

SB-1010

Submitted on: 2/6/2023 7:25:22 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Testimony submitted by the Department of Agriculture. Will be available for comments via Zoom.

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

FEBRUARY 8, 2023
1:00 P.M.
ROOM 224 AND VIDEOCONFERENCE

SENATE BILL NO. 1010
RELATING TO PESTICIDES

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 1010 relating to Pesticides. The bill amends Section 149A-2, Hawaii Revised Statutes by adding a new definition; "Malathion" means an organophosphate insecticide.", and amending the definition of "restricted use pesticide" (RUP) to read (2) Malathion. The Department has comments on this bill.

Although Malathion is an organophosphate insecticide, it should not be defined as such. Organophosphates are a class of chemicals that encompass many active ingredients and hundreds of licensed pesticide products. If the intent of this bill is to reduce the potential effects of human health from organophosphates the bill should follow the form of Senate Bill 1009 and restrict the entire class of chemicals rather than one specific active ingredient.

As noted in Section 1 of SB1010, other states regulate concentrated forms of Malathion but there is not a specific concentration provided in the amendment to the Statute. A review of other state's RUP lists notes the minimum concentration for RUP

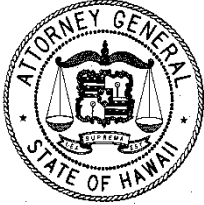


listing is greater than 50%. Currently, 6 of the 11 products licensed with the Department have concentrations of Malathion greater than 50%.

Notification to both brick and mortar and online retailers would need to be provided to ensure all products containing Malathion as their active ingredient are not sold to the public. Extensive efforts have been taken to notify retailers of recent changes to Hawaii Pesticide Laws which occurred in 2019 with over 200 retail locations being either inspected or provided consultative services since the laws went into effect. A similar, if not greater effort would be required by the Pesticides Branch to provide ample notice to all distributors of these products. In addition, if those retailers choose to continue to distribute those products, they will need to become licensed RUP dealers and would need to comply with Hawaii's RUP Dealer recordkeeping requirements.

Should this measure move forward, the Department will request revisions and additional staff to complete the tasks resulting from amendments to Section 149A-2.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:
S.B. NO. 1010, RELATING TO PESTICIDES.

BEFORE THE:
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

DATE: Wednesday, February 8, 2023 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jennifer D. Waihee-Polk or Bryan C. Yee, Deputy Attorneys
General

Chair Gabbard and Members of the Committee:

The Department of the Attorney General offers the following comments on this bill.

The purpose of this bill is to amend the definition of "restricted use pesticide" to include malathion. The bill provides a definition of malathion as follows: "'Malathion' means an organophosphate insecticide." As currently defined, malathion appears to include all of the organophosphate insecticides, not just malathion.

To avoid classifying all organophosphate insecticides as restricted use pesticides, you may wish to delete lines 10-12 on page 2 (i.e., the definition of malathion). Malathion is the actual name of the active ingredient at issue and does not require a definition to identify it.

Thank you for the opportunity to provide these comments.



To: Members of the Senate Committee on Agriculture and Environment

From: Jon Gaeta, Responsible Industry for a Sound Environment

Date: February 8, 2023

RE: *SB 1010; Relating to Pesticides*

Chair Gabbard, Vice Chair Richards, and distinguished members of the Senate Committee on Agriculture and Environment:

Thank you for the opportunity to submit written testimony about SB 1010, which would reclassify malathion as a state restricted use pesticide. We respectfully oppose this legislation and request an unfavorable vote.

Malathion is currently registered for a variety of use patterns and has applications for home and garden pest control and for mosquito control in addition to agriculture. First introduced in 1956, malathion has a long history of safe and effective use. When used according to label instructions, malathion has a relatively low mammalian toxicity and it is one of the few products registered with the Environmental Protection Agency (EPA) to control mosquitoes that spread diseases such as Zika, chikungunya, and West Nile virus. It is imperative that these products remain accessible to not just professional applicators but to all residents of Hawai'i.

Pesticides in Hawai'i are regulated at both the State and Federal level. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) governs pesticide regulation to protect applicators, consumers, and the environment. FIFRA enforcement is focused on the sale, distribution, and use of pesticides. Before a pesticide may be sold in the US it must be registered with the EPA. Malathion insecticides have been registered by the EPA due to their favorable environmental profile and their low risk to human health.

Hawai'i residents need access to affordable, DIY malathion products to protect their ornamental, fruit, and vegetable plants. Left untreated these plants can be invaded by pests such as aphids, red spider mites, mealybugs, thrips, scales, whiteflies and others. While most homeowners rely on malathion-based products to protect their plants others purchase malathion-based products to control mosquitoes on their property.

Hawaii's tropical climate creates a year-round mosquito season. Hawai'i has Aedes mosquitoes that are capable of transmitting diseases such as dengue, chikungunya, and the Zika virus. Controlling adult mosquitoes that have the potential to spread disease should not be limited to those with the means to hire professional pest control operators.

Instead of restricting malathion, we ask the committee to support initiatives to promote safe and effective use of pesticides. Additionally, we ask the committee to consider community driven

solutions which promote Integrated Pest Management (IPM). Limiting the tools in the toolbox for residents in Hawai'i will undoubtedly ensure unintended consequences in future battles to control dangerous pests.

