

HB-692-HD-1

Submitted on: 3/16/2023 8:06:03 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Takeshima	Testifying for Hawaii Department of Agriculture	Support	Remotely Via Zoom

Comments:

Will be available to answer any questions.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

MARCH 17, 2023

1:05 P.M.

ROOM 224 AND VIDEOCONFERENCE

HOUSE BILL NO. 692, HOUSE DRAFT 1
RELATING TO PESTICIDES

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on House Bill 692, House Draft 1. This bill seeks to protect the State's residents and environment and ensure more stringent enforcement of Hawaii pesticide law by increasing monetary fines for pesticide violations. The Department strongly supports this bill.

Fines for violations of Hawaii Pesticide Laws have not increased for 22 years for commercial pesticide applicators and nearly 50 years for private pesticide applicators. In the last five years, the Pesticides Branch has issued and closed almost 100 Notices of Violations for companies or individuals who had repeat use violations. This does not include cases still pending final resolution or any sales violations. Roughly 20% of these repeat violators have multiple notices of violation within this same time frame. Some of these violators had as many as four previous enforcement actions for the same types of violations, with no attempt to resolve violations, even when given compliance assistance services by the Branch.

Historically, when Pesticide Branch staff has been unable to gain compliance with a company or applicator after multiple violations, these cases are referred to the



U.S. EPA. These cases often end up with fines in the hundreds of thousands of dollars, which goes to the federal government, rather than back to the Department who may use the penalty monies to provide training services, environmental studies, and other uses deemed appropriate by the Pesticide Use Revolving Fund. The Department would rather keep any penalties in the State of Hawaii to be able to better protect the people and the environment of Hawaii.

The Department is provided discretion in all violations and fines but in the majority of cases the Department starts violators off with small fines. Fines increase only as violators make repeated violations, the increased ranges are stipulated within Hawaii Administrative Rules 4-66, Appendix A: Enforcement Action and Penalty Assessment Schedule. Granting the Department with the ability to fine repeat violators does not stop the Department from beginning with minimal fines for first and second-time violators, who most often receive a warning notice with no fines associated for their first violation. The Department would only use these highest end fines for businesses and individuals who repeatedly violate pesticide law without any attempt to better their practices. Violators who accept educational services and can better their practices without receiving multiple violations would not be subject to any higher penalty. All violators receiving a Notice of Violation have a right to a hearing and are provided a chance to inform the Department of mitigating circumstances, improvement measures they have taken, and financial hardship, all of which the Department considers before entering into a consent agreement.

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

March 17, 2023

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

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 692, H.D. 1 – RELATING TO PESTICIDES.

Chair Gabbard and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we oppose this bill.

As the Committee knows, the purpose of this bill is to increase the maximum fines. We have not heard any evidence or examples of where the current maximum fines were insufficient as a deterrent particularly as it relates to structural pest control operators. Every dollar out in fine money is money that cannot be reinvested into the business to make it run better, smoother or even legally. Taking \$10,000.00 out of your pocket or even under the worst of cases, \$35,000.00, is a heavy burden for a small independent operator to handle.

This is not to say that they should not suffer repercussions for violations however, there must be a balance between those actions and the financial repercussions. It must also be remembered that in wide variety of cases, a violation or administrative penalty assessed under

149A is also a violation under FIFRA and if severe enough EPA can also enter the picture and assess their fines and penalties. In the case of structural pest control operators, they are also licensed through the Department of Commerce and Consumer Affairs and RICO has the ability to assess monetary penalties and fines on top of that.

If there are examples where operators wrote a check for \$5,000.00 and turned around and committed the same offense, we would certainly like to know about it because maybe that would convince us that the fines do need to be raised. However, until that time we are opposed to this bill.

Thank you.



Senate Committee on Agriculture & Environment

Hawai'i Alliance for Progressive Action (HAPA) Supports: HB692 HD1

Friday, March 17th, 2023 1:05 p.m. Conference Room 224

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

HAPA supports HB692 HD1 to increase the maximum fines 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.

In 2016¹ and 2017², Syngenta failed to adhere to pesticide use instructions on Kaua'i exposing 77 farmworkers to the now banned neurotoxin, *chlorpyrifos*. This led to the hospitalization of ten farmworkers.

