

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

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

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

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**FEBRUARY 12, 2020
1:30 P.M.
CONFERENCE ROOM 224**

**SENATE BILL NO. 3040
RELATING TO PESTICIDES**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 3040 that will require that the Department of Agriculture prepare and submit an annual report to the legislature no later than twenty days prior to the convening of each regular session. The proposed bill also provides for increased fines for administrative and criminal penalties.

For this proposed bill the Department provides these comments. The Department currently produces quarterly and annual reports to EPA under which much of the proposed reporting requirements are covered. The reports are quite detailed and comprehensive and do focus on compliance inspections including, complaints, market surveillance inspections (pesticide products licensed to sell in Hawaii), certified applicator recordkeeping requirements (for Certified Applicators of Restricted Use Pesticides), Worker Protection Standard, and pesticide use inspections in general. Those records also include any issues that are associated with endangered species and critical habitats, high level episodes, and water quality compromise. Because pesticide use is quite common across the economic landscape the reports also include information on inspections of non-agricultural applications, fumigations, Restricted Use Pesticide Dealer establishments, Producer Establishment inspections, and

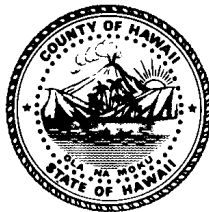


Experimental Use Permit inspections. Because each inspection is unique the amount of time it takes to complete an investigation that stems from an inspection can vary widely. Some complaints can be resolved in a matter of hours but others, due to the scope of the investigation, can take weeks. All inspections are currently reviewed by case developers and are formally closed if no violation is determined. In the case of suspected violations, the case developers present the details for legal review and determination of the appropriate penalty. All inspections the Department conducts are done under complete confidentiality. Releasing locations of the inspections could violate that confidentiality and disclose private information, not only for the one for which the complaint has been lodged but also for the complainant.

We are supportive of the increase in fines for violations of the Pesticide laws. Providing additional teeth for enforcement could be persuasive for applicators to make smart legal decisions when using pesticides if the penalty is severe enough.

Thank you for the opportunity to comment on this measure.

REBECCA VILLEGAS
Council Member
District 7, Central Kona



PHONE: (808) 323-4267
FAX: (808) 323-4786
EMAIL: Rebecca.villegas@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

*West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740*

February 4, 2020

TESTIMONY OF REBECCA VILLEGAS
COUNCIL MEMBER, HAWAI'I COUNTY COUNCIL
ON SB 3040, RELATING TO PESTICIDES
Committee on Agriculture and Environment
Wednesday, February 12, 2020
1:30 p.m.
Conference Room 224

Aloha Chair Gabbard, and Members of the Committee:

I thank you for the opportunity to testify in support of SB 3040, relating to pesticides. My testimony is submitted in my individual capacity as a member of the Hawai'i County Council and Chair of the Hawai'i County Council Public Safety Committee.

The purpose of this measure is to protect the State's residents and environment and ensure more stringent enforcement of the Hawai'i pesticide law. There is significant risk to public health and the environment when pesticide use instructions are not followed properly. Injuring to non-target sensitive plants and species, drift harms to nearby farms and people, health injuries, birth defects, and short and long term contamination of the State's soil, air, and waters continues to occur. Enforcement of the Hawai'i pesticide law, including timely and routine pesticide inspections are crucial to protecting the public health and environment. Tightening up the enforcement by requiring the Department of Agriculture to provide annual reporting on pesticide inspections and compliance to investigations, and increasing monetary fines will assist with protecting public health and the environment.

For the reasons stated above I urge the Committee on Agriculture and Environment to support his measure as well. Should you have any questions, please feel free to contact me at (808) 323-4267.

Mahalo for your consideration.

A handwritten signature in black ink, appearing to read 'Rebecca Villegas'.

Rebecca Villegas
Council Member, Hawai'i County Council



HAWAII PEST CONTROL ASSOCIATION

Century Square – 1188 Bishop St., Ste. 1003*Honolulu, HI 96813-3304

Telephone (808) 533-6404 • Fax (808) 533-2739

February 12, 2020

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

Presented By: Tim Lyons, CAE
Executive Director

Subject: S.B. 3040 – RELATING TO PESTICIDES.

Chair Gabbard and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association, an association composed of pest control operators who perform structural pest control operations. We are opposed to this bill.

Our opposition lies in the fact that we think it is not a “balanced” bill. If it were, the annual report which contains the information called for in the bill, would call for a complete picture of the information. As an example, in item number four (4), on page four (4), information is specified as that which is the outcome of pesticide inspections including any enforcement actions taken, however it should also include those inspections where no violation was found.

Additionally, we believe there should be an item number six (6), which should read something to the effect of "[T]he benefit that each application resulted in, including the pest controlled, the damages curtailed, the adverse health effects prevented and the products or services which were saved or maintained".

We also find that the increase in the fines are drastic. The majority of pest control operators are small businesses, some which are "one man shows" or with two (2) or three (3) employees. There must be a less painful way of putting them out of business other than hitting them with a \$10,000.00 fine. The current \$5000.00 fine would be difficult enough to overcome. We realize that the language in the bill calls for "not more than" \$10,000.00 and we realize that there is language regarding considering the size of the business however, that is just general instructional language without any real structured application.

Lastly, we would have similar comments as to the increase in the fines from \$25,000.00 to \$35,000.00 and think that those are outrageous except for in the most outrageous of cases, however we don't find anything in this language that dictates a mitigation of this application.

We have also not heard of cases or situations where the current fines have been insufficient.

Based on the above, we oppose passage of this bill.

Thank you.



AMERICANS FOR DEMOCRATIC ACTION

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Doug Pyle, Secretary	Stephanie Fitzpatrick	Dave Nagaji		

February 5 , 2020

TO: Honorable Chair Gabbard and Members of the AEN Committee

RE: SB 3040 Relating to Pesticides

Support for hearing on Feb 12

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 3040 as it would require the Department of Agriculture to prepare and submit an annual report concerning pesticide use and increase fines for pesticide use violations

Harms from pesticides should not be considered an acceptable cost of doing business. Pesticides are deleterious by nature and can be lethal. We need to do a better job of containing them.

Thank you for your favorable consideration.

Sincerely,

John Bickel President



SB-3040

Submitted on: 2/7/2020 2:28:54 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Sheehan	Testifying for SHAKA: Sustainable Hawaii Action for Keiki and the Aina	Support	No

Comments:

Dear Senators,

Mahalo for this bill. last year Monsanto was fined and convicted for using a highly toxic pesticide near a resort in South Maui. A few weeks ago an AG inspedtor detected a version of paraquat that was used on a Mahi Pono field. It has been proved that pesticides drift for miles, the consequences of unconscious use can be extreme yet hard to detect. It is absurd that we allow biocide use on plants, but since we do, the public needs to be informed of when, where, how much and how often. And misuse needs to be fined.

Mark Sheehan, Ph.D. Haiku, Maui



Chair Mike Gabbard
Vice Chair Russell Ruderman

Senate Committee on Agriculture & Environment

Wednesday, February 12, 2020
1:30 PM

TESTIMONY IN STRONG SUPPORT OF SB3040 RELATING TO PESTICIDES

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

My name is Jun Shin. I am a Sophomore at the University of Hawai‘i at Mānoa. I am the Environmental Justice Action Committee Chair for the Young Progressives Demanding Action (YPDA). YPDA advocates for public policies that reflect the values of young people throughout the State of Hawai‘i. YPDA is in **Strong Support** of **SB3040**, Relating to Pesticides, which would require the Department of Agriculture to provide annual reporting on pesticide inspection and compliance investigations. Increases monetary fines for pesticide violations.

YPDA was a part of the coalition that supported the passage of Act 45 in 2018. One of the reasons for doing so was due to our continued dedication to our keiki and their future in our advocacy, striving to create a better world for them. It is for the sake of future generations that we need to demand further accountability and meaningful enforcement of our pesticide laws. We deserve to live in healthy communities where we don’t have to live in fear of pesticide drift.

For years now there have been incidents, notably in Kaua‘i, Maui and Moloka‘i in which toxic (and banned) pesticides have drifted into schools, communities, and even our environment in our lands and our waters. This is a serious public health issue. Article XI Section 9 of the Hawai‘i State Constitution makes it very clear that, “Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources.” These constitutional rights are not being protected and as a result, in

November of 2019 we saw Monsanto now Bayer pled guilty and paid \$10 million as part of a plea agreement with the United States Environmental Protection Agency for illegally using the banned pesticide Penncap-M on Maui and Molokai. This could have been avoided, and SB3040 seeks to address this.