Thank you for consideration and for the opportunity to share our perspective on the necessity of safe and effective use of malathion. We ask the committee for an unfavorable vote on SB 1010.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Gaeta". The signature is fluid and cursive, with a large initial "J" and "G".

Jon Gaeta
Director, State Affairs
RISE (Responsible Industry for a Sound Environment)
JGaeta@pestfacts.org 202-695-5725

RISE (Responsible Industry for a Sound Environment) is the national trade association representing manufacturers, formulators, distributors and other industry leaders engaged with specialty pesticides and fertilizers used by professionals and consumers.



Testimony from Scott Dahlman, CropLife America

In Opposition to SB 1010 – Relating to Pesticides

Senate Committee on Agriculture and Environment

Wednesday, Feb 8, 1 pm, Room 224

Aloha Chair Gabbard, Senator Richards, and members of the committee,

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 opposition to SB 1010.

Farmers use an integrated approach to pest management (IPM) which allows them to reduce reliance on pesticides, using them only when and where necessary and in the smallest amounts possible. While malathion is used by farmers on a wide variety of food and feed crops to control many types of insects such as aphids, leafhoppers, and Japanese beetles, many consumers use it in vegetable gardens, fruit trees and ornamentals. According to the Environmental Protection Agency (EPA), it is also part of an overall strategy to control adult mosquitos which reduces the number of mosquitoes that can be carrying diseases like Zika virus, West Nile Virus, and dengue.

As always, CLA promotes the responsible use of pesticides which is key to reducing risk to the environments and ensuring the health of the public. But elevating malathion to restricted use pesticide level reduces availability in the fight against mosquito born virus'. The unintended consequence is that consumers, farmers and other professionals who rely on these products lose an important tool to keep their families and properties safe from pests and disease.

Representing the Crop Protection Industry

4201 Wilson Boulevard, Suite 700 Arlington, VA 22203 • 202.296.1585 phone 202.463.0474 fax www.croplifeamerica.org

SB-1010

Submitted on: 2/6/2023 3:34:56 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maureen Datta	Testifying for Adaptations Inc	Support	Written Testimony Only

Comments:

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

- Malathion is an insecticide; products containing malathion are used outdoors to control a wide variety of insects in agricultural settings and around people's homes and have been used in public health mosquito control and fruit fly eradication programs.
- Insecticides, like malathion, are neurotoxic inhibitors that cause the buildup of acetylcholine (AChE), leading to uncontrolled rapid twitching of some muscles, paralyzed breathing, convulsions, and, in extreme cases, death.
- This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

SB-1010

Submitted on: 2/6/2023 4:41:56 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Redfeather	Testifying for Ka Ohana O Na Pua	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration

Nancy Redfeather



February 6, 2023

The Honorable Senator Mike Gabbard
Chair, Senate Committee on Agriculture and Environment

RE: SB 1010, Relating to Malathion (OPPOSE)

Dear Chair Gabbard:

On behalf of the Western Plant Health Association (WPH), I am writing to express our **opposition** to HB 1010, which would reclassify malathion as a Restricted Use Product (RUP). WPHA represents the interests of fertilizer and pesticide manufacturers, agricultural biotechnology providers, and agricultural retailers in Hawaii, California, and Arizona.

WPH believes a requirement that further restricts the availability of malathion is unwarranted. Malathion is not classified by the U.S. EPA as a RUP. We have reviewed product registrations in all other states where malathion is registered and it is also not classified as a RUP in any of these states.

Malathion is part of an Integrated Pest Management (IPM) “Toolbox.” For farmers or municipalities to effectively utilize IPM systems they need the widest range of tools available. Malathion is effective for the control of urban insects including ants, bed bugs, cockroaches, and lice. Restricting the use of this safe product will reduce the ability of disadvantaged families or communities from protecting their homes or emerging businesses from pests.

Hawaii is subject to constant invasions by new plants and insect pests. A new pest arrives approximately every 18 days, placing Hawaiian agriculture at great risk. The impact of invasive species can be in the multi-billion-dollar range and the cost of controlling them was estimated in the hundreds of millions of dollars.

WPH takes very seriously accidents that occur involving a pesticide product and share the concerns surrounding the incident involving malathion. However, it appears this incident was a singular event, and a better response may be to educate the public on the correct handling and storage of pesticide products.

WPHA must **oppose SB 1010** because we believe it will place Hawaii’s agriculture and cities under even greater pest and disease risks. Farmers and the public should have access to these safe tools to control pests without incurring unnecessary additional costs that classifying malathion as a RUP will bring. We fear the result of a program that restricts and drives up the

cost of these needed products to residents will mean as so often happens, that only the more affluent members of the population will be able to afford the safe control of pests. Those who can't afford the added cost of this bill will be left with less control tools, more pests, and their homes, farms, and families at risk. We ask that instead of considering reclassifying what is considered by US-EPA and states to be a safe general use pesticide, that the author and legislature provide the Hawaii Department of Agriculture funding to conduct education outreach with the public to assure the safe handling of all pesticide products. We thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Pinel", written in a cursive style.