In 2019³, Monsanto/Bayer pleaded guilty to using an illegal banned pesticide, *PennCap-M*, on Maui and Moloka'i. This is linked to impaired neurological development, chronic fatigue syndrome, and Parkinson's disease.

Monsanto/Bayer pleaded guilty in 2022 to illegally using and storing agricultural chemicals in Hawaii. Monsanto was charged with **30 environmental crimes** after allowing workers to go into corn fields on Oahu in 2020 after a product named Forfeit 280 was sprayed. Federal law prohibits people from entering areas where the chemical is sprayed within six days of application.⁴

Too often pesticide violations are considered an acceptable "cost of doing business" by large multi-billion dollar industrial operations. We see this pattern of repeat violations in the violation records and it's clear that the same violators are repeatedly misusing pesticides outside of the law and label requirements.

¹<https://www.staradvertiser.com/2016/01/23/hawaii-news/kauai-farmworkers-hospitalized-after-being-exposed-to-pesticide/>

² <https://www.civilbeat.org/2018/02/epa-settles-syngenta-pesticide-claim-for-pennies-on-the-dollar/>

³<https://www.earthisland.org/journal/index.php/articles/entry/monsanto-guilty-of-spraying-banned-pesticide-on-maui-fields/>

⁴ <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Increasing fines will help create a better deterrent for future violations. The agrochemical industry has repeatedly violated worker safety and endangered residents living adjacent to their operations.

This bill is an important step towards better protecting our farmworkers, frontline communities and the environment from pesticide misuse.

Please support HB692 HD1.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director

HB-692-HD-1

Submitted on: 3/14/2023 5:40:40 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Colehour Bondera	Testifying for Kanalani Ohana Farm	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members:

As a long-time farmer, and someone who raised two children on our small diversified farm in South Kona, my agricultural experiences shows that HB692 is ready to be made into law. Rules are not followed by members of the farming community unless the cause and effect are clear. Cost-benefit considerations are made by many unconsciously, and if dollars are minimal and health and environmental expenses are not directly incurred, then overall it may not be deemed likely to have to pay much for potential benefits.

So we must support HB692 and we must protect Hawaii with the fines.

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

Hawaii's current fine threshold does not create a sense of urgency to change behavior and stop repeat violations. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a "cost of doing business", rather than a deterrent.

Improper and illegal use of pesticides 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 while taking a toll on human health and quality of life. Despite the risk of unintended impacts, pesticide misuse has, and continues to occur within Hawai'i.

Recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O'ahu. This is on the heels of violations on Maui and Moloka'i.

Thank you for your consideration and support.

Colehour Bondera

KANALANI OHANA FARM

colemel2@gmail.com



Food+ Policy Internship 2023

food@purplemaia.org

March 15, 2023

To: Chair Gabbard, Vice Chair Richards, and the Senate Committee on Agriculture and the Environment

Subject: **HB692**, Relating to pesticides

Aloha mai kākou,

Food+ Policy supports HB692, which *increases administrative and criminal penalties for individuals who violate the Hawaii pesticides law.*

The state's current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a "cost of doing business" rather than a deterrent.

Improper and illegal use of pesticides 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 the risks, pesticide misuse has, and continues to occur within Hawai'i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O'ahu. This is on the heels of additional violations on Maui and Moloka'i [[related link](#)].

We urge you to **SUPPORT HB692**.

Mahalo,
Kelsey Amos & the Food+ Policy Team
[#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 2023, the cohort of interns are undergraduate 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.



Environmental Caucus of
The Democratic Party of Hawai'i

Agriculture & Food Security Committee

Friday, March 17, 2023, 1:05 pm

Senate Committee on Agriculture and Environment

HOUSE BILL 692 – RELATING TO PESTICIDES

Position: Support

Me ke Aloha, Chair Gabbard, Vice-Chair Richards, and members of the Senate Committee on Agriculture and Environment:

HB692 increases administrative and criminal penalties for violators of the Hawai'i pesticides law.

The dangers and abuses of pesticides are well known. The Agriculture & Food Security Committee supports taking additional steps to incentivize more appropriate and thoughtful use of pesticides when they are viewed to be necessary, while noting that there are farming systems alternative roadside practices that compete without them.