What SB3040 is trying to do is important. In the past, pesticide fines were either not enough or were significantly reduced. Even Bayer's \$10 million plea agreement doesn't cover how much damage has already been done prior to the environment, to the community, and the field workers. Pesticide fines will be increased and to ensure the Department of Agriculture is doing their part to investigate, inspect, and enforce, they will also need to submit annual reports to the legislature.

Many other communities have successfully transitioned away from toxic pesticides to organic land management practices, we can do that by starting here with keeping violations in line. Please protect our keiki and the communities they live in. Young Progressives Demanding Action is in **Strong Support** of **SB3040**. We respectfully ask for you to pass it through your committee.

Thank you for the opportunity to testify,

Jun Shin,
Environmental Justice Action Committee Chair
Young Progressives Demanding Action (YPDA)
P.O. Box 11105
Honolulu, HI 96828
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org

SB-3040

Submitted on: 2/9/2020 10:14:05 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeri Di Pietro	Testifying for Hawai'i SEED	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 12:37:40 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Testifying for Kihei Community Association (KCA)	Support	No

Comments:

Aloha Chair and Senators

We strongly support this measure. Too often business entities make decisions based on little but financial reward, so the way to influence them is by hitting them in the wallet, such as use of fines for violations. These penalties have to be strong enough to deter "cost of doing business" action.

Mahalo,

Mike Moran for KCA



February 5, 2020

The Honorable Senator Mike Gabbard, Chair
Senate Committee on Agriculture and the Environment
Hawaii State Senate
Hawaii State Capitol, Room 201
Honolulu, HI 96813

Re: SB 3040 – Annual Reporting; Fines (Oppose)

Dear Chair Gabbard:

On behalf of the Western Plant Health Association (WPHA), I am writing to express our **opposition** to SB 3040, which would increase fines for pesticide violations and substantially increase reporting requirements on the Hawaii Department of Agriculture (HDOA). WPHA represents the interests of fertilizer and pesticide manufacturers, agricultural biotechnology providers, and agricultural retailers in Hawaii, California, and Arizona.

WPHA appreciates the author's interest in assuring the safe use of pesticides to protect the public and environment. We understand that while the intent of the bill is that by increasing fines for pesticide violations, growers and applicators will be more attentive in their use of pesticides. However, we believe this bill is unnecessary and will result in higher costs to farmers.

SB 3040 would dramatically increasing fines for pesticide violations, including increasing potential fines for misdemeanors to \$35,000. WPHA is concerned that requiring the Hawaii Department of Agriculture (HDOA) to increase penalties for any first-time violations or misdemeanors will result in fewer individuals contacting HDOA for guidance on the use of a product. We believe that one of the strengths of regulatory agencies like HDOA is their ability to act as an educational tool for the regulated community. If growers and distributors believe they could be putting themselves at risk of substantial fines for misdemeanors, they will be less willing to reach out for the educational expertise that HDOA can provide. WPHA could understand the rationale for increased fines if there were any indicators of a growing trend of violations by applicators or agricultural users. WPHA is unaware of any increase in the number of violations by

agricultural users, or failures by growers or applicators to observe pesticide rules. WPHA is opposed to increasing fines without a justification of need.

SB 3040 would also mandate the HDOA annually compile a comprehensive report that would include the number of inspections, violations, investigations undertaken and the number completed – including a description of each inspection and investigation. WPHA believes this will result in a tremendous cost increase to HDOA. HDOA is currently finalizing a new reporting mandate for restricted use pesticides that was passed by the legislature just two years ago. We believe it is premature to require additional reporting requirements on HDOA while they are seek to finalize the legislatures current reporting mandates. WPHA believes that this additional requirement will require HDOA to redirect resources that could be better spent on actual educational and enforcement efforts with growers and the public. Additional mandates for reporting should not be required unless additional resources are allocated by the legislature to HDOA for this requirement.

We believe increasing fines without a demonstration of need sends a false message about compliance by growers and applicators of pesticide use rules. Requiring additional reporting mandates on HDOA without any demonstrated need for additional reports and without additional financial support from the legislature will negatively impact HDOAs ability to fulfill their educational and enforcement mission. For these reasons we **oppose** SB 3040 ask for your **no** vote. WPHA thanks you for your consideration of our comments and welcomes any questions you may have.

Sincerely,



Renee Pinel
President/CEO

SB-3040

Submitted on: 2/10/2020 5:11:53 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Culbertson	Testifying for Hawaii Forest Stewards	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

R. Culbertson & family,

Pauilo, HI

SB-3040

Submitted on: 2/10/2020 5:28:34 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bonnie Marsh	Testifying for UpCountry Doctor	Support	No

Comments:

Please vote to enforce pono pesticide guidelines for the safety of all hawaiian citizens, the aina, the ocean and all living things.

mahalo,

dr. bonnie marsh

SB-3040

Submitted on: 2/10/2020 9:58:51 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
A Kathleen Lee	Testifying for Non-profit provider; owner small farm	Support	No

Comments:

Aloha Honorable Senator's Gabbard and Rudermann + Committee on agriculture and environment,

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Background & Details

Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state’s soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur within the State.

The current state fines for pesticide use violations are only a maximum of \$1,000 dollars for individuals and \$5,000 for commercial applicants. Even in cases where the commercial applicant knowingly violates pesticide labels and laws the maximum state fine is currently only \$25,000. SB3040 would propose to change the maximum allowable fines to \$5,000 for an individual, \$10,000 for a commercial applicator and \$35,000 for a commercial applicant that knowingly violates.

SB 3040 is a step in the right direction but still a relatively small increase compared to the costs involved with misuse of pesticides and the federal fine limits. State fine limits

could be increased to much higher values than even the increase proposed in this measure. The EPA has the ability to fine pesticide violators millions of dollars and even then they often end up paying a fraction of the maximum, or originally issued fine.

In cases, such as the 2016 and 2017 Syngenta (Kaua'i) failure to adhere to pesticide use instructions, exposing farmworkers to the (now banned) neurotoxin pesticide chlorpyrifos and injuring their health or the very recent Monsanto/Bayer guilty plea regarding their illegal use of the banned pesticide PennCap-M on Maui and Molokai, the state should have had the ability to issue a fine that is reasonable and representative of the crime, especially considering they are multinational chemical corporations. Bayer profited over \$13 BILLION dollars in 2019. Yet, the maximum the state could have fined them for this severe violation would have been \$25,000.

Exposure to PennCap-M has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease. What is the fine amount that matches the true cost of the impact to the health and life of our people? The maximum allowable state fines should be raised to represent the full damages to our communities and environments and the exposed workers in the fields.

I pray that because your record has been so incredible, that you will continue to see the justice for the citizenry and families of Hawaii & enact this critical measure that simply enforces health safety we've already fought so hard to attain,

April K. Lee, BA, CCIM, ABR, E-Pro
In beautiful Hawi, Hawai'i Cell: 808-989-5995



SB 3040, RELATING TO PESTICIDES

FEBRUARY 12, 2020 · SENATE AGRICULTURE AND ENVIRONMENT COMMITTEE · CHAIR SEN. MIKE GABBARD

POSITION: Support, with amendments.

RATIONALE: IMUAlliance supports and suggests an amendment for SB 3040, relating to pesticides, which requires the Department of Agriculture to provide annual reporting on pesticide inspection and compliance investigations, and increases monetary fines for pesticide violations.

In the debate over 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 criminals face minimal penalties. State law currently grades pesticide abuse as a merely a misdemeanor offense, meaning farm operators who apply dangerous doses of chemicals face a maximum one-year prison sentence.

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.

Pesticide abuse is not limited to the outer islands. On O'ahu, IMUAlliance has provided services to cancer-stricken sprayers of restricted use pesticides, some of whom have are also victims of labor trafficking. Not only were our clients provided with little to no information about the health risks of pesticides placed in their hands, they were also not given equipment to protect themselves from 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 crack down on pesticide abuse.

In addition to raising penalties for restricted use pesticide violations, as this measure does, **we urge you to consider eliminating, rather than revising, the warning notice requirements from the state's pesticide code under HRS §149A-41**, thereby allowing investigators to probe allegations of noncompliance without tipping off their targets. It's time that we started fully prosecuting those who sacrifice people's health to personal profit, even when the weapons involved are 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, given recent court rulings curtailing county jurisdiction over pesticide use and land management. If you wait, our children will breathe in the fallout for generations to come.