Renee Pinel
President/CEO

Committee on Agriculture & Environment
Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair

SB 1010
Relating to Pesticides

Wednesday, February 8, 2023, 1:00PM
Conference Room 224

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

I am writing to express strong opposition to SB 1010, which would reclassify malathion as a restricted use product, "RUP." It is important to note that the malathion is not classified by the US EPA as an RUP. In all of the 49 states, this pesticide is not registered as an RUP. Farmers in the public should have access to this safe tool to control pests without incurring unnecessary additional costs that classifying malathion will bring.

Thank you for the opportunity to testify on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Enright". The signature is stylized and cursive.

Scott Enright



Food+ Policy Internship 2023

food@purplemaia.org

February 7, 2023

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

Subject: **SB 1010**, RELATING TO PESTICIDES

Aloha mai kākou,

My name is Kahealani Acosta, and I advocate **IN SUPPORT of SB1010**.

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division. This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species. *Malathion works by attacking the nervous system*; it is essentially a nerve poison. Unregulated it threatens not only public health but the health of the environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds. Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide. As a farmer and advocate for 'ai pono and improving Hawai'i's local food systems, I urge the Senate committee on Agriculture and Environment to **SUPPORT SB1010**.

Mahalo for your consideration,
Kahealani Acosta & 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.

SB-1010

Submitted on: 2/7/2023 9:18:49 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christian Zuckerman	Testifying for Kuwale Ridge Farms	Support	Written Testimony Only

Comments:

I am in support of SB 1010. Malathion needs to be listed as a restricted pesticide to limit its use so that it is being properly applied. Without this designation, it allows for anyone to use it even if they have not been trained in appropriate PPE for handling and application.



Senate Committee on Agriculture and Environment

Hawai'i Alliance for Progressive Action (HAPA) Supports: SB1010

Wednesday, February 8th, 2023 1:00 p.m. Conference Room 224

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

HAPA supports SB1010 amending the definition of "Restricted Use Pesticide" to include Malathion.

Malathion is an insecticide in the chemical family known as organophosphates. Products containing malathion are used outdoors to control a wide variety of insects in agricultural settings and around people's homes and have been used in public health mosquito control and fruit fly eradication programs.¹

Organophosphate insecticides, like malathion, are neurotoxic cholinesterase inhibitors that cause the buildup of acetylcholine (AChE), leading to uncontrolled rapid twitching of some muscles, paralyzed breathing, convulsions, and, in extreme cases, death. They have also been linked to developmental delays, impaired cognitive development, and a host of learning/behavioral problems in young children.^{42,43} Despite numerous organophosphate poisonings of farmworkers, homeowners, and children, EPA has allowed the continued registration of many of these products², which is why the State must step in to better protect our people and environment.

People who were exposed to enough malathion to become sick felt nauseated or vomited, had muscle tremors, cramps, weakness, shortness of breath, a slowed heart rate, headache, abdominal pain and diarrhea.³

In both humans and animals, malathion travels to the liver and kidneys and affects the nervous system. Generally, the body can break down malathion and remove it quickly. Studies in rats showed that most malathion was gone from their bodies within a day of exposure.

This chemical has impacted local communities, is a threat to human and environmental health.⁴ It has been linked to birth defects, a wide range of cancers, and other health problems in

1

<http://npic.orst.edu/factsheets/malagen.html#:~:text=Malathion%20is%20an%20insecticide%20in,and%20fruit%20fly%20eradication%20programs.>

2 <https://www.beyondpesticides.org/assets/media/documents/pesticides/factsheets/Malathion.pdf>

3

<http://npic.orst.edu/factsheets/malagen.html#:~:text=Malathion%20is%20an%20insecticide%20in,and%20fruit%20fly%20eradication%20programs.>

4

<http://npic.orst.edu/factsheets/malagen.html#:~:text=Malathion%20is%20an%20insecticide%20in,and%20fruit%20fly%20eradication%20programs.>

The Hawai'i Alliance for Progressive Action (HAPA) is a public non-profit organization under Section 501(c)(3) of the Internal Revenue Code. HAPA's mission is to catalyze community empowerment and systemic change towards valuing 'aina (environment) and people ahead of corporate profit.



humans and non-target wildlife species.⁵ The United States Environmental Protection Agency (U.S. EPA) has determined that there is "suggestive evidence of carcinogenicity".⁶

Malathion is known to be highly toxic to aquatic larvae of non-target insects along with a range of mortality for non-target insects and spiders. Malathion is highly toxic to honey bees. Residues on plants and other surfaces indirectly expose bees to malathion, which is also systemically absorbed by plants, translocating throughout the plant and into pollen and nectar, further exposing foraging bees. Bees carrying contaminated pollen back to the hive unwittingly expose the entire colony to malathion residues. Honey bees, pollen, wax and honey have all been found to be contaminated with malathion residues. It has a wide range of toxicities in fish, ranging from very highly toxic in the walleye and the brown trout to moderately toxic in fathead minnows. According to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.⁷

Malathion's toxicity is increased by its break-down products and contaminating chemicals. For instance, as malathion reacts and breaks down within an organism or in sunlight, one of the chemicals released is malaoxon. Malaoxon is 40 times more toxic than malathion, and is the primary source of malathion's toxicity. In addition, there are 11 chemicals that are created in the malathion production process which can often be found in malathion products for purchase. These side chemicals may not only work in concert with malathion to increase its toxicity, but they can inhibit enzymatic systems in the liver that actually function to detoxify some of these extra 11 contaminants."⁸

We request that Malathion and similar concentrated chemicals be moved from "General Use" as they are listed now, to "State Restricted Use" by the Hawaii Department of Health, and the Hawaii Department of Agriculture Pesticides Division.