However, we recognize a couple of underlying problems connected with proper use of pesticides. First, the Department of Agriculture is underfunded and understaffed, unable to have a guiding presence in the field. Irregular visits to verify actual use, training sessions to help non-English speaking workers understand proper use of chemicals, and the positive presence to encourage responsible use, are not possible, accommodating farm owners and roadside sprayers who assume however properly that these dangerous materials are being correctly applied, in the right conditions, and with respect to neighboring properties.

Second, prevalent crops using pesticides have been considered “experimental”, and if pesticides cannot be applied according to label because of this, the statutes should be revisited.

Mahalo for the opportunity to address this matter.

/s/ Charley Ice Acting Chair, Agriculture and Food Security Committee
Environmental Caucus of the Democratic Party



PO Box 1177 Koloa HI 96756
808.652.5286 hawaiiSEED.org

March 15, 2023

Hawai`i SEED strongly SUPPORTS HB692 HD1 – Increasing Fines for Pesticide Use Violations

Dear Chair Gabbard, Vice Chair Richards and Senate Committee of Agriculture and Environment,

Increasing administrative and criminal penalties for violators of illegal handling or misuse under the Hawai`i pesticides law would help enforcement. We support increasing monetary fines, as it may become a stronger deterrent to violators and help to protect public safety. The Department of Agriculture, residents, and the environment will all benefit from a higher element of pro-active enforcement.

There have been too many instances of environmental crimes, dangerous practices to the workers, and felonies relating to storage of pesticides so dangerous that they have been banned. Adherence to the environmental compliance program would be strengthened by increased fines for violators.

Many of these large users have repeatedly violated these laws. Some repeat violators have been caught multiple times going back two decades. The types of pesticides addressed in the intent of HB692 HD1 are highly regulated because of the serious health problems. Some of these dangers are expressed clearly by the manufacturers own safe handling recommendations. Exposing people to this is irresponsible and very serious.

It is the responsibility of all to ensure agrochemical companies are not endangering our workforce, nor threatening nearby communities and the adjacent eco-systems. We cannot stress enough that many violators are repeat offenders. Insufficient fines are not enough to deter these illegal actions that have been demonstrated and proven by court verdicts.

Mahalo nui loa for supporting bill HB692 HD1,

Jeri Di Pietro, President
Hawai`i SEED
Koloa, HI



HAWAII CROP IMPROVEMENT ASSOCIATION

HB692, HD1 – With Comments
Relating to Pesticides
Senate Committee on Agriculture & Environment

Date: Friday, March 17, 2023
Time: 1:05 PM
Place: Conference Room 224

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Committee:

The Hawaii Crop Improvement Association (HCIA) appreciates the opportunity to provide **comments on HB692, HD1**, which increases administrative and criminal penalties for individuals who violate the Hawaii pesticides law.

HCIA understands the intent behind this measure and supports the proper use of pesticides and the importance of following all state and federal laws and regulations. To this end, we believe that a more effective way to limit violations is through funding a pesticide education and training program that would help farmers better comply with all of the pesticide laws and regulations. As we look towards growing the next generation of future farmers, education and training new agriculture entrepreneurs will be important.

Mahalo for the opportunity to provide comments on this measure.

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.



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State President

Anabella Bruch
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Odysseus Yacalis
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Puna, Hawai'i

Andrea Drayer
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Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
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Kaiea Medeiros
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Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Senate Agriculture and Environment Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB692.**

HB692 Pesticides increases administrative and criminal penalties for violators of Hawaii's pesticides law, this bill is essential to ensuring that our farms remain healthy and safe for years to come.

The pesticide rules and regulations in place in Hawaii are necessary for protecting worker wellbeing and the health of our environment. If a farm is in violation of these regulations, HB692 increases the administrative and criminal penalties that can be assessed. This measure creates a deterrent effect, which will ultimately lead to more compliance from farms, having a direct and positive impact on our environment and public health. As a representative of the hardworking members of the Hawaii Farmers Union United, I strongly encourage you to support this bill.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



HB 692, HD1, RELATING TO PESTICIDES

MARCH 17, 2023 · SENATE AGRICULTURE AND ENVIRONMENT COMMITTEE · CHAIR SEN. MIKE GABBARD

POSITION: Support.

RATIONALE: Imua Alliance supports HB 692, HD1, relating to pesticides, which increases administrative and criminal penalties for violators of the Hawai'i pesticides law.