HAWAI'I CENTER FOR FOOD SAFETY

Senate Committee on Agriculture and Environment Hawai'i Center for Food Safety strongly supports: SB3040

Aloha Chair Gabbard, Vice Chair Ruderman and members of the committee,

My name is Lauryn Rego and I am the Director for the Hawai'i Center for Food Safety (CFS). CFS is a nationwide public interest, sustainable agriculture nonprofit organization whose missions include the promotion of agricultural production methods that are beneficial to the ecosystem. We have over 950,000 farmer and consumer members across the country, including nearly 14,000 in Hawai'i. On behalf of CFS and our members, I thank you for the opportunity to submit testimony today regarding this important bill.

CFS has been dedicated to addressing the human health and environmental impacts of our increased reliance on pesticide use in food production, both in the State of Hawai'i and nationally. We were instrumental in providing legal and communications support in the passage of numerous ordinances relating to pesticide use and disclosure, such as Kaua'i's Bill 2491 and Act 45 (Session Laws of Hawai'i 2018). Since 2014, we have worked closely with community members across the state, in all counties.

I am writing in strong support of SB3040 which increases fines for pesticide use violations and requires the Department of Agriculture to prepare and submit an annual report detailing these violations.

The study entitled "Pesticide Use by Large Agribusinesses on Kaua'i", published in May 2016 by the independent Joint Fact Finding Study Group, points out the need for more timely pesticide inspections and compliance investigations, as well as better reporting on the results of pesticide inspections and investigations. According to the same study, the use of drift-prone pesticides should be more strictly monitored through inspections and proven violators should be fined.

In light of the recent history of known pesticide violations, we strongly support SB3040, which will help establish a written public record of violations, and incentivize compliance.

The people of Hawai'i have the right to decide that the risks associated with the improper use of toxic pesticides in commercial agriculture are unacceptable. The public deserves access to the knowledge of such violations to take action to reduce and prevent the potential negative impacts of such misuse.

Thank you for this opportunity to provide testimony,

Respectfully,

Lauryn Rego
Director, Hawai'i Center for Food Safety

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Senate Committee on Agriculture & Environment

Hawaii Alliance for Progressive Action (HAPA) Strongly Supports: SB 3040

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

The Hawaii Alliance for Progressive Action (HAPA) is in strong support of SB 3040 which requires the Department of Agriculture to provide annual reporting on pesticide inspection and compliance investigations, and increases monetary fines for pesticide violations.

HAPA is a statewide environmental, social and economic justice organization. We engage over 10,000 local residents annually through our work. HAPA is committed to working to protect our communities and local environment from the impacts of pesticide exposure. Over the last few years we have worked consistently on these efforts, focusing on areas surrounded by heavy pesticide use.

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. Pesticide violations are a threat to our keiki, farmworkers and the public in general. Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state’s soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur within the State.

The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The current state fines for pesticide use violations are only a maximum of \$1,000 dollars for individuals and \$5,000 for commercial applicants. Even in cases where the commercial applicant knowingly violates pesticide labels and laws the maximum state fine is currently only \$25,000. SB 3040 would propose to change the maximum allowable fines to \$5,000 for an individual, \$10,000 for a commercial applicator and \$35,000 for a commercial applicant that knowingly violates.

In cases, such as the 2016 and 2017 Syngenta (Kaua’i) failure to adhere to pesticide use instructions, exposing farmworkers to the (now banned) neurotoxin pesticide chlorpyrifos and injuring their health, or the recent Monsanto/Bayer guilty plea regarding the illegal use of the banned pesticide PennCap-M on Maui and Molokai, the state should have the ability to issue a fine that is reasonable, especially considering they are multinational chemical corporations. Bayer profited over \$13 billion dollars in 2019. The maximum the

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state could have fined them for this severe violation would have been \$25,000. Any increase to this amount should be supported.

Exposure to PennCap-M has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease. What is the fine amount that matches the true cost of the impact to the health and life of our people? The maximum allowable state fines should be raised to represent the full damages to our communities and environments and the exposed workers in the fields.

SB 3040 is a step in the right direction but still a relatively small increase compared to the costs involved with misuse of pesticides and the federal fine limits. State fine limits could be increased to much higher values than even the increase proposed in this measure. The EPA has the ability to fine pesticide violators millions of dollars and even then they often end up paying a fraction of the maximum, or originally issued fine.

Furthermore, the low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai'i.

We support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

This bill is an important step to better protecting our farmworkers, communities and the environment from pesticide misuse and I strongly urge you to support SB 3040.

Thank you for your consideration.

Respectfully,



Anne Frederick,
Executive Director



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 12, 2020

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 3040
RELATING TO PESTICIDES
Room 224
1:30 PM

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

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

The Hawaii Farm Bureau believes that SB 3040 is unnecessary and will do more harm than good. We are concerned about **the unintended consequences** of SB 3040, and offer the following comments:

- We agree that pesticides must be used properly. We also agree that stringent enforcement of the strict federal and State pesticide laws and regulations, as well as timely and routine inspections and compliance investigations of potential misuse of pesticides, are crucial to protecting public health and ensuring public confidence in the State's oversight of pesticide use.
- It is clear from the examples cited in SB 3040 that the bill is unnecessary -- complaints **are** being investigated immediately, routine inspections and investigations **are** being conducted appropriately, and severe and extraordinary fines **are** being exacted from those who violate the law.
- In addition, just last year, after working for several years with the community and the Board of Agriculture, the Department overhauled and revised its pesticide rules to be even more stringent, and nearly tripled its fees.
- Requiring the Department to submit a report to the legislature on what the Pesticide Branch has accomplished in the prior year *is appropriate and is already being done*. However, it is **not** appropriate to require detailed information on complaints, inspections, and investigations prior to the closure of a case.

Anyone can allege a complaint. Some complaints may be altogether without merit, while others may require a protracted investigation to determine whether or not a violation has occurred.

- It would be an infringement upon the basic judicial rights of the accused *and* the complainant to publicly post complaints and investigations before determining the facts.
- Pesticide use is a fact of life worldwide, and especially in locations like Hawaii, where there are year-round insect-breeding and weed-growing seasons. Eliminating pesticides or demonizing their use ignores the reality that they can and are being used safely, and that they are very much needed to prevent human and animal diseases, to protect the watershed and other natural resources, and to safeguard our homes and crops, among other things.

Thank you for the opportunity to comment in opposition to this measure.

SB-3040

Submitted on: 2/12/2020 7:33:55 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lana Rose Olson	Testifying for Environmental Caucus of the Democratic Party of HI	Support	No

Comments:

SB-3040

Submitted on: 2/12/2020 9:35:38 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Stop poisoning the land and people. Aloha 'Äîina, MÄ• Iama Pono

www.WeAreOne.cc

SB-3040

Submitted on: 2/4/2020 10:27:56 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandra Kahn	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/5/2020 10:41:21 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucas McSweeney	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/6/2020 8:40:49 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/7/2020 12:00:57 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Klayton Kubo	Individual	Support	No

Comments:

I support this bill and also handed in papers to Senator Gabbard office on 2/6/20.
Mahalo

SB-3040

Submitted on: 2/7/2020 2:45:28 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Fujita	Individual	Support	No

Comments:

I am in support of **SB3040. Pesticide misuse should have stronger penalties.**

SB-3040

Submitted on: 2/7/2020 6:25:48 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
clare loprinzi	Individual	Support	No

Comments:

our keiki, our aina, our wai/kai, all life in hawaii depend on this. should have been done a long time ago as it is a war crime inflicted on us all.

malama pono clare loprinzi

SB-3040

Submitted on: 2/9/2020 4:33:28 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 10:23:06 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara L. George	Individual	Support	No

Comments:

SUPPORT!

SB-3040

Submitted on: 2/10/2020 11:26:02 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Koohan Paik	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 12:09:57 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Mcknight	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 12:19:58 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherri Thal	Individual	Support	No

Comments:

We are in dire straits on our planet. Climate change is affecting everyone, everything, everywhere. Pesticides and agro-chemicals have been proven to be harmful to humans, animals, and bees. I was in High School and lived in the Santa Clara County when aerial spraying of Malathion was occurring, and about twelve years later, was diagnosed with Thyroid Cancer then later in life, a Parathyroid disorder. Who can say if the insecticide spraying and my health issues are connected, but I certainly don't want to see children exposed to an overabundance of poisons any longer! We need to insure that oversight of pesticides is in place!

We must take measures immediately to control, monitor, and reduce our use of pesticides and toxic chemicals in our food supply, our parks, our schools, and our public places. This bill is a step in the right direction.

Mahalo for your time.

