



STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB2629 SD1
RELATING TO PESTICIDES**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 2/24/2022

Room Number: 211/Videoconference

- 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 priorities.
- 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6 use pesticide disposal program offering safe collection and lawful disposal of banned, outdated,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:** None.
- 4 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 2629, S.D. 1

February 24, 2022
10:00 a.m.
Room 211 and Videoconference

RELATING TO PESTICIDES

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2629, S.D. 1, requires the Department of Agriculture (DOA), in consultation with the Department of Health, to develop and implement a one-time, low-cost pesticide disposal collection program. This bill also appropriates \$800,000 in general funds in FY 23 for the DOA to establish and operate the program.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



State of Hawaii
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PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

LATE

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

FEBRUARY 24, 2022
10:00 A.M.
VIDEOCONFERENCE

SENATE BILL NO. 2629 SD1
RELATING TO PESTICIDES

Chairperson Dela Cruz, Vice Chair Keith-Agaran and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2629 SD1, relating to pesticides. The bill appropriates funds from the general fund for fiscal year 2022-2023 to the Hawaii Department of Agriculture ("Department") to develop, in consultation with the Hawaii Department of Health, and implement a pesticide disposal program to provide a one-time, affordable, and environmentally accessible means for the disposal of restricted use pesticides and non-restricted use pesticides from a bona fide agricultural entity and directs the Department to convene a steering committee to guide and monitor the pesticide disposal amnesty program. The Department strongly supports this bill and offers comments.

The Department supports and urges the concept and eventual establishment of an ongoing pesticide disposal program and suggests the reframing the program as a pilot program rather than a one-time program. The Department intends to fund the program and make it available as a reoccurring program to assist the participants on an ongoing basis to ensure that the intended health and safety goals of the measure are attained.

Currently, there exists in most counties in the State of Hawaii, a pesticide disposal program for household pesticide products, but not for commercial and other types of pesticide products. The proposed disposal program will make a positive impact on the health and wellbeing of residents and the environment by removing unused and unwanted pesticide products from the State.



The Department is aware of a number of agricultural producers with old products that are not able to be safely stored, transported or used. The condition of the containers is usually questionable at best, and many have directions for use that may not be legible due to time in the elements. Moreover, the Department has received numerous calls regarding families who have inherited land with pesticides found in the storage. Those families either no desire, or ability to use the products but want to dispose of them safely and legally. However, disposal of agricultural pesticide products is beyond the financial means of many families and businesses which means the products and containers continue to degrade and the products potentially leach into the environment. In addition, the overall use patterns for many restricted-use pesticides have decreased, resulting in unused products with no intended future use left and stored under unsafe conditions. The need for an agricultural pesticide disposal program in Hawaii is imminent and essential to the safety of Hawaii's people and the environment.

The Department restricted all use of chlorpyrifos products in 2019, after the passage of act 45, requiring a permit to use these products until a statewide ban would take place. With the banning of all uses of chlorpyrifos in the state of Hawaii by December 31, 2022, and the revoking of all food tolerances of chlorpyrifos after February 28, 2022, and no permissions for use of products in the channels of trade, the Department expects that growers will continue to have surplus chlorpyrifos products in storage and in need of safe disposal.

The Department believes that a 30-day disposal window may not be sufficient for collection. An open-ended time frame would be preferable, and the Department may consult with contractors or other jurisdictions with successful disposal programs to determine the appropriate and most effective timeframe needed for collection of unwanted pesticide products.

Finally, on page 1, line 13 the bill refers to a "low-cost program", but on page 2, line 12, item c, the bill states that the program be free and HDOA shall not impose of fee of disposal, up to 50 pounds of pesticides. The Department recommends that the measure expressly authorizes the Department to impose a fee for collecting and disposing products exceeding 50 pounds in aggregate, while providing for no cost for disposal of products not exceeding that threshold.

Thank you for the opportunity to testify on this measure.



Food+ Policy Internship 2022

food@purplemaia.org

February 21, 2022

To: Chair Dela Cruz and the Senate Committee on Ways and Means

Subject: Testimony in **Support of SB 2629**, RELATING TO PESTICIDES

Aloha mai kākou

We're writing on behalf of the Hawai'i Food+ Policy Internship to express our **SUPPORT for SB2629**, relating to pesticides. Hawai'i is home to the top four chemical companies in the world, plus many smallholder farmers that still use pesticides to control pests and prevent diseases on crops. Hawai'i has a rich source of ground and surface water, surrounded by aquatic and terrestrial ecosystems that could potentially be at risk due to the misapplication, spillage or wrongful disposal of pesticides (2020).

