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**Testimony COMMENTING on with Reservations S.B. 1037**  
**Relating to the Health Impacts of Pesticides**

SENATOR JOSH GREEN, CHAIR  
SENATE COMMITTEE ON HEALTH

SENATOR RUSSELL E. RUDERMAN, CHAIR  
SENATE COMMITTEE ON AGRICULTURE

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

Hearing Date: **February 12, 2015**  
**3:00 p.m.**

Room Number: Room 414

- 1 **Fiscal Implications:** Unknown, but significant.
- 2 **Department Testimony:** S.B. 1037 seeks to amend H.R.S. Chapter 321. The Hawaii
- 3 Department of Health (DOH) would like to offer the following comments and reservations
- 4 regarding this proposed measure.
- 5 S.B.1037 asks the DOH to establish and administer a program relating to the mandatory
- 6 disclosure of pesticide use by any person or entity that cultivates crops on 200 or more acres
- 7 under certain circumstances. DOH supports science-based public health actions to protect the
- 8 health of our children. In this regard over the past two years, DOH has prepared a report on
- 9 atrazine occurrence in Hawaii for the Legislature, conducted stream sampling across the State for
- 10 hundreds of currently used pesticides and coordinated a cancer cluster evaluation for Kauai with
- 11 the University of Hawaii. DOH is also continuing to build laboratory capacity for pesticides so
- 12 that more environmental sampling can be done to evaluate offsite movement of pesticides in air,
- 13 drinking water, our streams and coastlines. We have conducted these efforts in close
- 14 collaboration with state agencies, such as the Hawaii Department of Agriculture (DOA), federal
- 15 agencies, and county governments.
- 16 DOH supports the disclosure and notification approach taken by the Kauai Agricultural Good
- 17 Neighbor Program, a voluntary pesticide-use disclosure program on Kauai that provides monthly
- 18 on-line reports of restricted pesticide use through the DOA website, a 100 foot buffer zone

1 between pesticide application and sensitive communities and pre-application notification to  
2 neighboring property owners upon request. S.B. 1037 asks DOH to establish and administer a  
3 program mandating pesticide use disclosure requirements, and further requires that DOH post a  
4 monthly summary of each required disclosure report and any failures to disclose.

5 DOH does not regulate use and application of pesticides, or possess the necessary agricultural  
6 and pest management expertise to establish, implement and enforce mandatory pesticide use  
7 disclosure requirements. In addition, DOH does not have existing positions or infrastructure to  
8 establish a pesticide use reporting and public disclosure program. Establishing these functions at  
9 DOH would be duplicative, requires establishment of a new program within the Department and  
10 could cause confusion for pesticide applicators who have other regulatory reporting requirements  
11 to DOA.

12 Mandatory pesticide use reporting and public disclosure are most efficiently implemented by  
13 DOA Pesticides Branch which regulates the use, sale, and distribution of pesticides in the State  
14 of Hawaii, and has expert staff providing oversight, applicator education, and enforcement of  
15 proper pesticide use practices. In addition, DOA already provides monthly on line public  
16 disclosure of voluntary pesticide use reporting under the Kauai Good Neighbor Program.

17 In summary, while DOH recognizes the public interest in disclosure and notification of pesticide  
18 uses in local communities, such functions should be carried out at DOA.

19 Thank you for the opportunity to provide comments on this important measure.

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



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SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON HEALTH, AGRICULTURE, AND ENERGY  
AND ENVIRONMENT**

Thursday, February 12, 2015  
3:00 P.M.  
CONFERENCE ROOM 414

**SENATE BILL NO. 1037  
RELATING TO THE HEALTH IMPACT OF PESTICIDES**

Chairpersons Green, Ruderman, and Gabbard, and Members of the Committees:

The Department of Agriculture (HDOA or Department) has strong reservations about SB 1037 in that it refers to the Department of Health to be the responsible agency to establish and administer a program relating to disclosure of pesticide use by any person or entity.

We feel that it is the purview of the HDOA to regulate the use of pesticides under the Hawaii Pesticides Law, Chapter 149-A. Also to note that the cost to staff and maintain such a data bank would be a costly proposition with currently limited state funds.

The HDOA would like to identify that some of the reporting requirements that may be problematic due to it possibly being considered confidential business information (CBI) by registrants. The bill's requirement for monthly reporting of all pesticides in accordance with this bill for public posting will necessitate the hiring of additional Department staff to handle and maintain this reporting activity.

In summary, the Department would like to point out that language in SB 1037 seems to target a segment of the farming community. The Department supports all agricultural activity that is being conducted in accordance, with federal, state and county regulations.

Thank you for the opportunity to present testimony.



**COUNTY COUNCIL**

Mel Rapozo, Chair  
Ross Kagawa, Vice Chair  
Mason K. Chock  
Gary L. Hooser  
Arryl Kaneshiro  
KipuKai Kualii  
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February 11, 2015

**TESTIMONY OF GARY L. HOOSER  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON**

**SB 1037, RELATING TO THE HEALTH IMPACTS OF PESTICIDES**

Committee on Health  
Committee on Agriculture  
Committee on Energy and Environment  
Thursday, February 12, 2015

3:00 p.m.  
Conference Room 414

Dear Chair Green, Chair Ruderman, Chair Gabbard, and Committee Members:

My name is Gary L. Hooser and I presently serve on the Kaua'i County Council. I am here today testifying as an individual Councilmember in strong support of SB 1037 Relating to the Health Impacts of Pesticides.