Malathion should be regulated as a Restricted Use Pesticide on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', is written over a light blue horizontal line.

Anne Frederick
Executive Director

⁵ <https://www.sierraclub.ca/national/programs/health-environment/pesticides/malathion-fact-sheet.shtml>

⁶

<http://npic.orst.edu/factsheets/malagen.html#:~:text=Malathion%20is%20an%20insecticide%20in,and%20fruit%20fly%20eradication%20programs>.

⁷ <https://www.beyondpesticides.org/assets/media/documents/pesticides/factsheets/Malathion.pdf>

⁸ <https://www.sierraclub.ca/national/programs/health-environment/pesticides/malathion-fact-sheet.shtml>

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Christian Zuckerman
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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 SB1010.**

As members of the Hawaii Farmers Union United, we are fully in support of this bill as malathion is one of the most dangerous chemicals currently in regular use by conventional farmers. In its current form, the EPA's risk mitigation measures are inadequate to protect the health of farmworkers and neighboring communities from the potential dangers of malathion.

In addition to its safety concerns to humans, malathion is highly toxic to beneficial insects, birds, and aquatic life. If this bill is passed, it will impose much stricter regulations on the sale, application, and use of malathion, significantly cutting down on the amount of this dangerous chemical that is released into the environment. By making malathion a restricted use pesticide, we can limit the usage allowed and increase the safety of our workers, our communities, and of our land and waters. Please join us in showing your support for this important bill.

Mahalo for the opportunity to testify.

Kaipō Kekona, President HFUU/HFUF



Environmental Caucus of The Democratic Party of Hawai'i

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

Re: **SB 1010 – RELATING TO PESTICIDES**

Hearing: Wednesday, February 8, 2023, 1:00 p.m., Conference 224, 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 stands in strong support of SB 1010. This measure amends the definition of "restricted use pesticide" to include malathion.

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."

SB 1010 would add malathion to the list of restricted use pesticides. Malathion is commonly used to control mosquitoes and fruit flies and can affect the human nervous system and organ function, according to the [Centers for Disease Control and Prevention](#). The chemical [sickened children and adults](#) after a spill near a Pearl City school more than a decade ago.

Amending the definition of "restricted use pesticide" to include malathion is consistent with the Public Trust Doctrine and the policies of the Democratic Party of Hawaii as pesticides continue to threaten a healthy climate for humans and the environment. By restricting malathion, this threat would be diminished.

Mahalo for this opportunity to testify.

/s/ Melodie Aduja and Alan Burdick,
Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

SB-1010

Submitted on: 2/7/2023 12:33:25 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nathaniel Myers	Testifying for Waihunahuna Foundation	Support	Written Testimony Only

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Nathan Myers

Director, Waihunahuna Foundation

Kilauea, HI



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 8, 2023

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 1010
RELATING TO PESTICIDES

Conference Room 224 & Videoconference
1:00 PM

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

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

The Hawai'i Farm Bureau respectfully offers the following comments on SB 1010 which would usurp the expertise and rigorous evidence-based decision-making process of the Environmental Protection Agency (EPA) **and** the Pesticide Branch of the Hawai'i Department of Agriculture (HDOA) to determine if, how, and when farmers' tools to protect their crops from destruction may be used.

HFB has no objection to reclassifying pesticides as restricted use (RUP) based on science and evidence; however, we believe that the appropriate entities and vetting processes to determine the RUP classification which will limit availability and use, already exist and should be used. HDOA is the appropriate body to determine whether a pesticide should be classified as a RUP in Hawai'i.

Pesticide use is strictly regulated by the federal and state governments

- EPA requires extensive scientific data on the potential health and environmental effects of every pesticide before allowing it to be sold or used in the United States. EPA evaluates and periodically re-evaluates the data and ensures that the label translates the results of those evaluations into a set of conditions, directions, and precautions that define who may use a pesticide, as well as where, how, how much, and how often it may be used. Those conditions are all legally enforceable. HDOA educates pesticide users, requires training and licenses before allowing RUP use, requires extensive recordkeeping, employs pesticide enforcement

officers, and regularly conducts inspections, and issues violations and both civil and criminal penalties, when appropriate.

Pesticide experts should make the decision to classify pesticides to more strictly limit sale and use

- All pesticides classified as RUPs by EPA are also classified as RUPs in Hawai'i. In addition, HDOA can *at any time*, evaluate any pesticide to determine whether there is a reasonable degree of scientific certainty that the pesticide is associated with adverse effects on humans or the environment.

HDOA already has the authority and process to determine pesticide risk and classification in Hawai'i and can be asked to review this pesticide

The process:

- Extensive and recently updated Hawai'i laws and rules provide the process to determine if and how each pesticide is to be classified and used.
 - HDOA Pesticide Branch conducts an internal expert review process
 - Formal and informal consultation with other experts
 - Conduct meeting(s) of the Hawai'i Advisory Committee on Pesticides, including public participation
 - Review and consideration by the Board (includes public participation) to decide if the pesticide should be classified as a **State** RUP, regardless of whether EPA designates it as such

Thank you for the opportunity to testify on this matter.