In the debate about regulating local agriculture, there is one thing that everyone should agree to condemn: causing harm to other people. Unfortunately, Hawai'i's pesticide code allows chemical abuse to go unchecked. Today, the State Department of Agriculture must warn pesticide abusers before investigating potential legal violations. A farm that fails to take caution when using harmful chemicals, then, may suffer no consequences for its actions, since the warning gives owners time to hide evidence of their crimes. Even when caught, chemical lawbreakers face minimal criminal penalties and paltry fines for their reckless behavior.

In the islands, pesticide abuse poses major health risks. According to an investigation conducted by the *Cascadia Times*, pesticide application by four large agrichemical companies on Kaua'i—Syngenta, BASF Plant Science, DuPont Pioneer, and Dow AgroSciences—is ten times the national average. In their report, *Cascadia* found that a number of restricted use pesticides were overused, including chlorpyrifos, atrazine, and paraquat. A study published in the medical journal *The Lancet Neurology*, in March of 2014, found that the neurotoxin chlorpyrifos led to developmental disabilities in children. Similarly, atrazine and paraquat are banned in the European Union.

Atrazine is known to contaminate groundwater supplies, while paraquat has been linked to the onset of Parkinson's disease. Yet, both herbicides remain widely popular in the United States, where the Environmental Protection Agency prematurely declared with “reasonable certainty” that neither carry a significant risk of harm.

To protect against pesticide drift impacting sensitive educational areas and making children ill—as happened in 2007 at Kahuku High and Intermediate, in which a dozen students fell ill when a nearby sod farmer ignored windy weather while applying pesticides, and in 2008 in Waimea on Kaua'i, where dozens of students got sick after farmers applied pesticide on a nearby seed corn plot—it is incumbent upon lawmakers to prevent pesticide abuse, including harmful pesticide drift (a particularly acute concern for Hawai'i's schools, given our frequently gusting trade winds).

Accordingly, it is essential that increase penalties for those who disregard pesticide regulations. Recent reports have found that **over 215,000 pounds of restricted use pesticides were released across central O'ahu and the North Shore in 2019**, according to the Hawai'i Alliance for Progressive Action. The research is clear and the verdict is in: there is no excuse for failing to fully protect public health from the dangerous effects of chemical carcinogens.

In 2018, elected officials passed SB 3095, banning chlorpyrifos and establishing increased disclosure requirements for pesticide applications. It is imperative that political leaders stand up for safety again during this year's legislative session, especially given recent court rulings against agrochemical companies that have demonstrated the link between restricted use pesticides and terminal illness. If you wait, our children will breathe in the fallout for generations to come.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

HB-692-HD-1

Submitted on: 3/16/2023 12:42:08 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary Hooser	Testifying for Pono Hawaii Initiative	Support	Written Testimony Only

Comments:

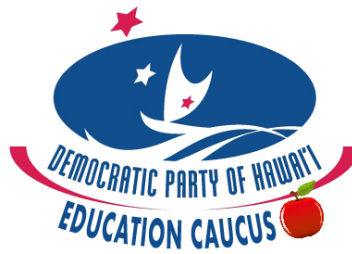
Aloha Committee Chair and Members,

Please accept this testimony in strong support of HB692 HD1.

The data is clear. The intensive use of pesticides on every island is at a level where chronic exposure in communities that border the areas of highest use - risk very real negative health impacts.

Increasing penalties for illegal, inappropriate, and unhealthy, application of these toxic substances is a small but important step in protecting the health of Hawaii residents.

Gary Hooser - Executive Director - Pono Hawaii Initiative



HOUSE BILL 692, HD1, RELATING TO PESTICIDES

MARCH 17, 2023 · SENATE AGRICULTURE AND ENVIRONMENT COMMITTEE · CHAIR SEN. MIKE GABBARD

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports HB 692, HD1, relating to pesticides, which increases administrative and criminal penalties for violators of the Hawai'i pesticides law.

In the debate about regulating local agriculture, there is one thing that everyone should agree to condemn: causing harm to other people. Unfortunately, Hawai'i's pesticide code allows chemical abuse to go unchecked. Today, the State Department of Agriculture must warn pesticide abusers before investigating potential legal violations. A farm that fails to take caution when using harmful chemicals, then, may suffer no consequences for its actions, since the warning gives owners time to hide evidence of their crimes. Even when caught, chemical lawbreakers face minimal criminal penalties and paltry fines for their reckless behavior.

