

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

WEDNESDAY, MARCH 1, 2023
2:00 P.M.
ROOM 325 AND VIDEOCONFERENCE

HOUSE BILL NO. 692 HD1
RELATING TO PESTICIDES

Chairperson Tarnas and Members of the Committee:

Thank you for the opportunity to testify on House Bill 692 HD1. This bill seeks to protect the State's residents and environment and ensure more stringent enforcement of Hawaii pesticide law by increasing monetary fines for pesticide violations. The Department supports this bill.

Fines for violations of Hawaii Pesticide Laws have not increased for 22 years for commercial pesticide applicators and nearly 50 years for private pesticide applicators. In the last five years, the Pesticides Branch has issued and closed almost 100 Notices of Violations for companies or individuals who had repeat use violations. This does not include cases still pending final resolution or any sales violations. Roughly 20% of these repeat violators have multiple notices of violation within this same time frame. Some of these violators had as many as four previous enforcement actions for the same types of violations, with no attempt to resolve violations, even when given compliance assistance services by the Branch.

Historically, when Pesticide Branch staff has been unable to gain compliance with a company or applicator after multiple violations, these cases are referred to the



U.S. EPA. These cases often end up with fines in the hundreds of thousands of dollars, which goes to the federal government, rather than back to the Department who may use the penalty monies to provide training services, environmental studies, and other uses deemed appropriate by the Pesticide Use Revolving Fund. The Department would rather keep any penalties in the State of Hawaii to be able to better protect the people and the environment of Hawaii.

The Department is provided discretion in all violations and fines but in the majority of cases the Department starts violators off with small fines. Fines increase only as violators make repeated violations, the increased ranges are stipulated within Hawaii Administrative Rules 4-66, Appendix A: Enforcement Action and Penalty Assessment Schedule. Granting the Department with the ability to fine repeat violators does not stop the Department from beginning with minimal fines for first and second-time violators, who most often receive a warning notice with no fines associated for their first violation. The Department would only use these highest end fines for businesses and individuals who repeatedly violate pesticide law without any attempt to better their practices. Violators who accept educational services and can better their practices without receiving multiple violations would not be subject to any higher penalty. All violators receiving a Notice of Violation have a right to a hearing and are provided a chance to inform the Department of mitigating circumstances, improvement measures they have taken, and financial hardship, all of which the Department considers before entering into a consent agreement.

Thank you for the opportunity to testify on this measure.



HAWAII PEST CONTROL ASSOCIATION

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

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

March 1, 2023

Testimony To: House Committee on Judiciary
Representative David Tarnas, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 692, H.D. 1 – RELATING TO PESTICIDES.

Chair Tarnas and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we oppose this bill.

As the Committee knows, the purpose of this bill is to increase the maximum fines. We have not heard any evidence or examples of where the current maximum fines were insufficient as a deterrent particularly as it relates to structural pest control operators. Every dollar out in fine money is money that cannot be reinvested into the business to make it run better, smoother or even legally. Taking \$10,000.00 out of your pocket or even under the worst of cases, \$35,000.00, is a heavy burden for a small independent operator to handle.

This is not to say that they should not suffer repercussions for violations however, there must be a balance between those actions and the financial repercussions. It must also be remembered that in wide variety of cases, a violation or administrative penalty assessed under

149A is also a violation under FIFRA and if severe enough EPA can also enter the picture and assess their fines and penalties. In the case of structural pest control operators, they are also licensed through the Department of Commerce and Consumer Affairs and RICO has the ability to assess monetary penalties and fines on top of that.

If there are examples where operators wrote a check for \$5,000.00 and turned around and committed the same offense, we would certainly like to know about it because maybe that would convince us that the fines do need to be raised. However, until that time we are opposed to this bill.

Thank you.



House Committee on Judiciary & Hawaiian Affairs

Hawai'i Alliance for Progressive Action (HAPA) Supports: HB692 HD1

Wednesday, March 1st, 2023 2 p.m. Conference Room 325

Aloha Chair Tarnas, Vice Chair Takayama and Members of the Committee,

HAPA supports HB692 HD1 to increase the maximum fines for pesticide use violations.

Pesticide violations are a threat to our keiki, farmworkers and communities living near heavily sprayed fields. Improper use, disposal and drift threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state's soil, air and water and takes a toll on human health and quality of life. Despite these risks, pesticide misuse has, and continues to occur.