Currently the EPA recommends pesticides users, when seeking safe disposal, to reach out to local solid waste management, environmental agency or a similar program for getting rid of unwanted, leftover pesticides. In such a case, Hawai'i does not have any safe or legal alternatives for the disposal of restricted use and non-restricted use pesticides. It is important that we quickly develop and implement a one-time pesticide disposal collection program to assure the safety of human health and environmental wellbeing.

Soluble pesticides pose a risk to surface water and groundwater as it percolates downward into the soil layers (2021). We see this as a problem as there is no safe or legal alternative for proper disposal of pesticides in Hawai'i. Consequently we may be spending much more money fixing the problem than preventing it through the proper disposal of pesticides.

It is important to mention that this collection program is made and kept free to encourage the safe and legal disposal of pesticides. The hope for this measure, **SB2629**, is to encourage proper disposal of both restricted and non-restricted pesticides as wrongful disposal could cause great harm.

Mahalo,
Hawai'i Food+ Policy Interns
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2022, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



Food+ Policy Internship 2022

food@purplemaia.org

References

- Carniel, L. S. C., Niemeyer, J. C., de Oliveira Filho, L. C. I., Alexandre, D., Gebler, L., & Klauberg-Filho, O. (2020). Are there any risks of the disposal of pesticide effluents in soils? Biobed system meets ecotoxicology ensuring safety to soil fauna. *Ecotoxicology*, 29(9), 1409–1421.
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<https://doi.org/10.3390/ijerph18020468>

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LARRY JEFTS FARMS, LLC
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SB2629sd1, Relating to Pesticides
Senate WAM Decision Making Hearing
Thursday, February 24, 2022
10:00am

Testimony By: Larry Jeffs
Position: Support

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate WAM Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC. We have more than 42 years of Hawaii farm experience on Molokai and Oahu. Our family farms grow about 1 million pounds weekly of import replacement produce. I am a volunteer director, serving as Chair of the West Oahu Soil and Water Conservation District (SWCD). I have been an officer of the Hawaii Farm Bureau for many years.

Support is expressed for this proposal to establish a one-time, low-cost pesticide disposal collection program across the State. This would provide farmers legal and safe disposal of outdated, banned, or no longer used pesticides.

The \$800,000 appropriation proposed for FY 2022-2023 to establish and operate the pesticide disposal collection program is especially meaningful during these difficult times.

Thank you for the opportunity to present testimony.



HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of SB2629 SD1
Relating to Pesticides

Senate Committee on Ways and Means

Date: Thursday, February 24, 2022
Time: 10:00 a.m.
Place: Via Videoconference

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the committee:

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in support of SB2629 SD1, requires the Department of Agriculture, in consultation with the Department of Health, to develop and implement a one-time pesticide disposal collection program, for a duration to be determined by the department; and requires the Department of Agriculture to convene a steering committee to guide and monitor the pesticide disposal collection program.

The Hawaii Crop Improvement Association applauds the Hawaii State Legislature for taking up this important measure to support local farmers, ranchers, responsible pesticide applicators, and communities across the State. This proposed program is a proactive step towards empowering the Hawaii Department of Agriculture to regulate, educate, and support Hawaii's pesticide applicators.

Mahalo for this opportunity to testify in support of the intent of SB2629 SD1. If you have any questions, please contact me at your convenience.

Sincerely,

Pono Chong
Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.



Senate Committee on Ways and Means

Support w/ amendments: SB2629 SD1 with amendments

Hawai'i Alliance for Progressive Action (HAPA)

Thursday, February 24th, 2022 10:00 a.m. Conference Room 211

Aloha Chairs Dela Cruz, Vice Chairs Keith-Agaran and Members of the Committees,

HAPA supports SB2629 SD1 with amendments.

We support safe and responsible disposal of pesticides to better protect our community and environment and understand how important this program is.

It is critical to our environment and public health that these pesticides are not dumped into rivers, backyards and sewage facilities and SB2629 SD1 helps to accomplish this. The impacts of improper dumping of pesticides in surrounding environments and sewage facilities are devastating and cascading.