In the islands, pesticide abuse poses major health risks. According to an investigation conducted by the *Cascadia Times*, pesticide application by four large agrichemical companies on Kaua'i—Syngenta, BASF Plant Science, DuPont Pioneer, and Dow AgroSciences—is ten times the national average. In their report, *Cascadia* found that a number of restricted use pesticides were overused,

including chlorpyrifos, atrazine, and paraquat. A study published in the medical journal *The Lancet Neurology*, in March of 2014, found that the neurotoxin chlorpyrifos led to developmental disabilities in children. Similarly, atrazine and paraquat are banned in the European Union. Atrazine is known to contaminate groundwater supplies, while paraquat has been linked to the onset of Parkinson's disease. Yet, both herbicides remain widely popular in the United States, where the Environmental Protection Agency prematurely declared with “reasonable certainty” that neither carry a significant risk of harm.

To protect against pesticide drift impacting sensitive educational areas and making children ill—as happened in 2007 at Kahuku High and Intermediate, in which a dozen students fell ill when a nearby sod farmer ignored windy weather while applying pesticides, and in 2008 in Waimea on Kaua'i, where dozens of students got sick after farmers applied pesticide on a nearby seed corn plot—it is incumbent upon lawmakers to prevent pesticide abuse, including harmful pesticide drift (a particularly acute concern for Hawai'i's schools, given our frequently gusting trade winds).

Accordingly, it is essential that increase penalties for those who disregard pesticide regulations. Recent reports have found that **over 215,000 pounds of restricted use pesticides were released across central O'ahu and the North Shore in 2019**, according to the Hawai'i Alliance for Progressive Action. The research is clear and the verdict is in: there is no excuse for failing to fully protect public health from the dangerous effects of chemical carcinogens.

In 2018, elected officials passed SB 3095, banning chlorpyrifos and establishing increased disclosure requirements for pesticide applications. It is imperative that political leaders stand up for safety again during this year's legislative session, especially given recent court rulings against agrochemical companies that have demonstrated the link between restricted use pesticides and terminal illness. If you wait, our children will breathe in the fallout for generations to come.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



Environmental Caucus of
The Democratic Party of Hawai'i

To: The Honorable Mike Gabbard, Chair
The Honorable Herbert M. "Tim" Richards, III, Vice Chair
Members of the Committee on Agriculture and Environment

Re: **HB 692, HD 1– RELATING TO PESTICIDES**
Hearing: Friday, March 17, 2023, 1:05 p.m., Conference Room 224 and via videoconference
Position: **Strong Support**

Aloha, Chair Gabbard, Vice Chair Richards and Members of the Committee on Agriculture and Environment:

The Environmental Caucus of the Democratic Party of Hawai'i and its 7,500 voting members stand in strong support of HB 692, HD1. This measure would increase administrative and criminal penalties for violators of the Hawaii pesticides law.

As provided in the Democratic Party of Hawai'i Platform adopted at the DPH State Convention on May 28, 2022, our policy is to "protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine of [Article XI, Section 1 of the] Hawai'i State Constitution."

Increasing administrative and criminal penalties for violators of the Hawaii pesticides law is consistent with the Public Trust Doctrine and the policies of the Democratic Party of Hawaii as all people have the right to live in a clean, healthy and safe environment. The preservation of our natural environment and its ecological well-being through prohibitions and high penalties for the illegal use of certain pesticides is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i.

Please pass this measure.

/s/ Melodie Aduja and Alan Burdick
Co-Chairs, DPH Environmental Caucus

HB-692-HD-1

Submitted on: 3/14/2023 2:10:35 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Davlantes	Individual	Support	Written Testimony Only

Comments:

I support this bill. Penalties need to be sufficient to act as a deterrent.

HB-692-HD-1

Submitted on: 3/14/2023 5:15:59 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

Hello,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides 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 the risks, pesticide misuse has, and continues to occur within Hawai‘i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

me ke aloha ‘āina,

Nanea Lo, Mō‘ili‘ili

HB-692-HD-1

Submitted on: 3/14/2023 5:19:42 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

Aloha. Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides 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 the risks, pesticide misuse has, and continues to occur within Hawai‘i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1. Thank you.