In 2016¹ and 2017², Syngenta failed to adhere to pesticide use instructions on Kaua'i exposing 77 farmworkers to the now banned neurotoxin, *chlorpyrifos*. This led to the hospitalization of ten farmworkers.

In 2019³, Monsanto/Bayer pleaded guilty to using an illegal banned pesticide, *PennCap-M*, on Maui and Moloka'i. This is linked to impaired neurological development, chronic fatigue syndrome, and Parkinson's disease.

Monsanto/Bayer pleaded guilty in 2022 to illegally using and storing agricultural chemicals in Hawaii. Monsanto was charged with **30 environmental crimes** after allowing workers to go into corn fields on Oahu in 2020 after a product named Forfeit 280 was sprayed. Federal law prohibits people from entering areas where the chemical is sprayed within six days of application.⁴

Too often pesticide violations are considered an acceptable "cost of doing business" by large multi-billion dollar industrial operations. We see this pattern of repeat violations in the violation records and it's clear that the same violators are repeatedly misusing pesticides outside of the law and label requirements.

Increasing fines will help create a better deterrent for future violations. The agrochemical industry has repeatedly violated worker safety and endangered residents living adjacent to their operations.

¹<https://www.staradvertiser.com/2016/01/23/hawaii-news/kauai-farmworkers-hospitalized-after-being-exposed-to-pesticide/>

² <https://www.civilbeat.org/2018/02/epa-settles-syngenta-pesticide-claim-for-pennies-on-the-dollar/>

³<https://www.earthisland.org/journal/index.php/articles/entry/monsanto-guilty-of-spraying-banned-pesticide-on-maui-fields/>

⁴ <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

This bill is an important step towards better protecting our farmworkers, frontline communities and the environment from pesticide misuse.

Please support HB692 HD1.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a stylized, cursive script.

Anne Frederick
Executive Director



PO Box 1177 Koloa HI 96756
808.652.5286 hawaiiSEED.org

February 28, 2023

In Strong SUPPORT of HB692 HD1 – Increasing Fines Pesticide Use Violations

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members of Judiciary and Hawaiian Affairs,

Increasing administrative and criminal penalties for violators of illegal handling or misuse under the Hawai'i pesticides law would help enforcement. By increasing monetary fines, it may become a stronger deterrent to violators and help to protect public safety. The Department of Agriculture, residents, and the environment will all benefit from a higher element of pro-active enforcement.

There have been too many instances of environmental crimes, dangerous practices to the workers, and felonies relating to storage of pesticides so dangerous that they have been banned. Adherence to the environmental compliance program would be strengthened by increased fines for violators.

Many of these large users have repeatedly violated these laws. Some repeat violators have been caught multiple times going back two decades. The types of pesticides addressed in the intent of HB692 HD1 are highly regulated because of the serious health problems. Some of these dangers are expressed clearly by the manufacturers own safe handling recommendations. Exposing people to this is irresponsible and very serious.

It is the responsibility of all to ensure agrochemical companies are not endangering our workforce, nor threatening nearby communities and the adjacent eco-systems. We cannot stress enough that many violators are repeat offenders. Insufficient fines are not enough to deter these illegal actions that have been demonstrated and proven by court verdicts.

Mahalo nui loa for supporting bill HB692 HD1,

Jeri Di Pietro, President
Hawai'i SEED
Koloa, HI

HB-692-HD-1

Submitted on: 2/27/2023 12:33:07 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Colehour Bondera	Kanalani Ohana Farm	Support	Written Testimony Only

Comments:

Aloha Chair and Board Members:

As a long-time farmer and father of two children raised in Hawaii, I have plenty of direct experience with pesticide issues which do not remain with intended use. Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a, “cost of doing business”, rather than a deterrent.

As a Board member of Beyond Pesticides, based in Washington, DC, we all know that the federal government and most local governments do not prioritize this issues and needs of the average resident or of small-scale farms. Especially not certified organic farms, like ours.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai’i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O’ahu. This is on the heels of additional violations on Maui and Moloka’i.