SB-1010

Submitted on: 2/5/2023 1:51:21 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

This is a highly toxic chemical. Please support this bill.

SB-1010

Submitted on: 2/5/2023 2:33:04 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Malathion is a man-made organophosphate insecticide that is commonly used to control mosquitoes and is currently available for purchase over the counter in Hawai‘i. The concentrate is meant to be diluted 500 to 1 in water, or 1.5 teaspoons per gallon.

In March of 2022, there was a chemical spill of a concentrated form of malathion at a private, beachfront residence in Mokuleia that affected about 20 homes. The concentrated form was accidentally spilled by children who attempted to clean it up with a hose, washing the dangerous chemical towards the storm drain through which it was spread into the neighborhood.

The Honolulu Fire Department, police, and neighborhood members attempted to assist in the cleanup for days. Even though appropriate personal protection equipment was used, two people were sent to the emergency room. Days later, many neighbors experienced severe symptoms and a downwind neighbor had to go to the hospital.

Malathion interferes with the normal function of the nervous system and can indirectly affect many additional organs and functions. It is a highly dangerous chemical and should be regulated as a Restricted Use Pesticide. Please pass SB1010.

SB-1010

Submitted on: 2/5/2023 4:50:32 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Given all the negative publicity malathion has received over the past several years, it's rather astounding that it has yet to be classified as a restricted use pesticide. The indiscriminate overuse of malathion has long been a danger to the surrounding environment and it's about time Hawaii took action.

SB-1010

Submitted on: 2/5/2023 5:13:52 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Aloha, please pass this important bill to restrict use of malathion.

Mahalo,

Lisa

SB-1010

Submitted on: 2/6/2023 6:32:12 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Support.

SB-1010

Submitted on: 2/6/2023 9:42:50 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

SB-1010

Submitted on: 2/6/2023 3:05:23 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Molly Mamaril	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Mahalo for your consideration,

Molly Mamaril, Kaimuki

SB-1010

Submitted on: 2/6/2023 3:08:39 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Cender	Individual	Support	Written Testimony Only

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Jonathan Cender, Koloa, Kauai

SB-1010

Submitted on: 2/6/2023 3:09:11 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Meredith Cross	Individual	Support	Written Testimony Only

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Meredith Cross, Kapa'a HI

SB-1010

Submitted on: 2/6/2023 3:18:40 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John NAYLOR	Individual	Support	Written Testimony Only

Comments:

Aloha,

Malathion is & should be defined & regulated as a RUP ! It's use should be very limited and applied by well trained techs !

JN Maui

SB-1010

Submitted on: 2/6/2023 3:24:24 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Navin Tagore-Erwin	Individual	Support	Written Testimony Only

Comments:

Aloha,

Neonics pose significant risk to humans, pollinators and environmental health. Recently they were linked to sudden nosebleeds, constant coughing, and passing out while exercising in Mead, Nebraska. In addition to the human toll, the community saw livestock health problems and deaths, as well as “bee kills” (sudden colony collapse). Neonics have the ability to kill bees with extraordinarily low levels of exposure.

Neonics pose significant effects on insects, soil and water. Neonicotinoids often exceed existing regulatory guidelines in surface waters and represent a significant risk to water quality and diverse aquatic and terrestrial fauna that these ecosystems support.

Evidence continues to mount that neonic use is a major contributor to the declines of birds and fish. Research has also linked exposure in the womb with birth defects in deer as well as higher rates of death for fawns. Neonics and their breakdown products (metabolites), like other chemical pesticide compounds, can readily transfer from mother to fetus.

Several animal studies have reported adverse effects of neonics on sperm, and prenatal exposure to neonics increasing the risk of neurodevelopmental abnormalities and birth defects. While more research is needed, these harms found to animals raise human health concerns.

Additionally, a systematic review of publicly available literature reported a link between [human neonic exposures and malformations](#) of the developing heart and brain, as well as symptoms that include memory loss and finger tremors.

There is currently no reporting of neonic use in Hawai‘i because it is not classified as an RUP. SB1009 would reclassify neonics as RUPs would therefore allow for better oversight and reporting.

Efforts to reduce the harm posed to communities, pollinators, and our environment from neonic use in Hawai‘i starts with inclusion of them as RUPs.

Please support SB1009.

Thank you for your consideration,

Navin Tagore, Kahalu'u

SB-1010

Submitted on: 2/6/2023 3:27:54 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

pesticides affect health of all living creatures

SB-1010

Submitted on: 2/6/2023 3:31:43 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Support	Written Testimony Only

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Nathan Leo Braulick

Honolulu, HI 96826

SB-1010

Submitted on: 2/6/2023 3:38:47 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
denise woods	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Denise Woods

Kapaa/Kauai

SB-1010

Submitted on: 2/6/2023 4:05:14 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eleanor Snyder	Individual	Support	Written Testimony Only

Comments:

Please include malathion as a regulated pesticide

SB-1010

Submitted on: 2/6/2023 4:10:13 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

This bill is important to protect our people and the aina. Please move it forward.