SB-3040

Submitted on: 2/10/2020 1:58:53 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Hallett	Individual	Support	No

Comments:

Agriculture theft is a terrible problem in my area and on the other side of Hawaii Island, we need your help. Microbeads are making it into the fish and into our bodies when we eat them. Banned pesticides collection is a brilliant idea! Let's not have another red Hill! The department of agriculture should have been reporting all along, thank you for this bill please pass it so that we can have This public information. Stiffer fines will help deter violators. Cruelty to animals on farms should be regulated! Thank you so much for this Bill.

Mahalo! From my whole Ohana

SB-3040

Submitted on: 2/10/2020 2:14:08 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Stover	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 5:05:21 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiana Laranio	Individual	Support	No

Comments:

Please support this bill, violations of pesticide use is about health and safety. Mahalo for you time and moral consideration.

SB-3040

Submitted on: 2/10/2020 5:09:03 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maupin	Individual	Support	No

Comments:

Strongly support SB3040

Honorable Committee Members:

My name is Marghee Maupin. I am a primary care provider on Kauai. I have worked in health care for 35 years, the majority of this time on Kauai. I have never been more distressed about the poor health of a community as I am about the west side Kauai population.

I am pulling from some prior, yet still applicable testimony from 2013. Unfortunately, there has been few concrete actions taken to protect the people and the environment from the pesticides on West Kauai. Up to 90 pesticides are regularly sprayed up to 16 times a day most days of the year. Additionally, by layering or mixing these chemicals, unique chemical cocktails of experimental and restricted use pesticides are formed. No one (including the agrochemical scientists) know what these novel chemical compounds are and how they affect people and the environment.

As a group of health care providers on Kauai we are very concerned about the effects of pesticide exposure on our patients, especially the children. We believe that the aberrant illnesses and patterns of illness we are seeing may be the result of the agricultural practices conducted by the agrochemical companies. And thousands of peer reviewed studies have shown associations between pesticides and numerous serious health conditions.

No formal quantitative studies of the pesticide effects have been done on Kauai. We do have many examples that lead us to believe that there may be higher than average numbers of serious health conditions occurring to our west side Kauai population. Some of our individual and collective concerns have been:

- A higher than normal occurrence of birth defects and miscarriages than we have seen in other geographic areas where we have practiced.
- Abnormally high rates of severe gout in healthy populations.
- Rare types of cancers at a higher than expected rate for our small island population.

- Almost daily reports of respiratory symptoms in patients who do not have a h/o respiratory disease. Many of these respiratory symptoms are not responding as would be normally expected by implementing healthy lifestyle changes or treating the patients with pharmacological interventions.
- Hormonal changes affecting our patients including excessive facial and body hair on women and higher levels of infertility.
- Reoccurring nose bleeds in children.
- Patients reporting a "metallic taste" in their mouths
- Recurring skin rashes with no previously known sensitivity to any environmental factors and again, minimal improvement with conventional treatments.

I think that it is also important to mention that although the disease statistics gathered by the JFFG group is not statistically significant (because of population size) all but one of the health conditions counted were highest on the west side as compared to the rest of Kauai

While all of us have not seen all or some of these unique patient circumstances and ailments, we all share a deep concern for the health of our patients and the concern of what may be happening to our community by being exposed to these toxic chemicals on a regular basis, acutely and long term.

We as health care providers need mandatory full disclosure of what chemical toxins are being sprayed, how often they are being sprayed, and how close our patients live to the specific areas being tested with these pesticides. We do not know how to treat patients when we do not know what offending agent has made them ill.

We also agree that mandatory reporting and transparency of pesticide application violations (along with more stringent fines) should be in place in an effort to better protect the health of the people and communities at risk.

We humbly ask the committee to thoroughly consider the proposed bill SB3040 (vote Yes) and the potential consequences to our community if no improvements are made to the current application of poisons and pesticides on the lands surrounding our community.

My humblest thanks, Marghee Maupin, NP

SB-3040

Submitted on: 2/10/2020 5:10:21 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Dinner	Individual	Support	No

Comments:

It's simple, really. When fines are not sufficient to deter the crime, then either the fine must be raised or a different more severe punishment must be considered. In this case, it is clear that fines for poisoning our keieki should be a clear deterrent. As it stands they are not and toxicity is commonplace. Please do the pono thing. Pass this bill.

SB-3040

Submitted on: 2/10/2020 5:10:37 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Individual	Support	No

Comments:

I am against all genetically modified crops being tested on our precious `aina that is poisoning our `aina and the health of our people. Stop this genocide acts and evict them from our country.

Mahalo,

Puanani Rogers - Kaua`i island being victimized

SB-3040

Submitted on: 2/10/2020 5:14:58 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Strong	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 5:17:38 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 5:28:59 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica dos Santos	Individual	Support	No

Comments:

Dear Committee Members and Chair,

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Jessica dos Santos

SB-3040

Submitted on: 2/10/2020 5:29:55 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 5:34:47 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kater	Individual	Support	No

Comments:

Please support SB 3040! We need more transparency regarding pesticides and chemicals in our public spaces.

SB-3040

Submitted on: 2/10/2020 5:43:12 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Anuenue Holland	Individual	Support	Yes

Comments:

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

I am submitting this testimony in strong support of SB3040.

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

Pesticide violations are a threat to our keiki, farmworkers and the public in general. Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state’s soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur within the State.

SB 3040 is a step in the right direction but still a relatively small increase compared to the costs involved with misuse of pesticides and the federal fine limits. State fine limits could be increased to much higher values than even the increase proposed in this measure. The EPA has the ability to fine pesticide violators millions of dollars and even then they often end up paying a fraction of the maximum, or originally issued fine. The state should have the ability to issue higher fines also.

Furthermore, the low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around expanding food production agriculture and regulating pesticide use in Hawai'i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

This bill is an important step to better protecting our farmworkers, communities and the environment from pesticide misuse and I strongly urge you to support SB 3040.

SB-3040

Submitted on: 2/10/2020 5:37:10 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Kai	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 5:44:23 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Weiss	Individual	Support	No

Comments:

Aloha.

I support raising fines for pesticide violations and I support SB 3040!

The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

This will also help the Department of Agriculture obtain funds needed to better implement their programs and new pesticide laws in Hawai`i.

Illegal use of pesticides can harm adjacent, non-target species, and contributes to contamination of the state's soil, air and waters. Pesticide misuse continues to occur within the State.

Even in cases where the commercial applicant knowingly violates pesticide labels and laws the maximum state fine is currently only \$25,000.

State fine limits could be increased to much higher values than even the increase proposed in this measure. The EPA has the ability to fine pesticide violators millions of dollars and even then they often end up paying a fraction of the maximum, or originally issued fine.

In cases, such as the 2016 and 2017 Syngenta (Kaua'i) failure to adhere to pesticide use instructions, exposing farmworkers to the (now banned) neurotoxin pesticide chlorpyrifos and injuring their health or the very recent Monsanto/Bayer guilty plea regarding their illegal use of the banned pesticide PennCap-M on Maui and Molokai. Yet, the maximum the state could have fined them for this severe violation would have been \$25,000.

Exposure to PennCap-M has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease. The maximum allowable state fines should be raised to represent the full damages to our communities and environments and the exposed workers in the fields.

Mahalo for your consideration of raising these fines.

SB-3040

Submitted on: 2/10/2020 5:47:19 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Background & Details

Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state’s soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur within the State.

The current state fines for pesticide use violations are only a maximum of \$1,000 dollars for individuals and \$5,000 for commercial applicants. Even in cases where the commercial applicant knowingly violates pesticide labels and laws the maximum state fine is currently only \$25,000. SB3040 would propose to change the maximum allowable fines to \$5,000 for an individual, \$10,000 for a commercial applicator and \$35,000 for a commercial applicant that knowingly violates.

SB 3040 is a step in the right direction but still a relatively small increase compared to the costs involved with misuse of pesticides and the federal fine limits. State fine limits could be increased to much higher values than even the increase proposed in this measure. The EPA has the ability to fine pesticide violators millions of dollars and even then they often end up paying a fraction of the maximum, or originally issued fine.

In cases, such as the 2016 and 2017 Syngenta (Kaua'i) failure to adhere to pesticide use instructions, exposing farmworkers to the (now banned) neurotoxin pesticide chlorpyrifos and injuring their health or the very recent Monsanto/Bayer guilty plea regarding their illegal use of the banned pesticide PennCap-M on Maui and Molokai, the state should have had the ability to issue a fine that is reasonable and representative of the crime, especially considering they are multinational chemical corporations. Bayer profited over \$13 BILLION dollars in 2019. Yet, the maximum the state could have fined them for this severe violation would have been \$25,000.