Related coverage:

<https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your support for this important piece of legislation,

Colehour Bondera

KANALANI OHANA FARM

Honaunau, HI

colemel2@gmail.com

HB-692-HD-1

Submitted on: 2/27/2023 5:36:11 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Montalbo	Aloha Termite & Pest Control	Oppose	Written Testimony Only

Comments:

My Name is Jonathan Montalbo and I own Aloha Termite & Pest Control. I oppose this bill because I believe more emphasis should be put in to education. The fines as they stand are enough of a deterrent for companies to educate and promote a positive working environment to have employees do the right thing, the problem with these kinds of fines is that the company is held responsible for the actions of a rouge employee. We all have procedures in place and educate our employees to do the right thing. I am all for bigger fines on the companies should it be found the they are not supporting there staff, but should the company go above and beyond the requirements and then someone still does wrong it shouldn't all be on the employer the licensed applicator should be responsible for some of the burden after all they have proven to be compliant by the state. Thank you for your time



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JILL BOWMAN CHILDERS
CEO

WAKON CHILDERS
COO – RME

Wakon J. Childers, M.Ed.
253 Waiehu Beach Rd.
Wailuku, HI 96793
February 28, 2023

Dear House Judiciary & Hawaiian Affairs Committee,

I am writing this testimony letter to express my concerns regarding House Bill 692, which proposes to raise the penalty amounts for violations of the Hawaii Pesticide Law (DOA). While I understand the need for regulations and penalties to ensure compliance with the law, I believe that the proposed increase in penalties could have a significant impact on small businesses, particularly pest control companies.

Under the current law, the penalty for minor infractions cannot exceed \$1,000 per day, per violation, while for more serious violations, the penalty is limited to \$25,000. The proposed bill seeks to increase the maximum penalty for more serious violations to \$5,000 per day. This is a significant increase and would be difficult for small businesses to absorb.

Pest control companies, in particular, play a vital role in maintaining public health and safety. They are often small businesses operating on slim margins, and an increase in penalties of this magnitude could have a severe impact on their ability to provide essential services to the community.

While I understand the need to ensure compliance with the law and hold violators accountable, I urge you to consider the impact this proposed increase in penalties could have on small businesses. Instead, I suggest exploring alternative measures that will hold companies accountable without placing undue burden on small businesses. I suggest education of applicators be looked at. Pesticide applicators should become licensed after two (2) years of applying pesticides with the DOA, perhaps this would prevent violations.

Small pest control companies here in Hawaii are being lumped into this bill, which seems to be designed to levy heavy tax upon "Big Ag" corporations.



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JILL BOWMAN CHILDERS
CEO

WAKON CHILDERS
COO – RME

Any small pest control operator would be in dire straits if leaved a \$35,000 fine.

Thank you for your time and consideration. I hope that you will take my concerns into account as you review House Bill 692.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Childers". The signature is stylized and written in a cursive-like font.

Wakon J. Childers, M. Ed.
President, RME (PCO-1251)
Bowman Termite & Pest Management, LLC (PCO-830)

Taniya Plunkett
253 Waiehu Beach Rd
Wailuku, HI 96793

February 27, 2023

Honorable Members of the Hawaii State Legislature,

We are writing to express our concerns regarding House Bill 692, which proposes to increase the penalties for violations of the Hawaii Pesticide Law. As workers in the pest control industry in Hawaii, we believe that the proposed increase in penalties will have a significant impact on small businesses like ours.

An increase in penalties could force small businesses to shut down, leading to job losses and economic harm to the community. We urge you to reconsider this bill and find alternative solutions that will not harm small businesses and their employees.

Thank you for your attention to this matter.

Sincerely,



Taniya Plunkett
Termite Administrator
Bowman Termite & Pest Management LLC

Dear Honorable Members of the Hawaii State Legislature,

We are writing to express our opposition to House Bill 692 and its proposed increase in penalties for violations of the Hawaii Pesticide Law. As workers in the pest control industry, we understand the importance of maintaining compliance with the law, but we are concerned that these penalties will harm small businesses and workers like us.

We urge you to consider the impact of these penalties on our industry and find alternative solutions that will ensure compliance with the Hawaii Pesticide Law without placing an undue burden on small businesses and workers.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael Ecker". The signature is written in a cursive style with a large, stylized initial "M".

Office Admin for Pest Control

Honorable Members of the Hawaii State Legislature,


We are writing to express our opposition to House Bill 692 and its proposed increase in penalties for violations of the Hawaii Pesticide Law. As workers in the pest control industry, we believe that these penalties could be detrimental to small businesses and workers like us.