SB-1010

Submitted on: 2/6/2023 4:12:44 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tlaloc tokuda	Individual	Support	Written Testimony Only

Comments:

Aloha AEN Chair, Vice Chair & Committee,

One of the goals of Sustainable Development is the Precautionary Principle (PP). The PP tries error on the side of caution and the burden of proof should be on chemical companies to prove they have safe chemicals. Not the other way round that has the public health sector and non profits having to prove the chemicals are dangerous, A case in point was the way chemical companies never had to tell the public, or Health Officials or concered non profits what type of toxic biocides they were applying to their crops EXCEPT ONCE A YEAR!

SB1010 is finally changing by regulating Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (**RUP**) on the state level to better protect community members and our environment from this toxic pesticide. **Please support SB1010.**

Here is some more info on Malathion:

- Malathion is an insecticide; products containing malathion are used outdoors to control a wide variety of insects in agricultural settings and around people's homes and have been used in public health mosquito control and fruit fly eradication programs.
- Insecticides, like malathion, are neurotoxic inhibitors that cause the buildup of acetylcholine (AChE), leading to uncontrolled rapid twitching of some muscles, paralyzed breathing, convulsions, and, in extreme cases, death.
- This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.
- The BURDEN OF PROOF should be on the Chemical companies to prove that their product is safe. But its Ass Backward, Health Departments, parents, NGO/non profits, concerned citizens have to prove chemicals are dangerous!!

Mahalo for your consideration,

tlaloc tokuda

Kailua Kona, HI 96740

SB-1010

Submitted on: 2/6/2023 4:21:13 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Dear Senators Gabbard and Richards, and members of the Senate Committee on Agriculture and Environment:

I was shocked to realize that the pesticide Malathion is still listed as "For General Use". As a dangerous chemical that affects the nervous system and affects the public of whole communities, it should definitely be moved to the category "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

Mahalo for your conscientious attention to this request!

Cheryl O. Ho, Nu'uau

SB-1010

Submitted on: 2/6/2023 5:04:06 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Please stop us and our aina from being poisoned.

Mahalo

SB-1010

Submitted on: 2/6/2023 5:22:25 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bethan Pualani Baptista	Individual	Support	Written Testimony Only

Comments:

Please support the reclassification if this and other chemical of this nature for a cleaner and healthier environment here in Hawaii. Please lead at the front in protecting our clean air, water and good health in a proactive small measure for a viable and thriving ecologically conscious effort to change past heinous and negligent practices. I know that your leadership for change is what we all need. Change is critical at this time. Past leadership have been negligent in insuring the safety of the people and the Aina. I'm hopeful that you all realize at this point in our history your effort in this measure will be the beginning of a responsive legislature to the needs of all the people and our very precious limited natural resources. You are the Change we have all been waiting for. Please support this and all the other measures that provide for a safer, cleaner and healthier Hawaii. Mahalo in Advance. Bethan Pualani Baptista

SB-1010

Submitted on: 2/6/2023 5:31:12 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Franz Weber	Individual	Support	Written Testimony Only

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration.

Franz Weber, a concerned citizen, Kailua-Kona

SB-1010

Submitted on: 2/6/2023 5:36:12 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Individual	Support	Written Testimony Only

Comments:

Aloha!

Common sense says that any chemical that poisons insects to the concentration of Malathion is a poison to fish, fowl, and yes...US too!

Mahalo for your time.

SB-1010

Submitted on: 2/6/2023 6:19:31 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ben Devine	Individual	Support	Remotely Via Zoom

Comments:

Thank you for hearing SB 1010 regarding the re-classification of malathion as a restricted use pesticide. I strongly support this bill to help ensure the citizen of Hawaii are protected from its misuse by untrained or unqualified persons.

I understand the need for pest control but the hazard posed by household use of this chemical outweighs its utility. There are many other products on the market that can accomplish this task without posing a hazard to our community and the environment.

I would invite the committee to amend the bill to exclude lines 10-12 because malathion is a specific chemical product (active ingredient) that does not require further definition and not the only product that is an organophosphate insecticides. Defining it so broadly would include many other organophosphate insecticides that are outside the scope of this bill.

We do not support an outright ban on Malathion. It still has application for agricultural use by certified handlers. Yet, the general public does not require a chemical of this potency for domestic use.

Thank you for your consideration.

SB-1010

Submitted on: 2/6/2023 6:35:28 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marlies Lee	Individual	Comments	Written Testimony Only

Comments:

Aloha,

I know with my own 1 acre land, it's hard to keep the weeds down, but using dangerous chemicals and mixes are not healthy for our Aina, insects, birds animals and humans.

Hawaii needs to be very strict on what is save to use and what is not.

please do your very best to grow organic and weed wack

Marlies Lee

SB-1010

Submitted on: 2/6/2023 6:38:19 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Henri Etta Schmitz	Individual	Support	Written Testimony Only

Comments:

Please support SB 1010. Unrestricted use of Malathion is irresponsible and not acceptable. Mahalo, Henri Etta Schmitz, Paauilo 96776

SB-1010

Submitted on: 2/6/2023 7:11:43 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonnie Marsh	Individual	Support	Written Testimony Only

Comments:

please support this bill to help reduce dangerous pesticides in hawaii

SB-1010

Submitted on: 2/6/2023 7:41:28 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Dear friends,

I support bill SB1010. I published the attached paper on Academia.edu which shows Chlorpyrifos and Malathion, both organophosphates, have similar chemical structures which are both destructive to health, and to the environment.

