

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

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

**BEFORE THE SENATE COMMITTEES ON HEALTH AND AGRICULTURE AND THE
ENVIRONMENT**

**FEBRUARY 11, 2022
1:00 P.M.
VIDEOCONFERENCE**

**SENATE BILL NO. 2629
RELATING TO PESTICIDES**

Chairpersons Keohokalole and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2629, 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.

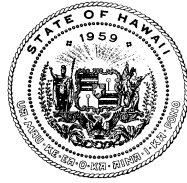
The Department restricted all use of chlorpyrifos products in 2019, after the passage of act 45, requiring a permit to use these products until a statewide ban would take place. With the banning of all uses of chlorpyrifos in the state of Hawaii by December 31, 2022, and the revoking of all food tolerances 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 notes that an amnesty bin is not the most effective or appropriate vessel to accept pesticide products. Mixing unknown pesticides in a bin has the potential to spill. The Department recommends working with a contractor with hazardous waste disposal expertise to determine the safest and best method of disposal, which may involve a collection station with trained personnel, and/or picking up pesticide products directly from the facility to minimize the chances of leaks, spills, or other ways the product may potentially escape into the environment and create a health and safety threat. Also, 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.

Additionally, the act of owning legacy pesticides is not illegal and current incentives for proper disposal are nonexistent. A government sponsored disposal program that encourages voluntarily providing information (if known) relating to what the pesticide is, how old the container may be, and other identifying information would allow a safer and more cost-effective means of disposal.

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.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
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**Testimony in SUPPORT of SB2629
RELATING TO PESTICIDES**

SENATOR JARRETT KEOHOKALOPE, CHAIR
SENATE COMMITTEE ON HEALTH
SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 2/11/2022

Room Number: 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

1 waste materials being received by the waste contractors conducting the events. With proper
2 documentation, hazardous waste pesticides can be properly managed as universal waste under
3 such a collection program.

4 **Offered Amendments:** The word amnesty should be struck from the text in all instances. We
5 suggest replacing “no questions asked amnesty bin” with “pesticide disposal collection
6 program,” which aligns with language in the universal waste rules for pesticides in chapter
7 11-273.1, Hawaii Administrative Rules. The bill does not and should not provide amnesty from
8 following waste disposal regulations. An unattended bin does not ensure that containers are not
9 damaged or leaking. A collection program with attended drop off time(s) and place(s) is needed
10 to ensure safety.

11 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

February 11, 2022

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

Senate Committee on Health
Senator Jarrett Keohokalole, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: S.B. 2629 – RELATING TO PESTICIDES.

Chair Gabbard, Chair Keohokalole and Members of the Joint Committees:

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 11, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON HEALTH

TESTIMONY ON SB 2629
RELATING TO PESTICIDES

Via Videoconference
1:00 PM

Aloha Chairs Gabbard and Keohokalole, Vice Chairs Nishihara and Baker, and Members of the Committees:

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

The Hawaii Farm Bureau strongly supports 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. Hawaii has not provided this essential program to its farmers for over a decade.

We respectfully offer recommendations for some housekeeping amendments that are important, non-contentious clarifications.

1. The term "amnesty bin" may have been taken from another type of program but is not a good fit here. Pesticides, including their disposal, are highly regulated under multiple federal and state laws and regulations and it would be a mistake to give the impression that anyone will be throwing unwanted pesticides into a "bin".
2. The department of agriculture and the chosen contractor will need to consider how long to stage the collection of pesticides on each island due to legal requirements, availability of appropriate facility space, shipping constraints, etc. The specified 30 days on each island is not necessary for farmers, and will greatly increase the cost of the program. The time frame should be left to the discretion of the department.
3. 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.

We would be pleased to work with you on these amendments.

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

SB-2629

Submitted on: 2/8/2022 5:42:35 PM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Klayton Kubo	Individual	Support	Yes

Comments:

Support



Senate Committees on Agriculture and Environment / Health

Hawai'i Alliance for Progressive Action (HAPA) Supports w/ amendments: SB2629

Friday, February 11th, 2022 1:00 p.m.

Aloha Chairs Gabbard/Keohokalole, Vice Chairs Nishihara/Baker and Members of the Committees,

HAPA supports safe and responsible disposal of pesticides to better protect our community and environment. We strongly support increasing the maximum fines for pesticide use violations.

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

HAPA is concerned with how location sites will be selected for collection and disposal. 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 an appropriate environmental justice organization.

For the disposal program, we suggest that the thresholds 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 specific 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, a threshold of 5 lbs/15 gallons should be adopted as the cut off for any amnesty program.