Proposed Amendments:

HAPA has a few concerns that we believe need to be addressed with amendments. Firstly, we have concerns about how location sites will be selected for collection and disposal and suggest the bill be amended to include measures to address this. Historically, such dump sites have often been placed near economically disadvantaged communities and native Hawaiian communities. The bill should clarify that the steering committee includes representatives from OHA and other stakeholders from appropriate environmental justice organizations.

For the disposal program thresholds, we suggest that the bill is adjusted to thresholds that are set to ensure accountability for large corporate users who can afford to dump appropriately. In other measures large pesticide users have been defined as those using more than 5 lbs or 15 gallons of any restricted use pesticide (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 for their use and disposal of Restricted Use Pesticides (RUPs), a threshold of 5 lbs/15 gallons of RUPs should be adopted as the cut off for any amnesty program.

There is already an approved disposal process for pesticides that corporations such as these can use and pay for. There is no good reason that agrochemical corporations such as Bayer (formerly Monsanto), Corteva/DowDuPont (formerly Pioneer), etc should offset disposal costs of their pesticides off onto the State, especially considering they are often the manufacturer of these pesticides. These corporations are some of the largest multinational corporations in the world, reporting increased profits in the billions a year from pesticide and GE seed sales^{1,2,3}.

¹ <https://www.forbes.com/companies/monsanto/?sh=6a0584951d79>

² <https://www.statista.com/statistics/304526/net-income-of-monsanto/>

³ <https://media.bayer.com/baynews/baynews.nsf/id/Bayer-grows-sales-and-earnings-significantly>

Hawaii's taxpayers should not further subsidize this industry's safe pesticide disposal, especially given its poor track record of pesticide violations⁴.

HAPA also strongly suggests amending the bill to include the provision to increase the maximum fines for repeat pesticide use violations. We strongly support increasing the maximum fines for pesticide use violations along with this measure to address the issue of repeat 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.

Please support SB2629 SD1 with the above amendments.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a long horizontal flourish extending to the right.

Anne Frederick
Executive Director

⁴ <https://www.staradvertiser.com/2022/01/06/breaking-news/monsanto-enters-plea-agreement-accepts-12m-fine-in-hawaii-pesticide-case/>



HAWAII PEST CONTROL ASSOCIATION

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February 24, 2022

Testimony To: Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: S.B. 2629, SD 1 – RELATING TO PESTICIDES.

Chair Dela Cruz and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association, an association that represents the structural pest control operators in the State of Hawaii.

We support the intent of this bill with an amendment.

It is not only agriculture that uses restricted use and general use pesticides but the also the structural pest control industry. Our members too can find themselves in a situation where they need to dispose of small amounts of pesticides. The way this bill is written it is questionable as to whether they are included or not. "Agricultural" is referred to throughout the bill however Subsection c and d are broad enough to apply to everybody. We would suggest, for the sake of clarity, if the Committee is in agreement, that the language and "pest control operators licensed

under Section 460J HRS" be inserted on page two (2), line two (2) and line ten (10) page two (2) as well.

With that amendment we are in wholehearted support of the bill and request your favorable adoption.

Thank you.



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February 24, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

**TESTIMONY ON SB 2629, SD1
RELATING TO PESTICIDES**

Room 211 & Videoconference
10:00 AM

Aloha Chair Dela Cruz, Vice-Chair Keith-Agaran, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau strongly supports this measure. Farmers are not eligible to dispose of pesticides in household hazardous waste programs that the counties provide to homeowners, but most mainland states and counties run separate pesticide disposal programs for farmers. Hawai'i has not provided this essential program to its farmers for over a decade.

We respectfully recommend an important housekeeping amendment, non-contentious clarification.

1. There is no provision for the steering committee that is in the description of the bill. If the intent is to have a steering committee for this program, it would most appropriately be the already in place "Advisory Committee on Pesticides". That Committee has the expertise, broad membership, and balance that will be required to make recommendations to the department.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.



The Molokai Farm Bureau serves as Molokai's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community. We are also an arm of the Hawaii Farm Bureau Federation, organized in 1948 and comprised of 1800 farm families statewide.

SENATE COMMITTEE ON WAYS AND MEANS

February 24, 2022 @ 10:00am

Room 211 & Videoconference

TESTIMONY ON SB 2629 –RELATING TO PESTICIDES

In STRONG SUPPORT of SB 2629 SD1

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and Respected Committee Members:

Thank you for the opportunity to submit testimony. My name is Nate Oswald and I am the President of the Molokai Farm Bureau, representing our members on Molokai. Molokai Farm Bureau stands in strong support of SB 2629 SD1.

