seems that this amnesty would help the smaller farmers and keep our island safer, but I could see it being abused by larger companies. Please be wary!

Mahalo

SB-3098

Submitted on: 2/10/2020 2:14:35 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Stover	Individual	Support	No

Comments:

SB-3098

Submitted on: 2/10/2020 5:48:52 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Anuenue Holland	Individual	Comments	Yes

Comments:

Aloha Chair Gabbard, Vice Chair Ruderman and Members of the Committee,

I strongly support the safe disposal of RUPs and the intention of this bill. However, this bill needs to ensure that this amnesty program will be used appropriately and that large agricultural corporations do not use this as a way to offload their responsibility of disposal onto our state government and taxpayers.

I am concerned that SB3040 would provide a free disposal option for large agrochemical companies to get rid of large quantities of RUPs in a way that shifts the financial and legal responsibility of their safe disposal entirely to the State of Hawai`i.

To ensure that the state is not allowing large multi-billion dollar agricultural corporations to shift their financial and legal responsibility to taxpayers, a threshold of 5 lbs/15 gallons (of formulated product) should be adopted as the cut off for any amnesty program. Large agricultural users should be responsible for the financial and legal responsibility of the disposal of toxic RUPs they are using.

There are also concerns with how sites will be selected for collection and disposal. Historically such dump sites have often been placed near economically disadvantageous communities and native Hawaiian communities. The bill should clarify that the steering committee includes representatives from OHA and other stakeholders from an appropriate environmental justice organization.

Please ensure that large agricultural corporations operating in Hawai`i do not take advantage of this program and that they, not the State or taxpayer dollars, are kept responsible for ensuring safe disposal of their Restricted Use Pesticides.

Provided that these changes can be made I would strongly support SB3098.

Mahalo for your consideration,

Fern A Holland BSc

SB-3098

Submitted on: 2/10/2020 2:42:54 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maupin	Individual	Support	No

Comments:

Please support with ammendments to elliminate corporate entities/stakeholders.

Margaret Maupin,

Kalaheo, Kauai, HI, 96741

SB-3098

Submitted on: 2/10/2020 9:52:16 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Danna Olsen	Individual	Support	No

Comments:

The concept is good but ammend it- large agrichemical users should pay for this, not tax payers.

SB-3098

Submitted on: 2/11/2020 9:48:34 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Francine Roby	Individual	Comments	No

Comments:

SB3098 is a good measure, but I am concerned that the term "bona fide agricultural entity" is vague and would allow large chemical companies that manufacture these products, or international distributors, or users could take advantage of this amnesty program that was not designed for their use but the general population, as I understand it. I urge an amendment to exclude such larger manufacturers, distributors, or users from taking advantage of these funds not intended for their use. Mahalo.

From: jlee@everyactioncustom.com on behalf of [Joanna Lee](#)
To: [AEN Testimony](#)
Subject: Support RUP Amnesty Disposal Program with Amendment
Date: Monday, February 10, 2020 12:35:07 PM

Dear Committee on Agriculture and Environment,

I am writing to urge you to amend SB3098 which authorizes the Hawai'i Department of Agriculture to create a one-time amnesty program for disposing restricted use pesticides (RUPs).

While on the surface that seems like a good idea, as written this bill provides a free RUP disposal option for large agrichemical companies to shift the financial and legal responsibility of their safe disposal entirely to Hawai'i's taxpayers.

I support the intent of the bill, but feel strongly that large agrichemical users, not the State nor its resources, should be responsible for safe disposal of these dangerous chemicals.

Large agricultural users should bear the financial and legal responsibility for their use of these dangerous chemicals.

Mahalo,

Sincerely,

Joanna Lee

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Multiple Testifier List for SB 3098

Joanna Lee
Susanne Kiriaty
Richard Thornhill
Kevin Kekoa
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Pamela Wai'olena
Zoe Alexander
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Katherine M Kane
Robert Abell
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Margaret Skillicorn
SUSAN CASWELL
Mark Van Horne
Faye L. Wallace
Barbara Nosaka
Paula Cohen
Joann Fechner
Noenoe Barney Campbell
Michele Nihipali
Ken Stover
Mary True
Jason Randle
Valerie Weiss
JULIA FUJIOKA
Lionel Ortiz
Patricia Gonzales
Lory Ono
Kevin Lash
Amy Stephens
Patricia Blair
Kimberly Turnbull
Deborah Sevy
Michael Treece

Laurie Leland
Mark Damon
Barbara Barry
Melinda Ahn
Beth Mclachlin
Johanna Stone
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Terry Akana
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Sherrie Moore
Launi Varbel Carol
Christine Andrews

SB-3098

Submitted on: 2/11/2020 3:40:16 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark A. Koppel	Individual	Support	No

Comments:

I SUPPORT this bill.

It should be modified to exclude coporate agribusiness.

Mahalo

SB-3098

Submitted on: 2/12/2020 9:42:48 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Will M Davis	Individual	Comments	No

Comments:

Dear Honorable Hawaii Legislators,

The Guardian published Aug. 23, 2015, pediatrician Carla Nelson reported there have been nine babies born in five years in Waimea with a severe heart malformation requiring complex surgery. Nelson said this is more than 10 times the national rate, and she and other physicians feel it was caused by the biotech pesticides.

The Garden Island reported 2013, a 4 year study found pesticides chlorpyrifos, bifenthrin, and metolachlor in the breathing air, and atrazine in the drinking water of WCMS. This occurred with a 300 foot buffer to Syngenta's spraying of those pesticides. SB 3095 requires only a 100 foot pesticide buffer. 300 to 100. 3 to 1. We can estimate that with SB 3095's 100 foot buffer 3 times as much chlorpyrifos, bifenthrin, and metolachlor would be in the breathing air, and 3 times as much atrazine would be in the drinking water of Waimea's pregnant women as was measured in WCMS.

Research by Corteva (formerly DowDupont), the maker of chlorpyrifos, omitted key results on the brain-harming effects of the pesticide, undermining the Environmental Protection Agency's ability to accurately assess its safety, according to this 2018 peer-reviewed study published by the Environmental Health journal.

<https://ehjournal.biomedcentral.com/articles/10.1186/s12940-018-0421-y>

The Lancet medical journal published, 2014, that chlorpyrifos damages the developing nervous system, associated with lowered IQ at school age, at current levels of exposure.

[https://www.thelancet.com/journals/laneur/article/PIIS1474-4422\(13\)70278-3/fulltext](https://www.thelancet.com/journals/laneur/article/PIIS1474-4422(13)70278-3/fulltext)

Proceedings of National Academy of Science, 2012, reports MRI scans reveal **chlorpyrifos prenatal exposure at non-acute low levels, like those levels measured in the air of Waimea Canyon Middle School, is positively correlated to 1) brain defects, 2) inversely correlated to IQ scores, and 3) positively correlated to "disruption of normal sexual dimorphisms in brain structure, which reverses**

normal sex differences in learning, memory, and emotional behaviors." Corteva still owns the copyright to chlorpyrifos.

<https://www.pnas.org/content/109/20/7871.full>

The Center for Food Safety reports biotech corporations in Waimea spray over 17 times the amount of pesticides compared to other American farms.

Thus anything you can do to protect Waimea children, especially at Waimea Canyon Middle School (WCMS), and to protect pregnant mothers in Waimea, is of utmost importance. You should please create another law which bans chlorpyrifos permits and extends the Waimea pesticide buffer to 1/4 mile as California law requires for schools.

Thank you.

Will M. Davis