

**HB-692**

Submitted on: 2/13/2023 4:09:49 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Greg Takeshima	Hawaii Department of Agriculture	Support	Remotely Via Zoom

Comments:

Available for questions.

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

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

**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS**

**FEBRUARY 15, 2023**  
**9:00 A.M.**  
**ROOM 325 AND VIDEOCONFERENCE**

**HOUSE BILL NO. 692**  
**RELATING TO PESTICIDES**

Chairperson Gates, Vice-chair Kahaloa, and Members of the Committee:

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

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

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



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

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

Thank you for the opportunity to testify on this measure.



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February 15, 2023

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

**TESTIMONY ON HB 692**  
**RELATING TO PESTICIDES**

Conference Room 325 & Videoconference  
9:00 AM

Aloha Chair Gates, Vice-Chair Kahaloa, and Members of the Committee:

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

**The Hawai'i Farm Bureau respectfully opposes HB 692**, which increases administrative and criminal penalties for violations of Hawai'i pesticide law.

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. **This measure is unlikely to deter pesticide law violations** because typically, these offenses stem from a lack of understanding of the complex laws, not an intentional action. We believe that a more robust pesticide education outreach effort would better serve the community and be more effective in preventing violations.

This measure arbitrarily increases the administrative and criminal penalties, **doubling some and increasing others five-fold**. To our knowledge, there are *no* farms that intentionally violate pesticide laws, and that would consider the already-significant penalties and terrible public relations as a "cost of doing business." For the vast majority of farms in Hawai'i, even the current penalties, not to mention the negative publicity, could quickly put them right out of business.

Thank you for the opportunity to testify on this important subject and for your support of Hawai'i's farmers and ranchers.



# **HAWAII PEST CONTROL ASSOCIATION**

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

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

February 15, 2023

Testimony To: House Committee on Agriculture & Food Systems  
Representative Cedric Asuega Gates, Chair

Presented By: Tim Lyons, CAE  
Executive Director

Subject: H.B. 692 – RELATING TO PESTICIDES.

Chair Gates and Members of the Committee:

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

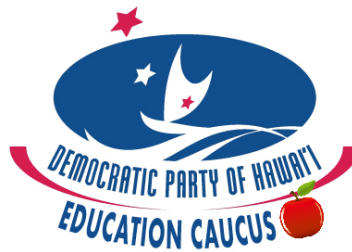
As the Committee knows, the purpose of this bill is to increase the maximum fines. We have not heard any evidence or examples of where the current maximum fines were insufficient as a deterrent particularly as it relates to structural pest control operators. Every dollar out in fine money is money that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

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

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

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

Thank you.



## HOUSE BILL 692, RELATING TO PESTICIDES

FEBRUARY 15, 2023 · HOUSE AGRICULTURE AND  
FOOD SYSTEMS COMMITTEE · CHAIR REP. CEDRIC  
A. GATES

**POSITION:** Support.

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

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

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

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

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

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

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

**Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · [kriscoffield@gmail.com](mailto:kriscoffield@gmail.com)**





## HB 692, RELATING TO PESTICIDES

FEBRUARY 15, 2023 · HOUSE AGRICULTURE AND  
FOOD SYSTEMS COMMITTEE · CHAIR REP. CEDRIC  
A. GATES

**POSITION:** Support.

**RATIONALE:** Imua Alliance supports HB 692, relating to pesticides, which increases administrative and criminal penalties for individuals who violate the Hawai'i pesticides law.

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

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

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

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

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**



# Food+ Policy Internship 2023

[food@purplemaia.org](mailto:food@purplemaia.org)

February 13, 2023

To: Chair Gates, Vice Chair Kahaloe, and the House Committee and Agriculture and Food Systems

Subject: **HB692**, Relating to pesticides

Aloha mai kākou,

I, Kahealani Acosta, advocate in support of HB692, which *increases administrative and criminal penalties for individuals who violate the Hawaii pesticides law*.

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

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

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

As a farmer and 'ai/'aina pono advocate, I urge the House committee on agriculture and food systems to **SUPPORT HB692**.

Mahalo,  
Kahealani Acosta & the Food+ Policy Team  
#fixourfoodsystem

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**The Food+ Policy internship** develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2023, the cohort of interns are undergraduate and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



## House Committee on Agriculture & Food Systems

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

Wednesday, February 15th, 2023 9:00 a.m.

Aloha Chair Gates, Vice Chair Kahaloa and Members of the Committee,

HAPA supports HB692 to increase the maximum fines for pesticide use violations.

Pesticide violations are a threat to our keiki, farmworkers and communities living near heavily sprayed fields. Improper use, disposal and drift threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state's soil, air and water and takes a toll on human health and quality of life. Despite these risks, pesticide misuse has, and continues to occur.

In 2016<sup>1</sup> and 2017<sup>2</sup>, Syngenta failed to adhere to pesticide use instructions on Kaua'i exposing 77 farmworkers to the now banned neurotoxin, *chlorpyrifos*. This led to the hospitalization of ten farmworkers.

