

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

**MARCH 23, 2022
9:00 A.M.**

CONFERENCE ROOM 325 AND VIDEOCONFERENCE

HOUSE CONCURRENT RESOLUTION NO. 24

Chairperson Hashem and Members of the Committee:

Thank you for the opportunity to testify on House Concurrent Resolution 24. The resolution requests the Department of Agriculture to submit a report on pesticide inspections conducted within the past five years and strengthens statewide enforcement of restricted use pesticide (RUP) violations. The Department offers the following comments on this resolution.

The Department already issues a report regarding inspections numbers in the annual legislative report after the end of the state fiscal year. Additionally, the Department can provide to the legislature copies of federally required reports for the previous five years, which address and measure many of the criteria and metrics targeted by this measure.

In federal fiscal year 2021, the Department conducted nearly 700 certified applicator record inspections and nearly 1,500 inspections of agricultural use which accounted for 11% and 15% of the Pesticides Branch's total inspections. Safe and lawful RUP use inspections are already a high priority for the Pesticides Branch.



While the Department's Pesticide Branch Enforcement Section capabilities are wide-ranging, it is constrained by limited staffing resources to expand its inspection capabilities. If more focus is requested on enforcement of RUPs, other inspection types such as routine marketplace surveillance, experimental use permit inspections, and other non-RUP use inspections will see a corresponding decrease in inspection numbers. The Department is required to reach minimum milestones and goals set out in the Cooperative Agreement with EPA to ensure continued partnership and federal funding is provided to the State.

Thank you for the opportunity to testify on this measure.

HCR-24

Submitted on: 3/21/2022 10:14:49 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeri Di Pietro	Hawai'i SEED	Support	Written Testimony Only

Comments:

Please support HCR24/HR22 and structure Restricted-Use Pesticide violation enforcement. This is imperative and long overdue, as exemplified by several incidents where fines were levied and users pled guilty on multiple violations

Restricted-Use pesticides are dangerous, toxic and there is no excuse for skirting the laws. Trained Restricted-Use applicators should be well aware of proper use, and follow these important use laws and protocols.

Mahalo,

Hawai'i SEED



House Committee on Agriculture

Hawai'i Alliance for Progressive Action (HAPA) Supports: HCR24 / HR22

Wednesday, March 23rd, 2022 9 a.m. Conference Room 325

Aloha Chair Hashem, Vice Chair Perruso and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in support of HCR24 / HR22 which requests 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 (RUP) violations.

HAPA supports HCR24 / HR22 and better oversight and accountability 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.

Enforcement of Hawai'i's pesticide laws, as well as timely and routine inspections and compliance investigations of potential pesticide misuse, are crucial to protecting public health and the environment.

The state sponsored Joint Fact Finding Group Study of Pesticide Use by Large Agribusiness on Kauai found that "responses to suspected incidents (of pesticide poisoning) are not always timely and sometimes inadequate in terms of both analytic approach and depth. Without immediate responses that include bioassays for pesticides, it is difficult to verify or discount allegations of possible pesticide poisoning incidents"¹

Major Recent Pesticide Violations

It is worth noting that large industrial agrochemical companies have routinely engaged in pesticide violations threatening the health of Hawai'i's nearby communities and environment. Too often, pesticide violations are considered an acceptable "cost of doing business" by large industrial operations because the state's current low fine threshold does not create a sense of urgency to change behavior or stop repeat violators.

¹ <https://iffkauai.files.wordpress.com/2015/10/iff-kauai-final-report1.pdf> pages 97-98

2021: O'ahu

In 2021, Monsanto/Bayer pled guilty to 30 environmental crimes related to the use of a pesticide on corn fields in Kunia in 2020. The crimes involved the use of Forfeit 280, a glufosinate ammonium-based product. After using the product in 2020 on corn fields on O'ahu, Monsanto allowed workers to enter the fields during a six-day 'restricted-entry interval' after the product was applied.

2019: Westside of Kaua'i

The State of Hawai'i's Department of Agribusiness Development Corporation (ADC) was ruled to have polluted waters of West Kaua'i without a permit since 2015 by a federal judge, [violating a federal Clean Water Act](#). Glyphosate was one of 18 chemicals found by the Department of Health and U.S. Geological Survey. The waters drain into the Pacific Ocean near the popular recreation spots of Kekaha Beach and Barking Sands Beach. Pesticide originated from chemical company tenants on ADC lands.