We urge you to explore alternative solutions that will ensure compliance with the law without placing an undue burden on small businesses and workers.

Thank you for your consideration.

Sincerely,

Lucille Castro

A handwritten signature in black ink, appearing to be 'Lucille Castro', written over a horizontal line.

Pest Control Worker



HB 692, HD1, RELATING TO PESTICIDES

MARCH 1, 2023 · HOUSE JUDICIARY AND HAWAIIAN
AFFAIRS COMMITTEE · CHAIR REP. DAVID A.
TARNAS

POSITION: Support.

RATIONALE: Imua Alliance supports HB 692, HD1, relating to pesticides, which increases administrative and criminal penalties for violators of the Hawai'i pesticides law.

In the debate about regulating local agriculture, there is one thing that everyone should agree to condemn: causing harm to other people. Unfortunately, Hawai'i's pesticide code allows chemical abuse to go unchecked. Today, the State Department of Agriculture must warn pesticide abusers before investigating potential legal violations. A farm that fails to take caution when using harmful chemicals, then, may suffer no consequences for its actions, since the warning gives owners time to hide evidence of their crimes. Even when caught, chemical lawbreakers face minimal criminal penalties and paltry fines for their reckless behavior.

In the islands, pesticide abuse poses major health risks. According to an investigation conducted by the *Cascadia Times*, pesticide application by four large agrichemical companies on Kaua'i—Syngenta, BASF Plant Science, DuPont Pioneer, and Dow AgroSciences—is ten times the national average. In their report, *Cascadia* found that a number of restricted use pesticides were overused, including chlorpyrifos, atrazine, and paraquat. A study published in the medical journal *The Lancet Neurology*, in March of 2014, found that the neurotoxin chlorpyrifos led to developmental disabilities in children. Similarly, atrazine and paraquat are banned in the European Union.

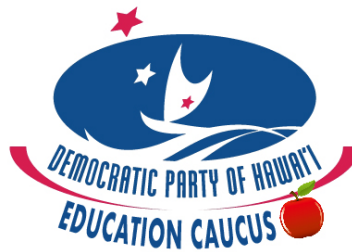
Atrazine is known to contaminate groundwater supplies, while paraquat has been linked to the onset of Parkinson's disease. Yet, both herbicides remain widely popular in the United States, where the Environmental Protection Agency prematurely declared with “reasonable certainty” that neither carry a significant risk of harm.

To protect against pesticide drift impacting sensitive educational areas and making children ill—as happened in 2007 at Kahuku High and Intermediate, in which a dozen students fell ill when a nearby sod farmer ignored windy weather while applying pesticides, and in 2008 in Waimea on Kaua'i, where dozens of students got sick after farmers applied pesticide on a nearby seed corn plot—it is incumbent upon lawmakers to prevent pesticide abuse, including harmful pesticide drift (a particularly acute concern for Hawai'i's schools, given our frequently gusting trade winds).

Accordingly, it is essential that increase penalties for those who disregard pesticide regulations. Recent reports have found that **over 215,000 pounds of restricted use pesticides were released across central O'ahu and the North Shore in 2019**, according to the Hawai'i Alliance for Progressive Action. The research is clear and the verdict is in: there is no excuse for failing to fully protect public health from the dangerous effects of chemical carcinogens.

In 2018, elected officials passed SB 3095, banning chlorpyrifos and establishing increased disclosure requirements for pesticide applications. It is imperative that political leaders stand up for safety again during this year's legislative session, especially given recent court rulings against agrochemical companies that have demonstrated the link between restricted use pesticides and terminal illness. If you wait, our children will breathe in the fallout for generations to come.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org



HOUSE BILL 692, HD1, RELATING TO PESTICIDES

MARCH 1, 2023 · HOUSE JUDICIARY AND HAWAIIAN
AFFAIRS COMMITTEE · CHAIR REP. DAVID A.
TARNAS

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports HB 692, HD1, relating to pesticides, which increases administrative and criminal penalties for violators of the Hawai'i pesticides law.

