

MAR 10 2022

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON PESTICIDE INSPECTIONS CONDUCTED WITHIN THE PAST FIVE YEARS AND STRENGTHEN STATEWIDE ENFORCEMENT OF RESTRICTED USE PESTICIDE VIOLATIONS.

1 WHEREAS, the failure to adhere to pesticide use
2 instructions poses significant risks to public health and the
3 environment, including potential health injuries to farm workers
4 and nearby residents, injury to non-target sensitive plants and
5 species, drift harms to nearby farms and gardens, and short- and
6 long-term contamination of the State's soil, air, and water; and
7

8 WHEREAS, despite these risks, pesticides have been misused
9 and continue to be misused within the State; and
10

11 WHEREAS, according to a 2016 news release by Region 9 of
12 the United States Environmental Protection Agency, in January
13 2016, nineteen workers entered a west Kauai agribusiness field
14 recently sprayed with a restricted use organophosphate
15 insecticide, ten of whom were taken to a nearby hospital for
16 medical treatment; and
17

18 WHEREAS, the agricultural operation reportedly failed in
19 its duties to adequately implement the Federal Insecticide,
20 Fungicide, and Rodenticide Act's Worker Protection Standard by
21 failing to notify its workers to avoid fields recently treated
22 with pesticides, then allowing or directing workers to enter the
23 treated field before the required waiting period had passed and
24 without proper personal protective equipment, which resulted in
25 the workers' exposure to a restricted use pesticide with the
26 active ingredient chlorpyrifos; and
27

28 WHEREAS, although the United States Environmental
29 Protection Agency initially sought civil penalties of over
30 \$4,800,000, in February 2018, a settlement was reached for the
31 improper use of chlorpyrifos in 2016 and 2017 for a \$150,000



1 payment and \$400,000 in costs to train farmers, particularly
2 small-scale growers, in pesticide use; and
3

4 WHEREAS, in March 2018, the United States Environmental
5 Protection Agency fined a commercial pesticide applicator
6 \$168,535 for misusing restricted use fumigant pesticides on
7 Kauai, saying that the applicator had failed to ensure that only
8 certified workers or workers directly supervised by a certified
9 worker applied a restricted use pesticide, failed to provide
10 proper worker protection equipment, failed to properly monitor
11 the pesticide's application or measure the amount of pesticide
12 used, and failed to maintain at least two years of routine
13 operational records; and
14

15 WHEREAS, in November 2019, an agribusiness operation agreed
16 to plead guilty to illegally spraying a banned pesticide known
17 as Penncap-M, containing the active ingredient methyl parathion,
18 on Maui in 2014 and entered into a deferred prosecution
19 agreement involving unlawfully storing an acute hazardous waste
20 at facilities on Maui and Molokai, agreeing to pay \$10,200,000;
21 and
22

23 WHEREAS, two years later, in December 2021, the same
24 agribusiness operation agreed to plead guilty to thirty
25 environmental misdemeanor crimes related to the use of a
26 pesticide in 2020 on fields on Oahu and allowing workers to
27 enter the fields during a restricted-entry period after the
28 product was applied and pay another \$12,000,000 in fines and
29 community service payments; and
30

31 WHEREAS, a May 2016 study entitled "Pesticide Use by Large
32 Agribusinesses on Kaua'i", prepared by an independent Joint Fact
33 Finding Study Group, points out the need for additional
34 pesticide inspections and reporting on the results of
35 inspections, and faster follow-through of inspections and legal
36 compliance reviews; and
37

38 WHEREAS, according to the same study, the use of drift-
39 prone pesticides needs to be more strictly monitored through
40 inspections and proven violators should be fined; and
41



1 WHEREAS, Act 45, Session Laws of Hawaii 2018, established
2 additional state requirements for users of restricted use
3 pesticides, prohibited restricted use pesticides within school
4 buffer zones, and prohibited the use of pesticides containing
5 chlorpyrifos as an active ingredient, among other measures; and
6

7 WHEREAS, under existing state law, commercial and private
8 pesticide applicators who violate pesticide regulations may
9 receive a written warning upon their first offense, regardless
10 of whether the offense resulted in injury or illness; and
11

12 WHEREAS, enforcement of Hawaii's pesticide laws, as well as
13 timely and routine inspections and compliance investigations of
14 potential pesticide misuse, are crucial to protecting public
15 health and ensuring public confidence in the State's oversight
16 of pesticide use; now, therefore,
17

18 BE IT RESOLVED by the Senate of the Thirty-first
19 Legislature of the State of Hawaii, Regular Session of 2022,
20 that the Department of Agriculture is requested to submit a
21 report on pesticide inspections conducted within the past five
22 years and strengthen statewide enforcement of restricted use
23 pesticide violations; and
24

25 BE IT FURTHER RESOLVED that the Department of Agriculture
26 is requested to submit its report, including any findings,
27 recommendations, and proposed legislation, to the Legislature no
28 later than twenty days prior to the convening of the Regular
29 Session of 2023; and
30

31 BE IT FURTHER RESOLVED that certified copies of this
32 Resolution be transmitted to the Governor, Director of Health,
33 Chairperson of the Board of Agriculture, and Chairperson of the
34 Board of Land and Natural Resources.
35

36
37 OFFERED BY: Kal Nakah