HB-692-HD-1

Submitted on: 3/14/2023 5:23:22 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

Support. Also I did email all senators in this committee a list of Repeat Offenders of Pesticide Violations. Also a list of Repeat Offender of Termite Fumigation Violations.

Mahalo,

Klayton Kubo

Waimea, Kaua'i

HB-692-HD-1

Submitted on: 3/14/2023 5:28:21 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
pamela burrell	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives,

I am happy this bill is still alive! I strongly support HB692,

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Please protect our local farmers, citizens and the environment.

Regards,

pamela burrell, Kalihiwai, Kaua'i

HB-692-HD-1

Submitted on: 3/14/2023 6:52:07 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides 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 the risks, pesticide misuse has, and continues to occur within Hawai‘i.

Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Shay Chan Hodges

Maui, HI 96708

HB-692-HD-1

Submitted on: 3/14/2023 7:40:56 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahao nui,

Cards Pintor

HB-692-HD-1

Submitted on: 3/14/2023 8:45:33 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

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Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-692-HD-1

Submitted on: 3/14/2023 8:58:06 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

Please support this bill and stop criminal companies from poisoning us with impunity.

Mahalo,

Dennis O'Shea

Maui

HB-692-HD-1

Submitted on: 3/14/2023 10:15:03 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Support	Written Testimony Only

Comments:

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species leading to short and long-term contamination of the state’s soil, air, and water and taking a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i.

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Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Samuel Mitchell Makiki NB-10 & Leg. V.P. of NARFE Hawaii

HB-692-HD-1

Submitted on: 3/14/2023 10:36:46 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
j Williams	Individual	Support	Written Testimony Only

Comments:

Large corporations LIKE MONSANTO have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment. I honestly from the HEART believe most of Kauai is a Chemical Dump though even in this day and time many refuses to get it, some people want to laugh at that kind of comment their heads are so thick with I can be lazy by using Roundup it just kills everything! And they are right it does have capability to Kill everything your pets, children ,grandchildren and yes YOU.Please get Extremely tough with these people because up to now they have had it very good and easy in Hawaii! Thank you

HB-692-HD-1

Submitted on: 3/14/2023 10:42:43 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
mikyla nakila	Individual	Support	Written Testimony Only

Comments:

Support of HB692

I live in Hilo and am in support of this bill because I believe more action needs to be taken against violations of pesticide usage. I believe we need to take this issue more seriously because many companies know the risk regarding pesticides and intentionally continue to put communities at risk and threaten ecosystems.

HB-692-HD-1

Submitted on: 3/15/2023 12:57:43 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

With the health impacts of these toxics these products should be banned altogether. Short of banning all pesticides, please support this important bill. Mahalo.

HB-692-HD-1

Submitted on: 3/15/2023 5:51:44 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruth Lewis	Individual	Support	Written Testimony Only

Comments:

Current fines for pesticide infractions are mere slaps on the hands of these corporations. Increase fines for these environmental transgressions!

Ruth Lewis

Kalaheo 96741

HB-692-HD-1

Submitted on: 3/15/2023 7:17:34 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

I think the average farmer will do the right thing but the large corporations seem to defy laws since they can afford to pay their way out of their misbehavior. Everyone should obey the law and if not, penalties for the good of all should be fitting.

HB-692-HD-1

Submitted on: 3/15/2023 9:21:43 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith A. Smith	Testifying for Expert Exterminators, Inc.	Oppose	Written Testimony Only

Comments:

Expert Exterminators is a small residential/commercial pest control company that is opposed to increasing DOA fines from \$1000 per day to \$5000 per day for non serious violations and from \$25,000 to \$35,000 for serious violations. This increase is arbitrary, punitive and does not take into consideration the differences in the size of the businesses and their ability to pay. It also fails to recognize the current business climate in Hawaii where our costs for labor and materials continually increase and our ability to raise prices is limited by our customers ability to pay. This bill needs to be voted down and sent back to conference for further review. Mahalo

HB-692-HD-1

Submitted on: 3/15/2023 9:28:31 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosemarie Patronette	Individual	Support	Written Testimony Only

Comments:

Since living in Hawaii for 15 years, I've suffered from cancer twice, and I firmly believe it is related to the unrelenting use of pesticides which are known carcinogens. this is a very important issue, please kokua

HB-692-HD-1

Submitted on: 3/15/2023 9:30:44 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Ho	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair and Members of the Committee on Agriculture and Environment! As a longtime supporter of workers' rights and safety concerns, I urge you to vote for HB692.