In the debate about regulating local agriculture, there is one thing that everyone should agree to condemn: causing harm to other people. Unfortunately, Hawai'i's pesticide code allows chemical abuse to go unchecked. Today, the State Department of Agriculture must warn pesticide abusers before investigating potential legal violations. A farm that fails to take caution when using harmful chemicals, then, may suffer no consequences for its actions, since the warning gives owners time to hide evidence of their crimes. Even when caught, chemical lawbreakers face minimal criminal penalties and paltry fines for their reckless behavior.

In the islands, pesticide abuse poses major health risks. According to an investigation conducted by the *Cascadia Times*, pesticide application by four large agrichemical companies on Kaua'i—Syngenta, BASF Plant Science, DuPont Pioneer, and Dow AgroSciences—is ten times the national average. In their report, *Cascadia* found that a number of restricted use pesticides were overused,

including chlorpyrifos, atrazine, and paraquat. A study published in the medical journal *The Lancet Neurology*, in March of 2014, found that the neurotoxin chlorpyrifos led to developmental disabilities in children. Similarly, atrazine and paraquat are banned in the European Union. Atrazine is known to contaminate groundwater supplies, while paraquat has been linked to the onset of Parkinson's disease. Yet, both herbicides remain widely popular in the United States, where the Environmental Protection Agency prematurely declared with “reasonable certainty” that neither carry a significant risk of harm.

To protect against pesticide drift impacting sensitive educational areas and making children ill—as happened in 2007 at Kahuku High and Intermediate, in which a dozen students fell ill when a nearby sod farmer ignored windy weather while applying pesticides, and in 2008 in Waimea on Kaua'i, where dozens of students got sick after farmers applied pesticide on a nearby seed corn plot—it is incumbent upon lawmakers to prevent pesticide abuse, including harmful pesticide drift (a particularly acute concern for Hawai'i's schools, given our frequently gusting trade winds).

Accordingly, it is essential that increase penalties for those who disregard pesticide regulations. Recent reports have found that **over 215,000 pounds of restricted use pesticides were released across central O'ahu and the North Shore in 2019**, according to the Hawai'i Alliance for Progressive Action. The research is clear and the verdict is in: there is no excuse for failing to fully protect public health from the dangerous effects of chemical carcinogens.

In 2018, elected officials passed SB 3095, banning chlorpyrifos and establishing increased disclosure requirements for pesticide applications. It is imperative that political leaders stand up for safety again during this year's legislative session, especially given recent court rulings against agrochemical companies that have demonstrated the link between restricted use pesticides and terminal illness. If you wait, our children will breathe in the fallout for generations to come.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



HAWAII CROP IMPROVEMENT ASSOCIATION

HB692, HD1 – With Comments
Relating to Pesticides
House Committee on Judiciary & Hawaiian Affairs

Date: Wednesday, March 1, 2023
Time: 2:00 PM
Place: Conference Room 325

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Crop Improvement Association (HCIA) appreciates the opportunity to provide **comments on HB692, HD1**, which increases administrative and criminal penalties for individuals who violate the Hawaii pesticides law.

HCIA understands the intent behind this measure and supports the proper use of pesticides and the importance of following all state and federal laws and regulations. To this end, we believe that a more effective way to limit violations is through funding a pesticide education and training program that would help farmers better comply with all of the pesticide laws and regulations. As we look towards growing the next generation of future farmers, education and training new agriculture entrepreneurs will be important.

Mahalo for the opportunity to provide comments on this measure.

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.

HB-692-HD-1

Submitted on: 2/28/2023 11:20:10 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steven Russo, BCE	Individual	Oppose	In Person

Comments:

I am Steven Russo the Responsible Managing Employee for The Terminix International Company, LP in Hawaii, serving over 10,000 customers statewide. I am a board-certified entomologist, an associate safety professional, and a certified pesticide applicator in the state of Hawaii with over 14 years of experience. Prior to working at Terminix, I worked for the State of Hawaii, Department of Agriculture's Pesticides Program doing both enforcement and educational work on behalf of the State of Hawaii. I am also currently a member of the State's Pesticide Advisory Committee.

I am opposed to HB 692, HD1. In my industry, pest control, the current penalty matrix provides a sufficient deterrent. A fine of \$5,000 is as much as 10x the revenue generated by a pesticide application. This provides sufficient deterrence. To prevent pesticide misuse the pest control industry's standard is to provide extensive new hire training as well as continuing education provided by the State, The Hawaii Pest Control Association, our industry partners and internally. Maintaining a certification requires continuing education approved by the State.