In 2019<sup>3</sup>, Monsanto/Bayer pleaded guilty to using an illegal banned pesticide, *PennCap-M*, on Maui and Moloka'i. This is linked to impaired neurological development, chronic fatigue syndrome, and Parkinson's disease.

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

Too often pesticide violations are considered an acceptable "cost of doing business" by large multi-billion dollar industrial operations. Increasing fines will help create a better deterrent for future violations. The agrochemical industry has repeatedly violated worker safety and endangered residents living adjacent to their operations.

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

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

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

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

This bill is an important step towards better protecting our farmworkers, frontline communities and the environment from pesticide misuse, please support HB692 .

Respectfully,

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

Anne Frederick  
Executive Director



Testimony from Scott Dahlman, CropLife America

In Opposition to HB 692 – Relating to Pesticides

House Committee on Agriculture

Wednesday, Feb 15, 9 am, rm 325

Aloha Chair Gates and members of the committee,

CropLife America (CLA) is the national association representing manufacturers, formulators, and distributors of pesticides products used in agriculture production. We support and promote scientific-based policy in the regulation of pesticide products at both the state and federal level. We are in opposition to HB 692.

The bill introduction says that “the legislature finds that enforcement of Hawaii pesticide law, including 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. Accordingly, the purpose of this Act is to protect the State’s residents and environment and ensure more stringent enforcement of Hawaii pesticide law by increasing monetary fines or pesticide violations.”

CLA believes that the better strategy to achieving this purpose is greater pesticide education for farmers – especially for the many small farmers where English is their second language. Responsible use of pesticides is key to reducing risk to the environments and ensuring the health of the public. But unfortunately, some farmers need assistance to ensure that they follow the label. The public would be better served by providing the State Department of Agriculture with funding to HELP farmers instead of penalizing them for violations. The financial impact of a \$5,000 fine could easily shut down operations for a small farmer. And that outcome is counter to our state’s food security goals.



# HAWAII CROP IMPROVEMENT ASSOCIATION

HB692 – With Comments  
Relating to Pesticides  
House Committee on Agriculture and Food Systems

Date: Wednesday, February 15, 2023

Time: 9:00 AM

Place: Conference Room 325

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the Committee:

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

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

Mahalo for the opportunity to provide comments on this measure.

*The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.*

**HB-692**

Submitted on: 2/13/2023 11:04:26 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

Large corporate polluters have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment. The state’s current low fine threshold does not create a sense of urgency to change behavior and stop repeat violators. The maximum fine for corporate pesticide violations is currently set at \$25,000. For multi-billion dollar corporate polluters, this amount is simply a “cost of doing business” rather than a deterrent. Improper and illegal use of pesticides threatens to harm adjacent, non-target plants and species, to lead to short and long-term contamination of the state’s soil, air and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i. Just recently Monsanto/Bayer has pleaded guilty to multiple pesticide violations on O‘ahu. This is on the heels of additional violations on Maui and Moloka‘i.

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

Please support HB692.

me ke aloha ‘āina,  
Nanea Lo, Mō‘ili‘ili



**HB-692**

Submitted on: 2/13/2023 12:39:35 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Strong support

**HB-692**

Submitted on: 2/13/2023 6:35:39 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

As someone who has already had cancer twice, I urge you to support this bill.

**HB-692**

Submitted on: 2/13/2023 10:30:42 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Godfrey Akaka	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Godfrey Akaka Jr. I am in support of this bill for the purpose of preventing poisoning our drinking water, streams, ocean, and communities.

Mahalo.

**HB-692**

Submitted on: 2/14/2023 12:03:25 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Noel Shaw	Individual	Support	Written Testimony Only

Comments:

Aloha,

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

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

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

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

Please support HB692.

Mahalo,

Noel Shaw, Kalāwahine, O'ahu

**HB-692**

Submitted on: 2/14/2023 12:45:33 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jason Mark Alexander	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Jason Mark Alexander, and I strongly support HB692 as a settler in Mānoa and PhD student in sociology at UHM. Regulation of large corporate polluters is urgently needed, as well as strict penalties for violations of established protection protocols. I am disgusted by how agricultural institutions have exposed farm workers and neighboring communities to pesticide misuse for decades. As a result, exposure has threatened the health of vulnerable populations and contaminated the environment, creating continuous inequity and injustice.

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

Improper and illegal use of pesticides harms both target and non-target plants and species, to lead to short and long-term contamination of the state’s soil, air, and water and takes a toll on human health and quality of life. Despite the risks, pesticide misuse has, and continues to occur within Hawai‘i with condonement by politically-adjusted environmental action levels.

Please pass this bill to help protect these islands' life from contamination today that is spilling over to several future generations.

**HB-692**

Submitted on: 2/14/2023 7:14:27 AM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Support. Thank you.

**HB-692**

Submitted on: 2/14/2023 9:47:33 PM

Testimony for AGR on 2/15/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Love	Individual	Oppose	Written Testimony Only

Comments:

Current penalties are sufficient