Exposure to PennCap-M has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease. What is the fine amount that matches the true cost of the impact to the health and life of our people? The maximum allowable state fines should be raised to represent the full damages to our communities and environments and the exposed workers in the fields.

SB-3040

Submitted on: 2/10/2020 5:46:42 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Radmilovich	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 5:56:26 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Support	No

Comments:

Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state's soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur within the State. Our laws must be stronger. Please support this important bill.

SB-3040

Submitted on: 2/10/2020 6:07:40 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Judie Hoepner	Individual	Support	No

Comments:

I am in complete support of SB3040 - it is important that violators be flushed and fined heavily. The pesticide violations are a serious threat to our kids, farm workers as well as the general public.

SB-3040

Submitted on: 2/10/2020 6:04:29 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Godwin	Individual	Support	Yes

Comments:

Aloha, Please pass SB3040 quickly. I am a senior crippled by HC&S's Monsanto sprays that we were not warned about, and the Mayo Mn Clinic could not reverse my leg and feet nerve demyelination. Some of us were sadly oversprayed and crippling doses of 5 to six products still need more investigation and remedies.

Mahalo

SB-3040

Submitted on: 2/10/2020 6:34:06 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
wayne zebzda	Individual	Support	No

Comments:

This is such a simple thing. Transparency and the right to know just what is and has been introduced to our living environment and it's future effects on the health and well being of our island.

SB-3040

Submitted on: 2/10/2020 6:34:45 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ruta Jordans	Individual	Support	No

Comments:

I support reporting and disclosure provisions for pesticide violations, such as improper or illegal pesticide uses, making the process more transparent. Increasing the maximum allowable fines for pesticide use violations means they might actually be sufficient to make it worthwhile to stop flagrant use of pesticides as well as supplying needed funding for the government.

SB-3040

Submitted on: 2/10/2020 6:35:52 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Roya Dennis	Individual	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

SB-3040

Submitted on: 2/10/2020 6:37:51 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Wilcox	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 6:38:10 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Support	No

Comments:

I still have buddies dying from defoliation agents used in South East Asia, so I'm not crazy about where this "civil" use of biochemical warfare is going.

SB-3040

Submitted on: 2/10/2020 6:38:11 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Gray	Individual	Support	No

Comments:

We must stop the unregulated use of dangerous pesticides. They are making us sick, running off into our waters and polluting our streams and ocean water, killing bees and other good flora and fauna. We must protect our kids. These chemicals cause cancer years later, but they also cause breathing issues, surface tumors from contact, low sperm counts and many other problems. The World Health Org. has much to say about the dangers. We should not deny science.

Mahalo, Laura Gray R.N.

SB-3040

Submitted on: 2/10/2020 6:42:54 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
sharon	Individual	Support	No

Comments:

I suffer Organophosphate/ pestiCIDE poisoning! It is VERy

Painful !!!

please protect our Keiki!

SB-3040

Submitted on: 2/10/2020 8:48:52 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cecilia Rose Reilly	Individual	Support	No

Comments:

Aloha,

I am strongly in support of higher fines for misuse of pesticides and chemicals. Too often companies are feeling no remorse for misusing pesticides and chemicals that cause significant harm to the earth and the community. Too often companies downplay the hazards of their misuse and don't pay for damages they cause. Please pass this bill for our communities.

Mahalo,

C. Rose Reilly

Maui, HI

SB-3040

Submitted on: 2/10/2020 6:50:01 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
barbara childers	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 8:52:37 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Kerman	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 9:06:54 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments:

Aloha,

I strongly support SB 3040 and approve of raising fines for pesticide violations.

The fine needs to be large enough for Big Ag to take notice and not just violate the law, get caught and get a “slap on the wrist” fine.

This would be a great way to fund the Dept Of Agriculture in Hawaii. We need to have this important department fully funded to protect the Ā€ina and humans from illegal exposure to toxic pesticides. Big chemical corporations and their climate harming Agricultural “farming” must be better managed. Chemical farming is killing the planet.

I urge you all to watch ‘The Need to Grow’ on Vimeo. It will help you understand what is at risk with Chemical farming and how it destroys all life in our soil and is responsible for killing our pollinators.

Mahalo,

Ms Barbara Barry

SB-3040

Submitted on: 2/10/2020 9:07:53 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Weber	Individual	Support	No

Comments:

Dear Ladies and Gentlemen

I live in Kailua-Kona, Hawaii and this bill is important to me, my family, and the islands.

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

MAHALO NUI LOA, JOANNA WEBER

SB-3040

Submitted on: 2/10/2020 9:14:48 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Michaels	Individual	Support	No

Comments:

I strongly support raising fines for pesticide violations and I support SB 3040!

I live in South Maui, and know all too well what happens when the prevailing trades blow pesticides into our schools and homes and onto our near shore waters.

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai'i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state's soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur within the State.

Exposure to PennCap-M has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease. What is the fine amount that matches the true cost of the impact to the health and life of our people? The maximum allowable state fines should be raised to represent the full damages to our communities and environments and the exposed workers in the fields.

Thank you.

Judith Michaels

Kihei, Maui, Hawaii

SB-3040

Submitted on: 2/10/2020 9:35:48 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rexann Dubiel	Individual	Support	No

Comments:

It is your duty to protect us. Period.

Do your duty!

SB-3040

Submitted on: 2/10/2020 9:49:13 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Danna Olsen	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 10:51:39 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Momi Ventura	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/10/2020 10:54:29 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
valerie Lasciak	Individual	Support	No

Comments:

Pesticides are harmful to citizens so if they must be used companies need to give notice so that citizens can avoid contact as best as possible.

SB-3040

Submitted on: 2/10/2020 11:19:50 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kate Paine	Individual	Support	No

Comments:

This is an important step towards protecting our communities from toxic pesticide exposure by holding violators more accountable!! The hazards effects are well documented.

SB-3040

Submitted on: 2/11/2020 2:46:50 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Llanes	Individual	Support	No

Comments:

Please support SB3040.

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. **These violations are a threat to our keiki, farmworkers and the public in general.** The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Thank you for your service and considering my testimony.

Aloha,

MeleLani Llanes

Registered, active voter

Makakilo, O'ahu

SB-3040

Submitted on: 2/11/2020 6:26:53 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Kai Lucas	Individual	Support	No

Comments:

Dear Legislators,

Hawai'i has the added pressure of many agricultural workers not able to understand pesticide labels 1) in writing, or 2) written in English. Fines are a universal language and when enforced will communicate the urgency for compliance. Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state's soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur in Hawai'i.

Current fines for pesticide use violations are a maximum of \$1,000 dollars for individuals and \$5,000 for commercial applicants. This is quite low compared to the cost of remediation, and medical care to treat exposure.

Even in cases where the commercial applicant knowingly violates pesticide labels and laws the maximum state fine is currently only \$25,000.

SB3040 proposes to change the maximum allowable fines to \$5,000 for an individual, \$10,000 for a commercial applicator and \$35,000 for a commercial applicant that knowingly violates. Please pass this bill.

mahalo,

Kai Lucas

SB-3040

Submitted on: 2/11/2020 6:54:52 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brianna Ansley	Individual	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai'i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

As a concerned citizen of Kauai, Hawaii, a mother, a teacher and an organic farmer, I urge you to support and help pass SB 3040.

Mahalo for your time and dedication to serving the people and islands of Hawaii.

Brianna Ansley

Kilauea, Kauai, Hawaii

SB-3040

Submitted on: 2/11/2020 6:54:56 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Support	No

Comments:

I strongly support SB 3040 which provides reporting and disclosure provisions for pesticide violations, such as improper or illegal pesticide uses. It will also increase the maximum allowable fines for pesticide use violations. This is an important step towards protecting our communities from toxic pesticide exposure by holding violators more accountable. I strongly support SB 3040.

SB-3040

Submitted on: 2/11/2020 7:28:40 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacy Bell	Individual	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

I am a former resident of Kauai.

SB-3040

Submitted on: 2/11/2020 7:36:01 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl hendrickson	Individual	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

I live on Maui and the recent sale of land to Mahi Pono concerns me. Monsanto also has land here. I do not trust their practices and want these companys to be monitored. They, like many corporations, are only concerned about profitability to the detriment of our communities.