Additionally, the majority of the pest control industry is managed by local business owners. These small businesses would be crippled by a fine of \$10,000 or more. The purpose of enforcement action is to deter unwanted behavior, not destroy small, locally owned businesses.

From my experience in the State, I found that most violations of the law by professional applicators were clerical (ie recordkeeping). While some misuse does occur, I found that most misuse was caused by ignorance.

To better achieve the State's goal, that is to reduce pesticide misuse, we would be better served by robust educational programs delivered by the State of Hawaii, especially to underserved immigrant communities.

HB-692-HD-1

Submitted on: 2/27/2023 1:23:07 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

Related coverage:

<https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Nanea Lo , Mō'ili'ili

HB-692-HD-1

Submitted on: 2/27/2023 1:49:22 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Support	Written Testimony Only

Comments:

Hello,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. **The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.**

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i.

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Related coverage:

<https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Nathan Leo Braulick

Honolulu, HI 96826

HB-692-HD-1

Submitted on: 2/27/2023 1:52:08 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

I recently watched "Into the Weeds" the story of Lee Johnson's contact with RoundUP that caused him to be stricken with cancer and his ensuing fight with Monsanto who continued to lie and obfuscate when confronted with his pain and suffering.

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state's current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a "cost of doing business" rather than a deterrent.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state's soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai'i.

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Related coverage:

<https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please move HB692 HD1 forward and hold these companies accountable in ways that truly register with them. Don't let them off with a slap on the wrist.

HB-692-HD-1

Submitted on: 2/27/2023 1:58:45 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

Aloha,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Mary Lu Kelley

Lawai, Kauai

HB-692-HD-1

Submitted on: 2/27/2023 2:01:14 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

Related coverage:

<https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Mahalo, Marilyn Mick, Honolulu

HB-692-HD-1

Submitted on: 2/27/2023 2:14:07 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Paine	Individual	Support	Written Testimony Only

Comments:

Long overdue legislative restriction. Known health hazards must be contained!!

HB-692-HD-1

Submitted on: 2/27/2023 2:28:50 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Mahalo.

HB-692-HD-1

Submitted on: 2/27/2023 2:31:37 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

HB-692-HD-1

Submitted on: 2/27/2023 2:58:41 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
pamela burrell	Individual	Support	Written Testimony Only

Comments:

Aloha House members,

I support HB692.

The penalty should reflect the crime.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state's soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai'i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O'ahu. This is on the heels of additional violations on Maui and Moloka'i.

Please consider our communitities and environmental well being.

Thank you for protecting Hawaii,

Pamela Burrell, Kalihiwai, Kaua'i

Chair David Tarnas
Vice Chair Gregg Takayama

House Committee on Judiciary & Hawaiian Affairs

Wednesday, March 1, 2023
2:00 PM

TESTIMONY IN SUPPORT OF HB692 HD1 RELATING TO PESTICIDES

Aloha Chair Tarnas, Vice Chair Takayama, Members of the House Committee on Judiciary & Hawaiian Affairs,

My name is Jun Shin. I am a recent graduate of the University of Hawai'i at Mānoa, a labor activist, and member of the Hawai'i State Youth Commission. I am testifying as an individual in **SUPPORT** of **HB692 HD1**, Relating to Pesticides.

For a long time now, multinational, uber wealthy corporations like Monsanto/Bayer have been misusing pesticides in O'ahu, Maui, and Moloka'i. They have been threatening the health of farm workers, including the last of the union agricultural workers in Hawai'i, their families, and neighboring communities. This includes kūpuna (or their descendants) who worked in the plantations and through organizing with the International Longshore & Warehouse Union (ILWU), fought for better working conditions in the fields. You as decision makers must honor their struggle and fight harder to make even further gains. People's lives are at stake here!

The state's current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. This is not enough to stop multi-billion dollar polluters from misusing pesticides, they can and have used their tremendous resources to just pay the fines and carry on with business as usual. You must increase the penalties as high as possible so that it will no longer be profitable to hurt our communities, our soil, our air, and our water.

Please **PASS House Bill 692 HD1** out of your committee and hold corporate polluters accountable for harming our people and our land.