We suggest that the bill be amended to be a maximum of *five pounds or more or fifteen gallons or more* of restricted use pesticides, rather than *50 pounds or more*. We also suggest the following wording be included in the bill: *"The department of agriculture shall impose a fee schedule, which shall be exempt from chapters 91 and 201M, for the disposal of a restricted use pesticide or non restricted use pesticide, which contains an active ingredient of a restricted use pesticide, that weighs five pounds or more or fifteen gallons or more."*

HAPA also strongly suggests amending the bill to include the provision to increase the maximum fines for repeat 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.

Please support SB2629 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



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 HEALTH
and
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

February 11, 2022 @ 1:00pm
Via Videoconference

TESTIMONY ON SB 2629 – RELATING TO PESTICIDES
In SUPPORT of SB 2629

Aloha Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara 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, serving our members on Molokai.

We recognize the value a program like this is for all of Hawaii agriculture, and how it can help Hawaii farmers safely support the state's goal towards food security and sustainability. *For Molokai specifically, a program like this has a tremendous opportunity to assist 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. Pesticides, as well as integrated pest management are some of those important tools.

- As farmers we take effort to responsibly manage our pesticide purchases. Once a pesticide product is banned, outdated or no longer required it needs 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 which is extremely costly for our farmers.
- Providing a tangible (*and very needed*) solution for our Molokai farmers to dispose of banned, outdated, or unwanted pesticides safely and properly, will absolutely help our farmers tremendously with those additional costs to maintain compliance. We see this as a win/win scenario for our beloved environment and community, where we live and farm.
- Most importantly, we would like to strongly suggest this program *not* be a "one-time" program but suggest this be an **ANNUAL state program** – similar to other successfully implemented programs in other states that are also supportive of agriculture.

We respectfully **SUPPORT SB 2629** with our comments and thank you for your time and consideration.

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

Nate Oswald

Nathaniel Oswald
President, Molokai Farm Bureau

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
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EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

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 COMMITTEES ON HEALTH AND AGRICULTURE AND
ENVIRONMENT
ON
SENATE BILL NO. 2629

February 11, 2022
1:00 p.m.
Via Videoconference

RELATING TO PESTICIDES

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

Senate Bill No. 2629 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.

LARRY JEFTS FARMS, LLC
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(808) 688-2892

SB2629, Relating to Pesticides
Senate AEN/HTH Hearing
Friday, February 11, 2022
1:00pm

Testimony By: Larry Jeffs
Position: Support

Chair Gabbard, Chair Keohokalole, Vice Chair Nishihara, Vice Chair Baker,
and Members of the Senate AEN/HTH Committees:

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.

SB-2629

Submitted on: 2/10/2022 5:34:21 AM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Faith Tuipulotu	Individual	Support	No

Comments:

I Support SB 2629.

SB-2629

Submitted on: 2/10/2022 6:04:10 AM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rosie F Davis	Individual	Support	No

Comments:

Aloha

I support bill SB2629

mahalo



Food+ Policy Internship 2022

food@purplemaia.org

February 10, 2022

To: Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health & Agriculture and Environment Committees

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

Aloha mai Kākou,

We are writing on behalf of the Hawai'i Food+ Policy Internship to express our SUPPORT for **SB2629**, relating to pesticides. Thank you for allocating time to read through our testimony for establishing a pesticides disposal collection program.

Hawai'i is home to the top four chemical companies in the world and 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 of 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 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

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

proper disposal of both restricted and non-restricted pesticides as wrongful disposal could cause great harm.

Mahalo,

Hawai'i Food+ Policy Interns
#fixourfoodsystem

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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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.



Testimony from Scott Dahlman, Senior Director Government Affairs, CropLife America

In support of SB 2629 – Relating to Pesticides

Friday, February 11, 1 pm, Via zoom

Senate Committee on Agriculture and Environment

Aloha Chair Gabbard and members of the committees,

CropLife America (CLA) is the national association representing manufacturers, formulators, and distributors of pesticides products used in agriculture production. We support and promote scientific-based policy in the regulation of pesticide products at both the state and federal level. We are in strong support of SB 2629.

Farmers struggle with ensuring the viability of their crops and they face a number of challenges including access to water, affordable transportation, manpower, pest and disease, and financial sustainability. With so many issues, there is always the chance that farmers are unable to keep up with the ever-changing pesticide regulatory system which appropriately reviews pesticides for their environmental, health and safety impact. We believe SB 2629 provides farmers with an important tool to legally respond to discontinued pesticides that might still be present on their farms and dispose of them in a manner safe for the community, their farm, and their families. We appreciate the foresight of Sen. Decoite to introduce this bill and her ongoing support of farmers.

Mahalo for your consideration.