2019: Maui and Moloka'i

In November 2019, Monsanto/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 Moloka'i. Exposure to this cholinesterase-inhibiting pesticide has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease.

2018: Kaua'i

In 2018, a commercial pesticide applicator was fined \$168,535 for misusing different restricted-use pesticides on Kaua'i.

2016 and 2017: Westside of Kaua'i

In 2016 and 2017, Syngenta failed to adhere to pesticide use instructions and improperly used the now-banned neurotoxin pesticide, chlorpyrifos. This dangerous pesticide caused health issues for exposed farmworkers. Although an investigation by the United States Environmental Protection Agency initially proposed a pesticide fine of \$4.9 million, the fine was significantly reduced to just over \$500,000.

Please support HCR24 / HR22.

Thank you for your consideration,



Anne Frederick
Executive Director

HCR-24

Submitted on: 3/22/2022 9:37:19 AM

Testimony for AGR on 3/23/2022 9:00:00 AM

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

Comments:

Hello,

My name is Nanea Lo. I come from Papakōlea, O‘ahu. I'm a Kanaka Maoli born and raised in the Hawaiian Kingdom. I'm writing in full support of HCR24.

Enforcement of Hawai‘i’s pesticide laws, as well as timely and routine inspections and compliance investigations of potential pesticide misuse, are crucial to protecting public health and the environment.

Too often, pesticide violations are considered an acceptable “cost of doing business” by large industrial operations because the state’s current low fine threshold does not create a sense of urgency to change behavior or stop repeat violators.

Support HCR24.

me ke aloha ‘āina,

Nanea Lo

HCR-24

Submitted on: 3/21/2022 4:04:48 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Please support this essential issue. Mahalo,

Elizabeth Hansen, Registered Voter- Hakalau HI 96710

HCR-24

Submitted on: 3/21/2022 4:08:51 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Dear Legislators: Please support this essential issue. Mahalo,

Rodger Hansen, Registered Voter- Hakalau HI 96710

HCR-24

Submitted on: 3/21/2022 4:24:51 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

HCR-24

Submitted on: 3/21/2022 4:33:32 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dennis O'Shea	Individual	Support	Written Testimony Only

Comments:

Poisoning ourselves is not smart, and is a major reason why so many people are so unhealthy.

There are alternatives; it's time we figure this out.

For example: Instead of spraying carcinogenic Round Up along highways, spray saltwater.

It kills "weed" just as well, costs a lot less, and won't kill us.

Then plant native grasses like pili grass, and wildflowers and enjoy their beauty.

This is being done in Scandinavia.

HCR-24

Submitted on: 3/21/2022 4:06:48 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Barker	Individual	Support	Written Testimony Only

Comments:

Honorable Members,

I respectfully ask that you support HCR24 concerning pesticide violation enforcement.

Thank you for your attention and courtesy.

Melissa Barker

Kapaa, HI

HCR-24

Submitted on: 3/21/2022 5:49:02 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha,

As an organic farmer, I strongly support HCR 24. To support the health of coffee crops that are being weakened by rust, we need to do everything we can to support the soil microbes, nutrition and soil health of these threatened crops.

Chemical, fossil fuel based fertilizer sterilizes the soil and keeps the plants dependent on constant infusion of said chemical fertilizers. It's not sustainable and it increases the need for chemical pesticides which kill the pollinators and damages our ocean ecology.

Organic coffee beans command a higher price as well.

Don't Panic, Go Organic!

Mahalo for your support,

HCR-24

Submitted on: 3/21/2022 10:06:26 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Support	Remotely Via Zoom

Comments:

Support

HCR-24

Submitted on: 3/22/2022 8:13:57 AM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet L Pappas	Individual	Support	Written Testimony Only

Comments:

Dear AGR committee members,

Restricted use pesticides (RUPs) can be harmful to people (especially those applying the pesticides and children) and the environment (including food crops and beneficial insects such as pollinators). That's why it is imperative that the conditions for pesticide use are strictly enforced.

Please do more to protect the general public and the environment from illegal use of pesticides. Support HCR24 to ensure that particularly dangerous pesticides are being monitored and used as directed on the label.

Thank you for your consideration.

Sincerely,

Jan Pappas

Aiea, Hawaii 96701

HCR-24

Submitted on: 3/22/2022 2:11:53 PM

Testimony for AGR on 3/23/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Charlene K. Rowley	Individual	Support	Written Testimony Only

Comments:

I strongly support HCR24 and increasing transparency of pesticide use across Hawai'i for the long term health of our communities.