Like Chlorpyrifos, Malathion should also be banned.

My paper focusses on dangerous levels of organophosphate Chlorpyrifos, which were measured in the Waimea Canyon Middle School (WCMS), capable of probably causing irreversible human brain defects correlated to lower IQ scores and reversal of normal gender orientation, by prenatal exposures (at levels measured in WCMS). Reference: https://www.academia.edu/73443411/Chlorpyrifos_Brain_Defects_Will_M_Davis

Here is another reference, peer review research summarizing the health and DNA damage to humans, and animals, including fish, from Malathion. <https://pubmed.ncbi.nlm.nih.gov/32399888/>

Again based on existing peer review research, Malathion, like Chlorpyrifos, should be entirely banned.

Thank you for ethically and intelligently introducing SB1010.

Sincerely,

Will M Davis

SB-1010

Submitted on: 2/6/2023 7:50:07 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Dinner	Individual	Support	Written Testimony Only

Comments:

Enough toxins. Let's get green and clean.

SB-1010

Submitted on: 2/6/2023 8:04:01 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Aloha honorable Senate members,

SB 1010- support!

Please regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Regards,

pamela burrell, Kalihiwai, kaua'i

SB-1010

Submitted on: 2/6/2023 8:04:42 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Troy Schacht	Individual	Support	Written Testimony Only

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Troy Schacht, Kapaa

SB-1010

Submitted on: 2/6/2023 8:16:44 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlene K. Rowley	Individual	Support	Written Testimony Only

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Charlene Kiana Rowley, 'Oma'opio Maui

SB-1010

Submitted on: 2/6/2023 8:32:25 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
D'Anna Asher	Individual	Support	Written Testimony Only

Comments:

Dear Senate Committee on Agriculture & Environment,

On behalf of our communities, I respectfully request that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use", as they are listed now, to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has gravely impacted local communities, and it is a threat to human and environmental health. It has been linked to a wide range of severe health problems in humans and harms non-target wildlife species.

Malathion works by attacking the nervous system. Unregulated, it threatens not only public health but the health of the very environment we all depend on for life and food security.

At the very least, Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

D'Anna Asher, Kapa'a, Hawaii

SB-1010

Submitted on: 2/6/2023 9:24:05 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Irena Bliss	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species. *Malathion works by attacking the nervous system*; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security. *It has a wide range of toxicities in fish*; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

This is key in an ongoing commitment to Aloha 'Āina, Mālama 'Āina and to the people of Hawai'i.

Mahalo nui, thank you for your consideration.

Irena Bliss

Ha'ikū, Maui 96708

SB-1010

Submitted on: 2/6/2023 9:41:03 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chelle Galarza	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division and away from "General Use"--- as they are listed now.

Malathion has impacted local families and is linked to cancer, birth defects, and other health problems in humans and non-target wildlife species.

If you want to protect the public health and the environment Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level.

Mahalo, Chelle Galarza

SB-1010

Submitted on: 2/7/2023 2:54:11 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Hello Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Nanea Lo, Mō'ili'ili

SB-1010

Submitted on: 2/7/2023 6:49:18 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joan Heller	Individual	Support	Written Testimony Only

Comments:

Please support SB1010.

Thank you for your consideration,

I thought Malathion was already a banned/illegal product here in Hawaii back in the 70's...That's why our "boomer" generation won't be reaching our 80's and 90's like most of our parents have!

Stay well,

Joan Heller, PO Box 387, Lawai, 96765

SB-1010

Submitted on: 2/7/2023 7:08:41 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Dear Senators,

Malathion is a proven threat to human health. It is linked to birth defects, cancer, and health problems in people and other non-target wildlife. Please pass SB1010, to provide the protections that come with regulation as a Restrictive Use Pesticide (RUP) in Hawai'i. Protection of our aina may require significant staffing increases to more actively monitor application of RUPs. There is no more important use of state funds than to protect the health and environment of Hawai'i from unmonitored pesticide misuse.

Thank you.

Teresa Landreau, Hawai'ian citizen, Mililani Town

SB-1010

Submitted on: 2/7/2023 7:19:51 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Philips	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities and is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health of the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Carol Philips - Haleiwa

SB-1010

Submitted on: 2/7/2023 8:16:56 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
fred hofer	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Pesticide Protection Measure:

SB1010 - Classifies Malathion as a RUP

Aloha,

Neonics pose significant risk to humans, pollinators and environmental health. Recently they were linked to sudden nosebleeds, constant coughing, and passing out while exercising in Mead, Nebraska. In addition to the human toll, the community saw livestock health problems and deaths, as well as “bee kills” (sudden colony collapse). Neonics have the ability to kill bees with extraordinarily low levels of exposure.

Neonics pose significant effects on insects, soil and water. Neonicotinoids often exceed existing regulatory guidelines in surface waters and represent a significant risk to water quality and diverse aquatic and terrestrial fauna that these ecosystems support.