Mahalo

SB-3040

Submitted on: 2/11/2020 8:05:26 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Logue	Individual	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

SB-3040

Submitted on: 2/11/2020 7:45:30 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
B Miyano-Young	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/11/2020 8:18:33 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Individual	Support	No

Comments:

Pls. support this SB3040 to protect our lands, and people and in particular the next generations to have lands to grow food that are not full of pesticides and herbicides. We all need to stop poison- ing our 'aina and think about what we are leaving for the next generation.

Mahalo for your consideration

SB-3040

Submitted on: 2/11/2020 8:25:59 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Pappas	Individual	Support	No

Comments:

Dear legislators,

I strongly support this bill to enforce proper use of pesticides in Hawaii. With improper use there is the threat of harm to people and the environment (soil, water, birds, bees and other pollinators), especially from drift. A strong deterrent (this bill) will encourage only proper use of these powerful chemicals.

Please support SB3040 this session.

SB-3040

Submitted on: 2/11/2020 8:45:36 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
George Burnette	Individual	Support	No

Comments:

Without proper reporting and enforcement, industry will continue to misuse pesticides threatening all of our health.

SB-3040

Submitted on: 2/11/2020 9:22:06 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Long	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/11/2020 9:21:53 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Hooser	Individual	Support	No

Comments:

Strong support

Note the increased fines are not mandatory and represent only an increased ceiling. The existing fine amounts are extraordinarily low given the potential damage to health and the environment that could occur when misused and violations occur.

In addition, the annual report being requested consists largely of data already maintained by the DOA and thus is mostly a compilation, and thus the work required to produce should be minimal. In addition an annual report will reduce the need for public UIPA requests for this same data and thus same the DOA staff time and energy.

SB-3040

Submitted on: 2/11/2020 9:27:25 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
denise woods	Individual	Support	No

Comments:

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Thank You,

Denise Woods, RN

SB-3040

Submitted on: 2/11/2020 9:42:01 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Francine Roby	Individual	Support	No

Comments:

Please pass SB3040 requiring annual reports of pesticides compliance actions. As a former federal compliance officer, I speak from experience on the importance of both compliance investigations, and reporting. This helps accountability to citizens, demonstrates the viability of the law, and also helps the enforcement agency have data to use for targeting future effective enforcement. This matters to our island's and people's current and future health and prosperity. Thank you.

SB-3040

Submitted on: 2/11/2020 9:29:05 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Maitino	Individual	Support	No

Comments:

I am in FULL SUPPORT of raising fines for pesticide violations and for SB 3040

These violations subject our farmworkers, the Keiki, and the public to these toxic chemicals.

The chemical companies need to have more incentive to STOP this exposure by increasing fines for violations. This should no longer be just the 'cost of doing business'.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were

Thank you,

Maria Maitino

SB-3040

Submitted on: 2/11/2020 10:08:37 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Brennan, N.D.	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/11/2020 10:02:25 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Teschner	Individual	Support	No

Comments:

Please support this important bill to protect our community's health! It should not be controversial. Thank you.

SB-3040

Submitted on: 2/11/2020 11:23:06 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments:

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

My name is Mary Lacques and I am a resident of Haleiwa.

I am submitting testimony in STRONG SUPPORT of the much needed and long overdue SB 3040, which would increase fines for pesticide use violations and requires the Department of Agriculture (HDOA) to prepare and submit an annual report detailing these violations.

As you are aware, the following incidents and violations are noted within the language of SB 3040, but I think the serious nature and blatant disregard for the residents, visitors and ecosystems of Hawai'i warrants repeating, especially in light of the most recent revelations from the Monsanto Maui settlement, just two months ago, in which the company was found guilty of knowingly and deliberately using, transporting and storing a banned pesticide at its South Maui, Maalaea and Kaunakakai, Molokai facilities.

Monsanto admitted in the court documents that it used PennCap-M, even though the company knew its use was prohibited after 2013 pursuant to an order issued by the Environmental Protection Agency (EPA). The company further admitted that, after the 2014 spraying, it told employees to re-enter the sprayed fields seven days later, even though Monsanto knew that workers should have been prohibited from entering the area for 31 days.

On Kauai, in 2018, a commercial pesticide applicator was fined only \$168,535 for misusing a combination of restricted-use pesticides on Kaua'i. The fine grossly under funds the true costs of improper and illegal use of pesticides in our communities and the restoration of ecosystems damaged by pesticide pollution.

Also on Kauai, in 2016 and 2017, Syngenta failed to adhere to pesticide use instructions, and improperly used the (now banned) neurotoxin pesticide chlorpyrifos, exposing the dangerous pesticide to farmworkers and injuring their health. Although an investigation by the EPA initially proposed a pesticide fine of \$4.9 million, the fine was significantly reduced to just over \$500,000.

Not mentioned in SB 3040 is that here on O'ahu, in May of 2017, a former employee of Waialua's DuPont Pioneer operations alleged in a lawsuit that the company dangerously mishandled herbicides, potentially exposing the Waialua community. The lawsuit alleged that the company sprayed its fields even on days when the winds exceeded safety rules. Pioneer's former Waialua farm is adjacent to Waialua High and Intermediate School and a nearby subdivision.

Over the years I have observed in both the House and Senate Agriculture Committee hearings that many discussions regarding the HDOA end with the fact that they are woefully underfunded. Passing SB 3040 and raising the current low fine threshold is a simple and direct way for the HDOA to obtain the funding needed to better implement the inevitable new laws around pesticide use in Hawai'i.

This commonsense bill is a good step towards keeping farmworkers, keiki and kāpuna, Hawai'i's communities and ecosystems protected from the improper uses of toxic pesticides-particularly from drift-prone chemicals.

Sincerely,

Mary Lacques

P.O. Box 14

Haleiwa HI 96712

SB-3040

Submitted on: 2/11/2020 1:23:17 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
L. Osterer	Individual	Support	No

Comments:

I support this bill because more transparency is needed with pesticide use and violations. The community deserves the right to know how complaints are being addressed and the results of investigations. These violations are a threat to the public health and water supply. The current low fines do not discourage the profit making of multinational chemical corporations such as Bayer, Monsanto, Syngenta, or known violators in the past.

These companies have been forewarned and were quite aware of the dangers. Some have even been guilty of using BANNED chemicals. These small increases in state fines will not discourage their billions of dollars in profits. More is needed. Raising the fines would help establish better implementation for the regulation needed.

SB 3040 is a step in the right direction but still a relatively small increase compared to the costs involved with misuse of pesticides and the federal fine limits. State fine limits could be increased to much higher values than even the increase proposed in this measure. The EPA has the ability to fine pesticide violators millions of dollars but even then they often end up paying a fraction of the maximum, or originally issued fine.

The state should be a watchdog and act more quickly to ensure safety precautions, enforce restoration after accidents and curb intentional violators, with much higher fines appropriate to the damage and number of infractions.

Thank you for your consideration of this important matter.

L.Osterer, Kauai resident and registered voter

SB-3040

Submitted on: 2/11/2020 1:27:30 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Chun	Individual	Support	No

Comments:

Aloha kākou,

My name is Malia and I am a mother of 2 keiki that have been raised in a community surrounded by commercial agriculture and GM test field sites. Myself, both my children and countless others have been exposed to pesticide exposure in my community by large agro-corporations. This exposure has affected our health and quality of life in many ways. These corporations have never willingly disclosed the chemicals and pesticides that they expose our community to. Therefore, I support raising fines for pesticide violations and I support SB 3040!

These corporations have violated pesticide laws for far too long. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The community deserves the right to know how our complaints are being addressed and what the result of these investigations are, we deserve transparency! The health of our keiki and community is at stake, if you do nothing to protect us. Since the only thing that seems to motivate these corporations to change and enact ethical practices is MONEY...then the government needs to make them accountable with heftier fines. This seems a small price to pay when it comes to human health and life.

Mahalo for your time

From: [RE Lewis](#)
To: [AEN Testimony](#)
Subject: Support for SB 3040
Date: Tuesday, February 11, 2020 7:05:48 AM

I support raising fines for pesticide violations and I support SB 3040.

Current Hawaii fines for pesticide use violations are a maximum of \$1,000 dollars for individuals and \$5,000 for commercial applicants. In cases where the commercial applicant knowingly violates pesticide labels and laws, the maximum state fine is currently only \$25,000. SB3040 would propose to change the maximum allowable fines to \$5,000 for an individual, \$10,000 for a commercial applicator and \$35,000 for a commercial applicant that knowingly violates. Current fines are hardly a deterrent. Rather, they are often viewed as an acceptable "cost of doing business" by large industrial operations.