Biotechnology Innovation Organization

Testimony from Gene Harrington, Senior Director Government Affairs, BIO

In support of SB 2629 – Relating to Pesticides

Friday, Feb. 11, 1 pm, Via Zoom

Senate Committee on Agriculture and Environment

Aloha Chair Gabbard and members of the committee,

BIO is the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. Our key areas of focus are health biotechnology, industrial and environmental biotechnology, and food and agriculture biotechnology. We are in strong support of SB 2629.

Farmers struggle with ensuring the viability of their crops and they face a number of challenges including access to water, affordable transportation, manpower, pest and disease, and financial sustainability. With so many issues, there is always the chance that farmers are unable to keep up with the ever-changing pesticide regulatory system which appropriately reviews pesticides for their environmental, health and safety impact. We believe SB 2629 provides farmers with an important tool to legally respond to discontinued pesticides that might still be present on their farms and dispose of them in a manner safe for the community, their farm, and their families. We appreciate the foresight of Sen. Decoite to introduce this bill and her ongoing support of farmers.

Mahalo for your consideration.

SB-2629

Submitted on: 2/10/2022 10:17:35 AM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dillon DeCoite	Individual	Support	No

Comments:

I strongly support this bill because I think there should be a program where pesticides can be disposed of properly and be affordable for Hawaii residents. The one thing I would change about this bill is there should be a 7 day take back of pesticides rather than a 30 day take back.

SB-2629

Submitted on: 2/10/2022 11:31:42 AM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jo-Anne Aiwohi	Individual	Support	No

Comments:

In support of SB2629

SB-2629

Submitted on: 2/10/2022 11:12:13 AM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Colette Torres	Individual	Support	No

Comments:

I strongly support this bill because I feel there should be a program where farmers and homeowners have a place to dispose of these pesticides. As a homeowner having an affordable way to get rid of these pesticides that are banned can really save me a lot of time and money. A part of this bill I would like to change is instead of a 30 day take back of pesticides, I would like to change it to 7 days. Thank you

SB-2629

Submitted on: 2/10/2022 2:34:50 PM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Larry Torres	Individual	Support	No

Comments:

Having a program where people can dispose of pesticides that are either banned or not needed anymore is a great idea. I strongly support bill SB2629 because it will save people in Hawaii a lot of time and money when it comes to disposing of unwanted pesticides.

SB-2629

Submitted on: 2/10/2022 9:01:57 PM

Testimony for AEN on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gene Ross K. Davis	Individual	Support	No

Comments:

Aloha,

I support SB2629, from 30 days to 7 days.

Mahalo GeneRoss



HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of SB2629
Relating to Pesticides

Senate Committees on Health and Agriculture and Environment

Date: Friday, February 11, 2022
Time: 1:00 p.m.
Place: Via Videoconference

Chairs Keohokalole and Gabbard, Vice-Chairs Baker and Nishihara, and members of the committee:

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in support of SB2629, which 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. 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.



DELAWARE DEPARTMENT OF
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Good afternoon,

I am Jimmy Hughes, Program Manager I with the Delaware Department of Agriculture (DDA), Pesticide Enforcement Section. I was asked to submit this testimony in support of the SB2629. Delaware has an active partnership with the Hawaiian Department of Agriculture. I have been working with Adam Williams and Victoria Matsumura to provide information and guidance for their effort to obtaining a pesticide disposal program in Hawaii. The information and guidance that I have been providing is based on my first-hand experience managing Delaware's Environmental Sweep Program for the past 7 years. In Delaware, we started our program in the beginning of 2013. Based on the geographic area (which is somewhat comparable to the Hawaiian islands) and funding available in Delaware, Ms. Matsumura asked me to share information about our program. The Environmental Sweep Program (ESP) is an initiative by the Delaware Department of Agriculture that offers an easy and environmentally responsible way to dispose of unwanted, outdated, or canceled pesticides for free to qualifying individuals and businesses in all three of our counties. Qualifying individuals include growers, commercial applicators, golf courses, greenhouses, or nursery operations that apply or store pesticides.

Cost effective options to alleviate or dispose of pesticides are limited due to the uncertainty of legal disposal requirements and the risk of storage or disposal for these toxic pesticides, even for contracted haulers. Our main objective, to remove those barriers is to offer a free program to qualified individuals that collects pesticides and removes them from the environment.

- Annually, for the past seven years, growers, commercial applicators, nurseries, greenhouses, golf courses, and pest control businesses have qualified for the free removal of pesticides through this program.
- It allows qualified individuals to participate and removes their burden of pesticide disposal, avoids potential incorrect disposal, and avoids spending more money per pound for legal disposal.

As another incentive, program offers 100% amnesty for participants in the program.

- At no point during the entire collection from planning to the collection itself are enforcement actions taken.
- The inspectors will not pursue any violations to the individual; however, they do offer suggestions for improvement for storage practices and facilities.
- One challenge to program participation is that some participants still believe that there are possible penalties for unwanted, unlabeled, leaking pesticides.