We recognize the value this program has for Hawaii agriculture, and how it can help Hawaii farmers safely move towards supporting the state's goal of food security and sustainability. *For Molokai specifically, a program like this provides tremendous opportunity and assistance to our small island's rural farmers.*

As farmers one of our biggest challenge is to sustain our crop's health and its yields until harvest. Utilizing all tools available to us in timely coordination with our crop's needs is vital for crop success. Pesticides, as well as integrated pest management are some of those important tools.

As farmers we take effort to responsibly manage our pesticides. Once a pesticide product is banned, outdated or no longer required it will need to be properly removed from the farm and appropriately disposed of.

Currently there is no place on Molokai to lawfully dispose of non-residential banned, outdated or unwanted pesticides. Unlike other major islands, ***discarding this waste requires hiring a proper off-island disposal company who must arrange time, equipment and personnel to come to Molokai; this results in extreme costs for our farmers.***

Providing a tangible solution to dispose of banned, outdated, or unwanted pesticides safely and properly will help our farmers tremendously with those additional costs, to maintain compliance. We see this as a mutual win for our island, environment, and community where we live, farm, and raise our families.

We do have the following comments for your consideration:

1. We would like to suggest this important program *not be a "one-time" program*, but suggest it become a ***PERMANENT program***, with an ***ANNUAL collection frequency for neighbor islands*** like Molokai, if not more frequent.
 - We support and applaud the Hawaii Department of Agriculture's 2/14/22 public testimony to senate committees AEN/HLT stating it *"intends to fund the program and make it available as a reoccurring program to assist the participants on an ongoing basis to ensure that the intended health and safety goals of the measure are attained."*



2. We also strongly suggest that when a pesticide in a farmer’s possession is banned, outdated or unwanted – that the Hawaii Department of Agriculture adopt a **formal reporting process** where the farmer can immediately list the intended “to be disposed of” pesticide and its quantity, as a formal way **to document it has removed the banned, outdated or unwanted pesticide from use and is waiting on the State’s disposal collection program for proper disposal, and the storage of these pesticides during this waiting period would not be seen as a non-compliance issue.**
 - The **information generated** from this reporting process could then be used as **a way to estimate and plan for the amount of pesticides HDOA may receive** at each particular collection location. This could be helpful when planning for off-island collections, like Molokai.
3. We also strongly support the language that includes “those that have inherited restricted use and nonrestricted use pesticides” to be included in this collection program.
 - As mentioned in our testimony above, there is no place on Molokai to lawfully dispose of non-residential banned, outdated or unwanted pesticides. **Unlike other major islands, discarding this waste requires hiring a proper off-island disposal company to come to Molokai. This is extremely costly for our farmers as well as those who no longer farm, or have inherited restricted and/or nonrestricted use pesticides that were once used for farming.**

We need effective programs like these:

We agree with the public testimony submitted on 2/14/22 to senate committees AEN/HLT by Delaware’s Department of Agriculture, which described the success of their similar pesticide disposal program, stating, *“Since the program began, these collections allowed DDA to further gain the grower community’s trust and reduce the amount of unwanted pesticides being stored on farms...the program helps garner a positive relationship between the growers and DDA and our enforcement agents. This relationship building helps in many other aspects of interactions between DDA inspectors and growers.”*

We respectfully **SUPPORT SB 2629 SD1** with comments, and thank you for your time and consideration on a very important bill for Hawaii Nei.

Respectfully submitted on behalf of the members of the Molokai Farm Bureau,

Nate Oswald

Nathaniel Oswald
President, Molokai Farm Bureau

SB-2629-SD-1

Submitted on: 2/21/2022 7:47:07 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Hansen	Individual	Support	No

Comments:

As a registered voter in Hakalau HI 96710, and a small farmer, I support this bill.

Mahalo.

SB-2629-SD-1

Submitted on: 2/21/2022 8:02:08 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rodger Hansen	Individual	Support	No

Comments:

As a registered voter in Hakalau HI 96710, and a small farmer, I support this bill.

Mahalo.

SB-2629-SD-1

Submitted on: 2/22/2022 9:42:19 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amy Brinker	Individual	Support	No

Comments:

Support

SB-2629-SD-1

Submitted on: 2/22/2022 7:41:20 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ashley Galacgac	Individual	Support	No

Comments:

Our food system in Hawai'i is precious. The land, water, and other natural resources must be protected for the health of everyone here and future generations. Please pass this measure.