The safety of our children, farmworkers and the public deserve laws with teeth. For the behavior of violators to change, they must be held accountable. This includes reporting transparency. Communities deserve the right to know how complaints are addressed and the outcomes of such complaints.

Increased revenue from fines should be reinvested in programs associated with safe pesticide procedures and enforcement. While the safety of our citizens is uppermost in our minds, we can not overlook the threat to non-target species, as well as the needless contamination of our soil, water and air.

This is an urgent request. When we consider what is at stake, the fines and reporting outlined in this bill remain modest when compared to federal fines for pesticide misuse. The EPA has the ability to fine pesticide violators millions of dollars. Even so, violators often end up paying a fraction of the originally issued fine.

Current state fines are not an adequate deterrent to violators. Consider the the recent cases below:

The 2016 and 2017 Syngenta (Kaua'i) failure to adhere to pesticide use instructions, exposing farmworkers to the (now banned) neurotoxin pesticide chlorpyrifos and injuring their health.

The very recent Monsanto/Bayer guilty plea regarding their illegal use of the banned pesticide PennCap-M on Maui and Molokai.

In these cases, the state should have had the ability to issue a fine reasonable and representative of the crime. Bayer, a multinational chemical corporation, profited over \$13 BILLION dollars in 2019. Yet, the maximum the state could have fined them for this severe violation would have been \$25,000.

Exposure to PennCap-M has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease. What, I ask, is the fine amount that matches the true cost of the impact of such needlessly exposure to the health and life of our people?

I urge you to raise maximum allowable state fines to better represent the full damages incurred by our communities and environments from illegal pesticide use.

Thank you for your time and consideration.

Sincerely,

Ruth E. Lewis, Ph.D.

4875 Kikala Rd.

Kalaheo, HI 96741

808-332-5032

associated with pesticide violations.

Background & Details

Illegal use of pesticides threatens to harm Despite these risks, pesticide misuse has, and continues to occur within the State.

SB

From: [Marie Isom](#)
To: [AEN Testimony](#)
Subject: I support raising fines for pesticide violations and I support SB 3040!
Date: Tuesday, February 11, 2020 5:37:26 AM

I support raising fines for pesticide violations and I support SB 3040!

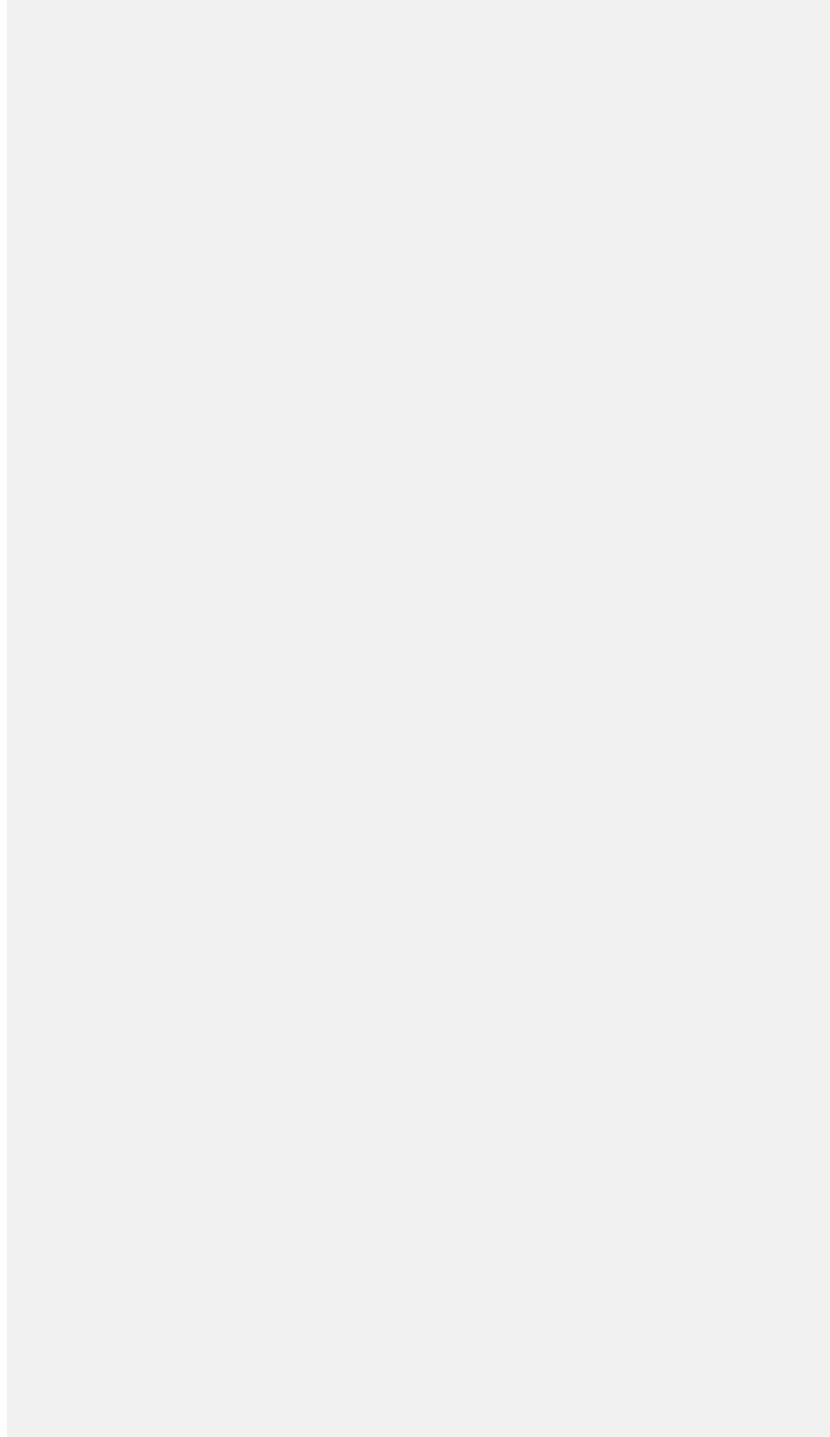
Marie Isom

Keaau, Hi.

From: [Sarah Randa](#)
To: [AEN Testimony](#)
Subject: I support SB 3040
Date: Tuesday, February 11, 2020 7:54:42 AM

I support raising fines for pesticide violations.

It is very important to be aware of what we are putting on our lands, waters and how it affects people and the environment. Don't let people get away with harming us and environment.



From: [Diane Koerner](#)
To: [AEN Testimony](#)
Subject: Please Support SB 3040
Date: Tuesday, February 11, 2020 8:38:52 AM

Aloha,

I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable “cost of doing business” by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai`i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Illegal use of pesticides threatens to harm adjacent, non-target species, and contributes to short and long-term contamination of the state’s soil, air and waters. Despite these risks, pesticide misuse has, and continues to occur within the State.

The current state fines for pesticide use violations are only a maximum of \$1,000 dollars for individuals and \$5,000 for commercial applicants. Even in cases where the commercial applicant knowingly violates pesticide labels and laws the maximum state fine is currently only \$25,000. SB3040 would propose to change the maximum allowable fines to \$5,000 for an individual, \$10,000 for a commercial applicator and \$35,000 for a commercial applicant that knowingly violates.

SB 3040 is a step in the right direction but still a relatively small increase compared to the costs involved with misuse of pesticides and the federal fine limits. State fine limits could be increased to much higher values than even the increase proposed in this measure. The EPA has the ability to fine pesticide violators millions of dollars and even then they often end up paying a fraction of the maximum, or originally issued fine.

In cases, such as the 2016 and 2017 Syngenta (Kaua’i) failure to adhere to pesticide use instructions, exposing farm workers to the (now banned) neurotoxin pesticide chlorpyrifos and injuring their health or the very recent Monsanto/Bayer guilty plea regarding their illegal use of the banned pesticide PennCap-M on Maui and Molokai, the state should have had the ability to issue a fine that is reasonable and representative of the crime, especially considering they are multinational chemical corporations. Bayer profited over \$13 BILLION dollars in 2019. Yet, the maximum the state could have fined them for this severe violation would have been \$25,000.

Exposure to PennCap-M has been linked to impaired neurological development in the fetus and in infants, chronic fatigue syndrome, and Parkinson's disease. What is the fine amount that matches the true cost of the impact to the health and life of our people? The maximum allowable state fines should be raised to represent the full damages to our communities and environments and the exposed workers in the fields.