Any pesticide products that have an EPA Registration Number (or was once registered with an EPA Registration Number) are collected.

Examples of waste pesticides that will be accepted include

- DDT, chlordane, carbaryl, lead arsenate, lindane, chlorpyrifos, calcium cyanide, chloropicrin, and 2, 4-D.
- Containers with unknown contents, but are believed to be pesticides, or pesticides not in an original container may need to be sampled prior to acceptance and disposal.
- All unknown pesticides collected must be under 5 gallons.
- It is important to note that this program is not intended for fertilizer, paint, oil, antifreeze, fertilizer and pesticide mixtures, and any other non-pesticide products.

This program has no costs to the participants:

- For quantities up to 500 pounds or 50 gallons of pesticides.
- Quantities above that amount can be removed for a reduced fee (or for free if residual program funding is available) as determined by the waste disposal contractor.
- Program funding comes from the DE Pesticide Sections general funds,
 - Provided by several sources, including grants.
 - The amount of funds in this line-item changes yearly depending on the other budgeted Department's projects.
 - Based on available funds, a contract is negotiated with a waste hauler using a request for proposal.
 - Based on the accepted proposal DDA is charged a flat rate from the hauler per pound of product, and the contractor is required to pick up at each participants location.

The steps that make our program successful are as follows.

- First, a participant contacts DDA (DE Dept. of AG) or the participant fills in an electronic form from our website to create a written inventory of what pesticides are to be disposed of in the collection.
- The inventory is used to estimate the amount of waste at site
 - Condition of the pesticides, and any damaged or leaking pesticides can be documented to allow the hauler knowledge of the site for their collection.
- Once all inventories are submitted an inspector will verify the approximate weight.
 - During the on-site visit,
 - Include any added pesticides to the inventory
 - The inspector will document any containers or drums that need special attention to share with the waste hauler so they will be prepared with the correct Personal Protective Equipment, overpack supplies, and any other supplies needed to remove the pesticides.
- The collection is a "milk run," meaning the waste hauler and one inspector will go from site to site to remove the pesticides.
 - At each scheduled location, all waste collected is weighed, processed, and overpacked by the hauler.
- At no point during the collection process from the beginning to the end are the pesticides removed from the site other than the waste hauler.

The first year of collection was 2013;

- Delaware collected approximately 20,000 lbs. from 35 individual sites.
- Since this first year, over 110,000 pounds of unwanted pesticide waste has been collected at over 270 sites.
- The program continues to obtain new growers and certified applicators.

Some interesting pesticides that we have collected in Delaware since 2013 have been:

- DDT, Chlordane, raw mercury, fumitoxins, Penncap-M and pesticides with USDA labels.

- Products may have USDA labels because USDA was responsible for pesticide label registration and enforcement before EPA was established.
- Our collections have collected metal drums, poly (plastic) drums, 2.5-gallon containers, 1 -gallon containers, all types of bags, and many other pesticide containers.
- Our collections are mainly liquid pesticides.
- Most of our dry pesticides that are collected are in compromised containers or have spilled onto the grower's barn or storage area.
- Our contract with the waste hauler allows all pesticides that have leaked or spilled to be cleaned up during the collection.
 - This is an advantage because the waste hauler has the correct PPE, and disposal supplies to remove the waste from the grower's property and limit the possible exposure to others.

If this program were not available and the cost for the disposal of the unwanted pesticides were solely responsible of the "owner" of those products, cost would be on average:

- 10-fold what it costs DDA to dispose of them through our program.
- Based on information from our current disposal contractor, a minimum charge, before the truck even leaves their shop is well above a couple thousand dollars if participants were solely responsible.

Since the program began, these collections allowed DDA to further gain the grower community's trust and reduce the amount unwanted pesticides being stored on farm or disposed of improperly potentially causing human health risks and/or harm to our environment. By using the state contract to conduct a site-by-site collection, the participants are saving more money and 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.

I was fortunate that I was able to attend, as a participant and presenter on the topic of pesticide storage at the 2021 pesticide safety education training, hosted in part by the HI Department of Agriculture. During that workshop, I got to meet many of the members of the HI Department of Agriculture staff with pesticide responsibilities. Input from my presentation, and getting to meet and know those staff members, I feel confident that with the passage of this bill Hawaii could enjoy the same successes and benefits as we have had in Delaware. Those successes would not only benefit the Hawaii agriculture community, but also your constituents, and the beautiful environment that makes Hawaii the paradise that I enjoyed!

Thank you for your time and consideration. Should you have any questions or need further assistance please contact me at James.Hughes@delaware.gov or 302-698-4569.

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