

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 HOUSE COMMITTEE ON AGRICULTURE

APRIL 13, 2022
11:00 A.M.

CONFERENCE ROOM 325 AND VIDEOCONFERENCE

SENATE CONCURRENT RESOLUTION NO. 67

Chairperson Hashem 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 report to the legislature after the end of the state fiscal year. The Department has completed summaries of federally required reports for the previous five years which address and measure many of the criteria and metrics targeted by this resolution. The Department has updated its website and all the reports for the previous five years may be found at <https://hdoa.hawaii.gov/pi/pest/pesticides-reports/>.

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, respectively. Additionally, 80 agricultural use inspections and 133 urban/structural use



inspections were also conducted, many of which focused on RUP use. Safe and lawful RUP use inspections are already the highest 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. The inspection numbers and types of inspections we conduct are tied to the Pesticides Branch EPA workplan and may shift to meet changing priorities. For example, in 2020, the Pesticides Branch saw a sharp increase in the sale of illegal and unregistered disinfectants and sanitizers. This posed an immediate threat to human health, the Branch required inspectors to quickly shift to a more marketplace driven inspection direction to ensure safety during the COVID-19 pandemic. 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.



House Committee on Agriculture

Tuesday, April 13th, 2022 11a.m. Conference Room 325

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

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 SCR67 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 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-kaui-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.

Thank you for your consideration,



Anne Frederick

Executive Director

SCR-67

Submitted on: 4/10/2022 8:35:21 PM

Testimony for AGR on 4/13/2022 11:00:00 AM

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

Comments:

Support

SCR-67

Submitted on: 4/11/2022 6:16:22 AM

Testimony for AGR on 4/13/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Support	Written Testimony Only

Comments:

Support

SCR-67

Submitted on: 4/11/2022 6:37:58 AM

Testimony for AGR on 4/13/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kenani Gramberg	Individual	Support	Written Testimony Only

Comments:

I support this Bill and would like to see more data made publicly being that know one knew that 1 of the Waimānalo Water Wells were contaminated with pesticides and that contamination led to Waimānalo's Water Well being turned over to Dept. of Ag. to utilize as Ag. Water (HEWA LOA). Contaminating fresh Drinking Water should have consequences!!!