Mahalo for the opportunity to testify,

Jun Shin,
State House District 23 | State Senate District 12
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

HB-692-HD-1

Submitted on: 2/27/2023 5:25:29 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ezgi Green	Individual	Support	Written Testimony Only

Comments:

Hello, / Aloha to whom it might concern,

For decades, large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment. I'm apprehensive as a mama who lives in Waialua. I see dead birds on the bike bath at least once a month and smell something off in the air on Waialua road.

The state's current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a "cost of doing business" rather than a deterrent.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, leading to short and long-term contamination of the state's soil, air, and water, and affects human health and quality of life. Despite the risks, pesticide misuse has and continues to occur within Hawai'i.

Recently, Monsanto/Bayer pleaded guilty to multiple pesticide violations on O'ahu. This is on the heels of additional breaches on Maui and Moloka'i.

Related coverage:

<https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please protect us and pass this bill and many other bills coming on your way by extraordinarily kind people to protect our health, land, air, and water.

Me ke aloha pumehana,

Kind Regards,

Ezgi Green

HB-692-HD-1

Submitted on: 2/27/2023 6:45:19 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.

HB-692-HD-1

Submitted on: 2/27/2023 10:40:22 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cards Pintor

HB-692-HD-1

Submitted on: 2/28/2023 7:07:33 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clarence Kaai	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I am oppose of any increse now and in the future. And stan with the Hawaii Pest control Association.

When we make changes to increse anyting for small bussiness, we should not make decison were it can affect them, in any way shape or form. We should look to places like HPCA and ask the Pest Control Community that deals with day to day operation.

We have met every critieria the state has ask us to. Pleas vote no to HB 692

Mahalo

Clarence Kaai

HB-692-HD-1

Submitted on: 2/28/2023 9:16:52 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marlies Lee	Individual	Support	Written Testimony Only

Comments:

he state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides threatens to harm state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai’i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O’ahu. This is on the heels of additional violations on Maui and Moloka’i.

The above is a disgrace to our people and our land we can grow organic here we don't need big AG ruining our land. Yes fine them huge!

Marlies

HB-692-HD-1

Submitted on: 2/28/2023 10:29:20 AM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealakai Hammond	Individual	Support	Written Testimony Only

Comments:

Aloha,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

Related coverage:

<https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Kealakai Hammond, Honolulu

Natalie Yaji
286 W Hawaii St Kahului, HI 96732
February 28, 2023

Dear Members of the Hawaii State Legislature,

We are writing to express our opposition to House Bill 692, which proposes to increase the penalties for violations of the Hawaii Pesticide Law. As workers in the pest control industry, we understand the importance of maintaining compliance with the law, but we believe that the proposed increase in penalties is too severe.

Small businesses, including pest control companies, are already facing financial hardships due to the pandemic. An increase in penalties could potentially force them out of business, resulting in job losses and economic harm. We urge you to consider the impact of these penalties on small businesses and their employees and explore alternative solutions.

Thank you for your attention to this matter.

Sincerely,

Natalie Yaji
Termite Inspection Coordinator
Bowman Termite & Pest Mgmt LLC
Direct # 808-856-419

HB-692-HD-1

Submitted on: 2/28/2023 12:08:24 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jimmy Gomes	Individual	Support	Written Testimony Only

Comments:

I am in full support of HB692

Jayne Gutierrez
252 Kaihoi St
Kihei, HI 96753

2/28/2023

Honorable Members of the Hawaii State Legislature,

We are writing to express our concerns regarding House Bill 692 and its proposed increase in penalties for violations of the Hawaii Pesticide Law. As workers in the pest control industry, we believe that these penalties could have a severe impact on small businesses and workers like us.

We urge you to explore alternative solutions that will ensure compliance with the law without harming small businesses and workers.

Thank you for your attention to this matter.

Sincerely,

Jayne Gutierrez
Pest Control Worker

HB-692-HD-1

Submitted on: 2/28/2023 12:25:23 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jazmine Harmon	Individual	Oppose	Written Testimony Only

Comments:

Jazmine Harmon

662 Kailana St

02/28/2023

Dear Members of the Hawaii State Legislature,

We are writing to express our opposition to House Bill 692, which proposes to increase the penalties for violations of the Hawaii Pesticide Law. As workers in the pest control industry, we are concerned that these penalties will harm small businesses and workers like us.

