

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
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DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT

MARCH 28, 2022

1:00 P.M.

CONFERENCE ROOM 224 AND VIDEOCONFERENCE

SENATE CONCURRENT RESOLUTION NO. 67 / SENATE RESOLUTION 61

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Concurrent Resolution 67. 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 resolution.

In federal fiscal year 2021, the Department conducted over 120 certified applicator record inspections and nearly 100 inspections of agricultural use which accounted for roughly 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 provided to the State.

Thank you for the opportunity to testify on this measure.



Senate Committee on Agriculture and Environment

Hawai'i Alliance for Progressive Action (HAPA) Supports: SCR67 / SR61

Monday, March 28th, 2022 1p.m. Conference Room 224

Aloha Chair Gabbard, Vice Chair Nishihara and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in support of SCR67 / SR61 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 SCR67 / SR61 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 Hawaii'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://jffkauai.files.wordpress.com/2015/10/jff-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 SCR67 / SR61.

Thank you for your consideration,



Anne Frederick

Executive Director

SCR-67

Submitted on: 3/24/2022 4:08:00 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Support

SCR-67

Submitted on: 3/25/2022 5:16:41 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Too often, pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. The state’s current low fine threshold does not create a sense of urgency to change behavior or stop repeat violators. Repeat violators have exposed nearby communities and farmworkers to harmful toxins that threaten their health and the local environment.

This is also an "equal access" issue as written under the American's with Disabilities Act. When these toxins are sprayed those disabled with environmental and respiratory health issues cannot be exposed without becoming sickened and possibly hospitalized. These toxins are a threat to everyone's health! We need stronger laws! Please help!

SCR-67

Submitted on: 3/25/2022 6:34:41 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
KIMI ABBOTT- JACKSON	Individual	Support	Written Testimony Only

Comments:

I support this bill as I have seen the county dump gallons of chemicals on the streets with no consideration of the health of pets or children walking on or near these toxic chemicals. Please ban these pesticides. They cause cancer and dont belong on this earth.

SCR-67

Submitted on: 3/25/2022 7:02:38 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Too often, pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. The state’s current low fine threshold does not create a sense of urgency to change behavior or stop repeat violators. Repeat violators have exposed nearby communities and farmworkers to harmful toxins that threaten their health and the local environment.

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 support SCR67.

Follow-up on pesticide violations isn’t always timely due to a lack of resources and historically unfilled positions at the Department of Agriculture.

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. SCR 67/SR 61 will help provide support and guidance on how to better enforce laws and protect our local communities.

Pass SCR67.

me ke aloha ‘āina,

Nanea Lo

SCR-67

Submitted on: 3/25/2022 7:33:01 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Testifying for FREE ACCESS COALITION	Support	Written Testimony Only

Comments:

Aloha!

The coordinators of the Free Access Coalition support SCR67. Pesticides need to be controlled because of the far-reaching effects the chemicals can have on people.

Mahalo for your time.

SCR-67

Submitted on: 3/26/2022 8:31:14 AM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Weiss	Individual	Support	Written Testimony Only

Comments:

Please pass this important measure. The environment suffers when pesticides are over used. Toxins can wash into streams and the ocean and must be used sparingly and correctly. We must strengthen violations enforcement statewide for restricted pesticide use.

Mahalo.

Valerie Weiss

Kapaa

SCR-67

Submitted on: 3/26/2022 9:26:57 AM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Strongly Support

SCR-67

Submitted on: 3/26/2022 10:04:35 AM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawai'i Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

To: The Honorable Michael Gabbard, Chair, The Honorable Clarence Nishihara, Vice Chair, and Members of the Senate Committee on Agriculture and Environment

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing , Monday March 28, 2022 at 1:00 p.m.

Aloha Chair Gabbard, Vice Chair Nishihara and members of the Senate Committee on Agriculture and Environment!

Hawai'i Reef and Ocean Coalition supports passage of SCR67 and SR61!

Runoff from excessive application of pesticides damages reefs and ocean wildlife. This Concurrent Resolution recognizes that enforcement of Hawaii's pesticide laws, as well as timely and routine inspections and compliance investigations of potential pesticide misuse, are crucial to protecting public health and ensuring public confidence in the State's oversight of pesticide use.

Please pass this Concurrent Resolution and SR61!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

SCR-67

Submitted on: 3/26/2022 6:52:32 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Testifying for Green Party Hawai'i	Support	Written Testimony Only

Comments:

The Green Party of Hawai'i stands in strong support of SCR67.

The big chemical/ ag corporations have laughed at regulators for years. The minimal fines charged to them are written off as a cost of doing business. The crimes committed by Monsanto/ Bayer, Sengenta, and even The State of Hawai'i's Department of Agribusiness Development Corporation (ADC) pale in comparison to the profits they rack up year after year as they continue to poison our water, food, and farm workers.

Time to put the health of Hawai'i's workers and our families before the profits of pesticide corporations. The Green party urges a yes vote on SCR67 .

Mahalo nui,

Green Party of Hawai'i

Susan RobertsEmery

Co chair

SCR-67

Submitted on: 3/26/2022 7:07:41 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear Committee Chair and Members,

I am very concerned about the health effects of pesticides to humans, especially children, wildlife and pollution of our life giving waters on land and in the ocean.