Mahalo,

Diane Koerner, Greener Hawaii chairperson

Kapaa, HI 96746

From: [Fred Dente](#)
To: [AEN Testimony](#)
Subject: SB 3040
Date: Monday, February 10, 2020 8:07:23 PM

Hawai`i Legislators,

I totally support SB 3040, to help protect my health, the health of my Family, Friends and all Kaua`i citizens and visitors. Please represent my position on this bill when you vote on it.

Mahalo,

Fred Dente
6335 Waipouli Road Unit B
Kapa`a, HI 96746

From: [Margery Freeman](#)
To: [AEN Testimony](#)
Subject: SB3040 - in support
Date: Tuesday, February 11, 2020 11:10:49 AM

To Whom it may Concern:

SB3040 is an important bill and should be passed.
Some pesticides are dangerous and should not be uses
except under very careful rules.
For violations the fines should be raised.
There need to be protection for farmworkers,
children and all of us.

Please support and vote for SB3040.

Aloha,

M. Freeman
4-820 Kuhio Hwy. #D405
Kapaa, HI 96746

From: [Kele Omana](#)
To: [AEN Testimony](#)
Subject: Sb3040
Date: Monday, February 10, 2020 10:01:02 PM

Hi, i started a job with cargill a few yrs ago. I started having a sore throat every day that would not go away. I had to quit because i know it was all the pesticides they use making me sick. When i quit, it went away.
I support sb 3040!!!

Sent from my iPhone

From: [Abbey Holmes](#)
To: [AEN Testimony](#)
Subject: Sb3040
Date: Tuesday, February 11, 2020 7:24:36 AM

I support raising the fines for pesticide use. Sb3040!! Yes!

Aloha,

Abbey Holmes

Sent from my iPhone

From: jlee@everyactioncustom.com on behalf of [Joanna Lee](#)
To: [AEN Testimony](#)
Subject: In Support of SB3040 to Strengthen Pesticide Protections
Date: Monday, February 10, 2020 12:35:08 PM

Dear Committee on Agriculture and Environment,

I am writing in strong support of SB3040, which increases fines for pesticide use violations and requires the Department of Agriculture to prepare and submit an annual report detailing these violations.

The people of Hawai'i have the right to decide that the risks associated with the improper use of toxic pesticides in commercial agriculture are unacceptable. The public deserves access to the knowledge of such violations in order to take action to reduce and prevent the potential negative impacts of such misuse.

I urge you to support SB3040. Thank you kindly for considering my testimony in strong support of the measure.

Mahalo,

Sincerely,
Joanna Lee
1111 Nuuanu Ave Ste 210 Honolulu, HI 96817-5183

Multiple Testifier List for SB 3040

Joanna Lee
Susanne Kiriaty
Richard Thornhill
Kevin Kekoa
Petra Zoeller
April Peterson
Wesley Nanamori
Debra Vitola
Carol Brock
John Nix
Debra Nix
elaine logan
Helmut Klauer
Gregory Puppione
Sulara James
Debra Andrade
Pamela Wai'olena
Zoe Alexander
mm Moran
John Naylor
Katherine M Kane
Robert Abell
Haley K
Margaret Skillicorn
Claudia Herfurt
SUSAN CASWELL
Mark Van Horne
Faye L. Wallace
Joann Fechner
Noenoe Barney Campbell
Michele Nihipali
Ken Stover
Mary True
Jason Randle
JULIA FUJIOKA
Valerie Weiss
Lionel Ortiz
Patricia Gonzales
Lory Ono
Kevin Lash
Amy Stephens
Patricia Blair
Kimberly Turnbull
Deborah Sevy
Michael Treece
Laurie Leland

Mark Damon
Beth Mclachlin
Barbara Barry
Melinda Ahn
Johanna Stone
Michele Nihipali
Terry Akana
Janice Palma-Glennie
Sherrie Moore
Launi Varbel Carol
Christine Andrews

SB-3040

Submitted on: 2/12/2020 4:53:36 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noah Singer	Individual	Support	No

Comments:

I wholeheartedly support SB3040 in order to protect the health of the Hawaiian people and our ecosystem. As a small business owner of a medical practice, I've seen firsthand how toxic exposure to pesticides, herbicides and fungicides used in the agricultural industry directly cause terrible diseases and end up killing many of my patients. Please pass SB3040 in order to stop these unnecessary deaths. Thank you.

SB-3040

Submitted on: 2/12/2020 6:35:29 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
bruce corker	Individual	Support	No

Comments:

Chair Gabbard and Committee Members:

Disclosure and transparency are important.

Please approve SB3040.

Thank you,

Bruce Corker, Holualoa, Hawaii County

SB-3040

Submitted on: 2/12/2020 8:27:21 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

SB-3040

Submitted on: 2/12/2020 9:41:11 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Will M Davis	Individual	Comments	No

Comments:

Dear Honorable Hawaii Legislators,

The Guardian published Aug. 23, 2015, pediatrician Carla Nelson reported there have been nine babies born in five years in Waimea with a severe heart malformation requiring complex surgery. Nelson said this is more than 10 times the national rate, and she and other physicians feel it was caused by the biotech pesticides.

The Garden Island reported 2013, a 4 year study found pesticides chlorpyrifos, bifenthrin, and metolachlor in the breathing air, and atrazine in the drinking water of WCMS. This occurred with a 300 foot buffer to Syngenta's spraying of those pesticides. SB 3095 requires only a 100 foot pesticide buffer. 300 to 100. 3 to 1. We can estimate that with SB 3095's 100 foot buffer 3 times as much chlorpyrifos, bifenthrin, and metolachlor would be in the breathing air, and 3 times as much atrazine would be in the drinking water of Waimea's pregnant women as was measured in WCMS.

Research by Corteva (formerly DowDupont), the maker of chlorpyrifos, omitted key results on the brain-harming effects of the pesticide, undermining the Environmental Protection Agency's ability to accurately assess its safety, according to this 2018 peer-reviewed study published by the Environmental Health journal.

<https://ehjournal.biomedcentral.com/articles/10.1186/s12940-018-0421-y>

The Lancet medical journal published, 2014, that chlorpyrifos damages the developing nervous system, associated with lowered IQ at school age, at current levels of exposure.

[https://www.thelancet.com/journals/laneur/article/PIIS1474-4422\(13\)70278-3/fulltext](https://www.thelancet.com/journals/laneur/article/PIIS1474-4422(13)70278-3/fulltext)

Proceedings of National Academy of Science, 2012, reports MRI scans reveal **chlorpyrifos prenatal exposure at non-acute low levels, like those levels measured in the air of Waimea Canyon Middle School, is positively correlated to 1) brain defects, 2) inversely correlated to IQ scores, and 3) positively correlated to "disruption of normal sexual dimorphisms in brain structure, which reverses**

normal sex differences in learning, memory, and emotional behaviors." Corteva still owns the copyright to chlorpyrifos.

<https://www.pnas.org/content/109/20/7871.full>

The Center for Food Safety reports biotech corporations in Waimea spray over 17 times the amount of pesticides compared to other American farms.

Thus anything you can do to protect Waimea children, especially at Waimea Canyon Middle School (WCMS), and to protect pregnant mothers in Waimea, is of utmost importance. You should please create another law which bans chlorpyrifos permits and extends the Waimea pesticide buffer to 1/4 mile as California law requires for schools.

Thank you.

Will M. Davis

SB-3040

Submitted on: 2/12/2020 10:03:58 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo. I am a lifelong resident of Hawai'i. I am writing to say that I am in strong support of this bill. I support raising fines for pesticide violations and I support SB 3040!

Too often pesticide violations are considered an acceptable "cost of doing business" by large industrial operations. These violations are a threat to our keiki, farmworkers and the public in general. The current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators.

The low fine threshold is a lost opportunity for the department of Agriculture to obtain the funds they need to better implement their programs and new laws around pesticide use in Hawai'i.

I support transparency in the process and the reporting associated with pesticide violations. The community deserves the right to know how complaints are being addressed and what the result of the investigations were.

Please support this bill too.

me ke aloha 'Ā• ina,

Nanea Lo

SB-3040

Submitted on: 2/12/2020 10:25:12 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katherine Metzger	Individual	Support	No

Comments:

I strongly urge you to pass SB3040! We need protection from toxic pesticides. Those careless enough to use these chemicals without taking proper care to apply them properly need to be fined and punished with the full extent of the law. It is absolutely not okay to put profit and negligence over the health of our community. Our keiki deserve better! We deserve better!

LATE

SB-3040

Submitted on: 2/12/2020 12:21:17 PM
Testimony for AEN on 2/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Individual	Support	No

Comments:

i strongly support this over-due measure to help reduce risks to people, land and sea by toxic chemicals.

mahalo, janice