Evidence continues to mount that neonic use is a major contributor to the declines of birds and fish. Research has also linked exposure in the womb with birth defects in deer as well as higher rates of death for fawns. Neonics and their breakdown products (metabolites), like other chemical pesticide compounds, can readily transfer from mother to fetus.

Several animal studies have reported adverse effects of neonics on sperm, and prenatal exposure to neonics increasing the risk of neurodevelopmental abnormalities and birth defects. While more research is needed, these harms found to animals raise human health concerns.

Additionally, a systematic review of publicly available literature reported a link between human neonic exposures and malformations of the developing heart and brain, as well as symptoms that include memory loss and finger tremors.

There is currently no reporting of neonic use in Hawai‘i because it is not classified as an RUP. SB1009 would reclassify neonics as RUPs would therefore allow for better oversight and reporting.

Efforts to reduce the harm posed to communities, pollinators, and our environment from neonic use in Hawai'i starts with inclusion of them as RUPs.

Please support SB1009.

Thank you for your consideration,

Fred Hofer, Puna, Hawaii Island

SB-1010

Submitted on: 2/7/2023 8:52:25 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jodie	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Jodie Thayer

Hanalei, HI

SB-1010

Submitted on: 2/7/2023 9:10:19 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ariana Datta	Individual	Support	Written Testimony Only

Comments:

Dear Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

Ariana Datta, Holualoa



HAWAII CROP IMPROVEMENT ASSOCIATION

SB1010 – In Opposition
Relating to Pesticides

Senate Committee on Agriculture and Environment

Date: Wednesday, February 8, 2023
Time: 1:00 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 testimony **in opposition to SB1010**, which amends the definition of "restricted use pesticide" to include malathion.

As our state seeks to increase local food production and grow the agriculture industry, a measure like this is a step backwards, particularly for the smaller farms. Eliminating these insecticides would remove valuable crop protection tools for those farmers who do not have an RUP applicators license.

All pesticides undergo a rigorous scientific review process. Hawaii farmers follow the regulations and guidance of the U.S. Environmental Protection Agency (EPA) and Department of Agriculture. Because of their expertise, these agencies are trusted to provide a regulatory structure that is both safe and necessary to support a thriving agriculture industry. To have the state categorize malathion as a RUP would be an action that ignores the U.S. EPA's science-based and rigorous regulatory review process and would create another significant challenge to our local farming community.

Mahalo for the opportunity to testify and we ask that you do not advance 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.

SB-1010

Submitted on: 2/7/2023 10:52:36 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heide Conyers	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Agriculture & Environment,

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai'i Department of Health, and the Hawai'i Department of Agriculture Pesticides Division.

This chemical has impacted local communities, is a threat to human and environmental health. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

It has a wide range of toxicities in fish; according to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Please support SB1010.

Thank you for your consideration,

SB-1010

Submitted on: 2/7/2023 1:11:13 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Please support SB 1010, which will reassign Malathion to a “restricted use pesticide”.

In order to protect public health, I respectfully insist that we better regulate Malathion and similar concentrated chemicals by moving their categorical listing from "General Use"--- as they are listed now-- to "State Restricted Use" by the Hawai‘i Department of Health, and the Hawai‘i Department of Agriculture Pesticides Division.

As you are aware, this chemical has detrimentally impacted local communities, whereby individuals indirectly affected were sent to the emergency room due to exposure of this chemical. Therefore, malathion is too much a threat to human and environmental health for regular usage. It has been linked to birth defects, a wide range of cancers, and other health problems in humans and non-target wildlife species.

Malathion works by attacking the nervous system; it is essentially a nerve poison. Unregulated it threatens not only public health but the health to the very environment and animals we are dependent on for food security.

On the federal level, this chemical has been cited as a dangerous material. According to the EPA, there have been numerous fish kills resulting from malathion use followed by heavy rainfall and runoff into aquatic areas such as streams and ponds. As you know, pesticides like this are likely to cause a death blow to not only insect irritants such as mosquitoes and lice, but to beneficial pollinators such as bees. And if this chemical causes that much harm to people, how much more will it to endemic flora and fauna, including endangered birds who pollinate and maintain the equilibrium of the biosphere?

As we are an island community that lives in isolation from all other land masses, we should do whatever we can to make sure that whatever chemicals we use do not result in the demise of life and the ecosystem in general. If Hawaii is serious about leaning towards sustainability, using a chemical like this should be at best heavily restricted. Instead, sustainable preventative measures to combat mosquitoes and other insect infestations should be pursued, such as limiting invasive species and preventing standing water as much as possible so the justification fo malathion is not even needed to be pursued.

Malathion should be regulated as a Restricted Use Pesticide (RUP) on the state level to better protect community members and our environment from this toxic pesticide.

Mahalo for your hard work and your service.

SB-1010

Submitted on: 2/7/2023 1:46:30 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Aloha, Malathion absolutely needs to be registered as a RUP. This is a very dangerous and toxic pesticide. It attacks the nervous system and must be more tightly regulated.

Mahalo,

SB-1010

Submitted on: 2/7/2023 5:25:09 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

support

SB-1010

Submitted on: 2/7/2023 9:07:30 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

Support