For this reason I urge you to support this measure.

Respectfully,

Diane Ware, 99-7815 Kapoha Pl, Volcano Hi 96785

SCR-67

Submitted on: 3/26/2022 7:50:07 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I support this resolution which requests the Department of Agriculture to submit a report on pesticide inspections conducted within the past 5 years to strengthen statewide enforcement of restricted use pesticide violations. Please pass this important resolution. Mahalo.

SCR-67

Submitted on: 3/26/2022 8:58:01 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mackenzie Feldman	Individual	Support	Written Testimony Only

Comments:

I am here to say that too often, pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. The state’s current low fine threshold does not create a sense of urgency to change behavior or stop repeat violators. Repeat violators have exposed nearby communities and farmworkers to harmful toxins that threaten their health and the local environment.

Follow-up on pesticide violations isn’t always timely due to a lack of resources and historically unfilled positions at the Department of Agriculture.

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. SCR 67/SR 61 will help provide support and guidance on how to better enforce laws and protect our local communities.

Thank you,

Mackenzie

SCR-67

Submitted on: 3/26/2022 9:35:46 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Aloha

It is critical to pass this bill and protect our keiki and adults on our islands.
Mahalo.

Elizabeth Hansen,
registered voter- Hakalau HI 96710

SCR-67

Submitted on: 3/26/2022 9:54:07 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Aloha

It is critical to pass this bill and protect our keiki and adults on our islands, whether they are farm workers or in the general vicinity.

Mahalo.

Rodger Hansen,
registered voter- Hakalau HI 96710

SCR-67

Submitted on: 3/27/2022 8:40:47 AM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

The state's current low fine threshold does not create a sense of urgency to change behavior or stop repeat violators. Repeat violators have exposed nearby communities and farmworkers to harmful toxins that threaten their health and the local environment.

Please support SCR67 to show that we care for the health of our people and aina!

SCR-67

Submitted on: 3/27/2022 9:37:25 AM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: COMMITTEE ON AGRICULTURE AND ENVIRONMENT

FROM: Wendy Gibson-Viviani RN/BSN

RE: SCR67/SR61 (**In support**)

Hearing: Monday, March 28, 2022 at 1:00 PM

Dear Chair Senator Mike Gabbard, Vice Chair Senator Clarence K. Nishihara and Members of the Committee,

I am Wendy Gibson-Viviani, a healthcare professional (RN) who has lived and worked in Hawaii for 29 years. For many years, I have been concerned about pesticide use and a lack of State oversight. For years, I've been reading about the exposures of communities and farm workers and the "cost of doing business" type fines.

I was disappointed when grassroots efforts --to get the chemical companies to disclose when and where they would be testing chemicals and to create buffer zones—were shut down, because the chemical companies are allowed to self-regulate.

I believe that we need better enforcement of Hawaii's pesticide laws and that we need timely and routine inspections and compliance investigations of potential pesticide misuse (as is stated in SCR67/SR61). I agree that this is crucial to protecting public health and ensuring public confidence in the State's oversight of pesticide use.

Please support the passage and funding of SCR67. Thank you for this opportunity to submit testimony.

Wendy Gibson-Viviani RN/BSN

Kailua

SCR-67

Submitted on: 3/27/2022 9:46:38 AM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Aloha, I am writing in support of SCR 67/SR 61, which requests the Department of Agriculture to submit a report on pesticide inspections conducted within the past 5 years and strengthens statewide enforcement of restricted use pesticide violations.

A measure like this is very overdue. There is no reason to accept pesticide violations as “cost of doing business”. But the state’s current low fine threshold enables this ambivalent attitude, as it does not create a sense of urgency to change behavior or stop repeat violators. As a result, repeat violators have exposed nearby communities and farmworkers to harmful toxins that threaten their health and the local environment and have continued to do so with little or no impunity. Part of this disaster is that follow-up on pesticide violations isn’t always timely due to a lack of resources and historically unfilled positions at the Department of Agriculture.

Major recent pesticide violations in recent years include one in 2020 by Monsanto/Bayer in Kunia for the use of Forfeit 280 on corn fields while allowing workers to enter the fields during the six day ‘restricted entry interval’ after application. Another example was when 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.

Enforcement of Hawai‘i’s pesticide laws, as well as timely and routine inspections and investigations of potential pesticide misuse, are crucial to protecting public health and the environment. SCR 67/SR 61 will help provide support and guidance on how to better enforce laws and protect our local communities.

Mahalo for taking the time to consider my views and for your hard work.

SCR-67

Submitted on: 3/27/2022 10:30:49 AM

Testimony for AEN on 3/28/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Stayton	Individual	Support	Written Testimony Only

Comments:

Dear Senators,

I am writing as a Kauai family farmer in SUPPORT of SCR67. It is vitally important that the State take a more active role in monitoring and controlling RUPs in our state. Misuse affects all of us who live here.

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. SCR 67/SR 61 will help provide support and guidance on how to better enforce laws and protect our local communities.

Thanks for your consideration,

Susan

SCR-67

Submitted on: 3/27/2022 6:41:30 PM

Testimony for AEN on 3/28/2022 1:00:00 PM

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

Comments:

Support