The increase in fines for companies which knowingly violate pesticide laws will protect the health of workers, the surrounding community, and the generations which will inherit any toxic residues in the ground.

Sincerely,

Cheryl Ho, Nu'uaniu

HB-692-HD-1

Submitted on: 3/15/2023 10:00:33 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Talia Smith	Individual	Oppose	Written Testimony Only

Comments:

I,Talia Smith, supporter of small businesses OPPOSE this bill. Seems like you are doing this to catch big fish while small businesses could most likley go bankrupt. That is not the kind of bill we as members from the communities that elected you to pass.

HB-692-HD-1

Submitted on: 3/15/2023 1:38:47 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Teresa Landreau	Individual	Support	Written Testimony Only

Comments:

Dear Legislators:

Please support HB 692 HD1

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent.

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Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Teresa Landreau

95-129 Ikawelani Place

Mililani Town

HB-692-HD-1

Submitted on: 3/15/2023 2:10:20 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

Dear Representatives,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment.

The state's current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a "cost of doing business" rather than a deterrent.

Improper and illegal use of pesticides 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 the risks, pesticide misuse has, and continues to occur within Hawai'i.

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Related coverage: <https://www.hawaiinewsnow.com/2022/01/07/monsanto-pleads-guilty-pesticide-related-crimes-hawaii/>

Please support HB692 HD1.

Thank you for your consideration,

Susan Stayton, Lawai, Kauai

HB-692-HD-1

Submitted on: 3/15/2023 3:55:20 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

Support

Chair Mike Gabbard
Vice Chair Tim Richards

Senate Committee on Agriculture & Environment

Friday, March 17, 2023
1:05 PM

TESTIMONY IN SUPPORT OF HB692 HD1 RELATING TO PESTICIDES

Aloha Chair Gabbard, Vice Chair Richards, Members of the Senate Committee on Agriculture & Environment,

My name is Jun Shin. I am a recent graduate of the University of Hawai'i at Mānoa, a labor activist, and member of the Hawai'i State Youth Commission. I am testifying as an individual in **SUPPORT** of **HB692 HD1**, Relating to Pesticides.

For a long time now, multinational, uber wealthy corporations like Monsanto/Bayer have been misusing pesticides in O'ahu, Maui, and Moloka'i. They have been threatening the health of farm workers, including the last of the union agricultural workers in Hawai'i, their families, and neighboring communities. This includes kūpuna (or their descendants) who worked in the plantations and through organizing with the International Longshore & Warehouse Union (ILWU), fought for better working conditions and safety in the fields. You as decision makers must honor their struggle and fight harder to make even further gains. People's lives are at stake here! Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O'ahu. This is on the heels of additional violations on Maui and Moloka'i.

The state's current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. This is not enough to stop multi-billion dollar polluters from misusing pesticides, they can and have used their tremendous resources to just pay the fines and carry on with business as usual. You must increase the penalties as high as possible so that it will no longer be profitable to hurt our communities, our soil, our air, and our water. Please **PASS House Bill 692 HD1** out of your committee and hold corporate polluters accountable for harming our people and our land.

Mahalo for the opportunity to testify,

Jun Shin,
State House District 23 | State Senate District 12
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

HB-692-HD-1

Submitted on: 3/15/2023 10:22:42 PM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Enforcement of the Hawaii pesticides law, including timely and routine inspections and compliance investigations of potential misuse of pesticides, is crucial to protecting public health and ensuring public confidence in the state's oversight of pesticide use.

To protect the state's residents and environment, and ensure more stringent enforcement of the Hawaii pesticides law, it is appropriate for the state to increase monetary fines for pesticide violations from their current levels. Please support this bill.

HB-692-HD-1

Submitted on: 3/16/2023 7:23:56 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.

HB-692-HD-1

Submitted on: 3/16/2023 7:42:00 AM

Testimony for AEN on 3/17/2023 1:05:00 PM

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

Comments:

Support