We urge you to consider the impact of these penalties on our industry and find alternative solutions that will ensure compliance with the Hawaii Pesticide Law without placing an undue burden on small businesses and workers. The penalty in place currently is severe enough in which allows our pesticide workers to be extremely mindful of what they do. By increasing this penalty not only do you strike more fear into the honest workers but you will completely destroy the livelihood of this community coming after them for such large amounts. Hawaii is already one of the most expensive places to be, why are you trying to hurt the ones that make it safe to live here?

Thank you for your consideration.

Sincerely,

Jazmine Harmon

Fumigation Specialist

HB-692-HD-1

Submitted on: 2/28/2023 1:32:42 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
brandi corpuz	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Brandi Corpuz. I would like to testify on HB692 with very strong support for this measure. As a resident of Kihei, Maui, former resident of Maunaloa Molokai and frequent visitor to Whitmore Village Oahu, I am well aware of the consequences of pesticides. We were contaminated by PCBs on Molokai. We were exposed to toxic drift in KIhei and Whitmore Village yet nothing is ever really done to the violators. The only way to stop this constant barage of chemcial contamination to our envrionment and people is to hold violators responsible for their deadly actions. A slap on the wrist for violating the laws does not stop anyone! They need tough penalties so that they think twice before violating the laws that are in place to supposedly protect us. Please help protect us by making stronger penalties for those who break the laws.

Sincerely, Brandi Corpuz

HB-692-HD-1

Submitted on: 2/28/2023 1:43:17 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Lacques	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs,

My name is Mary Lacques, and as a resident of O'ahu's predominantly rural and agricultural North Shore community, I am writing in strong support of HB692 HD1, which increases administrative and criminal penalties for individuals who violate the Hawai'i pesticides law.

Although the majority of farmers in Hawai'i are small scale growers, (I have witnessed firsthand the poisoning of community members from unregulated overuse of Malathion on cucumber crops in Waialua), a great area of concern is for the employees of the large agrichemical company.

Reading previous testimony, I see examples of incidents on Molokai and Maui, where illegal use of PennCap-M, storage of chemicals and allowing workers into a recently sprayed field; defying federal law on Kaua'i, with Syngenta allowing their workers into a recently sprayed field leading to the hospitalization of ten of the seventy-seven that were exposed.

Here in Waialua, an employee of DuPont Pioneer "requested training and personal protective equipment but her request was denied. Her complaint alleges her supervisor reprimanded her when she tried to follow those safety instructions."

I commend this whistleblower for coming forward and exposing the safety violations and illegal operations of DowDupont, the largest chemical conglomerate in the world. In recent years they have formed a separate agricultural chemicals company, Corteva, and continue their operations in the islands.

For those unfamiliar with Waialua, these fields are adjacent to Waialua High & Intermediate Schools.

Mahalo for the opportunity to provide testimony on such a critically important issue.

Please support HB692 HD1.

Respectfully,

Mary Lacques

Hale'iwa, HI

<http://Former DuPont Worker Claims Retaliation For Pesticide Complaints - Honolulu Civil Beat>

HB-692-HD-1

Submitted on: 2/28/2023 2:53:00 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marion McHenry	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. We need increased fines for repeat pesticide use violators.

This is of utmost importance to protect our land, water, and people of Hawaii.

Sincerely,

Marion McHenry

Princeville, Kauai

HB-692-HD-1

Submitted on: 2/28/2023 3:08:37 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph Wat	Individual	Support	Written Testimony Only

Comments:

Fines to major companies putting community health at risk is a no-brainer.

Lots of questions but, at the end of the day, the big agricultural businesses must be held responsible for community health impacts.

The state's current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a "cost of doing business" rather than a deterrent.

I would love to see this be raised significantly enough to cause a change in the agricultural community. I would also like to suggest that **money raised from these fines should go towards farmer training and building a more robust local food system with small scale agriculture.**

HB-692-HD-1

Submitted on: 3/1/2023 5:16:44 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing in support of HB692 HD11. I am very concerned about pesticide use, and the effects they have on human health and the biosphere in general. That being said, I am wholly in favor of increasing fines to those who violate the pesticide use laws. There should be no excuse or loophole for those who look to cut corners, and as long as these fines are actually imposed I believe this is a good bill. Mahalo for your time.