SB 1037 requires the Department of Health to establish a mandatory disclosure of pesticide use program for all persons or entities who use pesticides under certain circumstances.

I applaud this Senate Joint Committee and the introducers of the Bill for recognizing the importance of this issue.

There is no question in terms of scientific studies that pesticides in general, but especially Restricted Use Pesticides, have the potential to cause great harm to health and the environment.

Our research on Kaua'i shows that while a handful of very large companies use large amounts of Restricted Use Pesticides on a regular basis, most regular farmers use very little – focusing instead on the application of only general use pesticides.

On Kaua'i we found these companies utilizing 22 different types of Restricted Use Pesticides, many of which are banned in other countries. We also discovered these same companies experimenting with pesticides and using them in amounts that far exceeded national norms.

Chair Green, Chair Ruderman, Chair Gabbard, and Committee Members  
Re: SB 1037, Relating to the Health Impacts of Pesticides  
February 11, 2015  
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Please see the attached file entitled "9 Most Frequent Misstatements Made By Chemical Companies In Hawai'i". The electronic version contains links to the source documents and can be found at <http://tinyurl.com/9Misstatements-02-04-15>.

Full disclosure is an essential element for regulating Restricted Use Pesticides, as without full disclosure the public is not able to avoid the areas being treated and they do not know when to shut their windows. When they seek medical attention for exposure to pesticide drift, the attending physician has no idea as to the impacts of the exposure as they do not know what chemicals were applied or when.

Additionally, it is without question that pesticides are harmful and they should not be applied in sensitive areas adjacent to homes, hospitals, schools, and waterways.

It is also without question that we as a community cannot determine the extent or degree of risk without further studies. Those studies are not possible without full and public disclosure of the types, amounts, and location in which these chemicals are applied.

Thus, the need for full disclosure is clear and I urge this Senate Joint Committee to vote in full support of this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,



GARY L. HOOSER  
Councilmember, Kaua'i County Council

AB:lc  
Attachment

## 9 MOST FREQUENT MISSTATEMENTS MADE BY CHEMICAL COMPANIES IN HAWAII

### 1) CHEMICAL COMPANIES: “All of these chemicals and pesticides have been tested and found to be safe when used according to the label.”

#### THE TRUTH:

- No one has ever tested the combined impacts of these chemicals over time in the communities in which they are being used.
- Many of the chemicals (including Atrazine; Paraquat, also known as Gramoxone; and Chlorpyrifos, also known as Lorsban) that are regularly used near Hawai'i homes, schools, and hospitals are banned in other countries.
- Atrazine, manufactured by Syngenta, has been banned in the European Union since October 2003. See also Paraquat bans and Chlorpyrifos bans.
- The American Academy of Pediatrics' “Pesticide Exposure in Children” (2012) specifically recommends disclosure and buffer zones, and offers strong cautions about pesticides and children.
- The American Cancer Society's “Increased Cancer Burden Among Pesticide Applicators and Others Due to Pesticide Exposure” (2013) states definitively that people who live and work around agricultural areas that have high pesticide use suffer a greater incidence of certain cancers and other medical problems.
- The University of California at Davis recently released a report, “Neurodevelopmental Disorders and Prenatal Residential Proximity to Agricultural Pesticides: The CHARGE Study” (2014), linking the long term use of Glyphosate to the increased incidence of autism.
- Restricted Use Pesticide (RUP) labels forbid their use in conditions which allow the pesticides to drift onto neighboring properties. Nevertheless, there are numerous incidents of drift occurring in Hawai'i, with no legal consequences for the companies. The attached links of two modest studies on Kaua'i indicate that while the quantities are small, Restricted Use Pesticides are drifting into neighborhood schools and into adjacent streams:
  - “Air sampling and analysis for pesticide residues and odorous chemicals in and around Waimea, Kaua'i” (March 15, 2013)
  - “2013-14 State Wide Pesticide Sampling Pilot Project Water Quality Findings” (May 2014)

### 2) CHEMICAL COMPANIES: “We use less pesticides, not more.”

#### THE TRUTH:

Despite the fact that no other farmer in Hawai'i uses anything close to what these chemical companies use, the chemical companies attempt to compare apples to oranges:

- The chemical companies compare themselves to conventional corn growers (who harvest one (1) crop growing cycle per year). In Hawai'i, the chemical companies are engaging in industrial and experimental agriculture, and planting three (3) or more crop growing cycles per year. See the non-confidential records obtained in the lawsuit by Waimea, Kaua'i residents against Pioneer Hi-Bred International, Inc.

## 9 MOST FREQUENT MISSTATEMENTS MADE BY CHEMICAL COMPANIES IN HAWAII

- The chemical companies are experimenting with “Roundup Ready” and other chemical-resistant crops, encouraging greater pesticide use. “Roundup resistance has led to greater use of herbicides, with troubling implications for biodiversity, sustainability, and human health.”
- The *Cascadia Times* reported: “Our investigation found that annualized pounds-per-acre usage of the seven highly toxic pesticides on Kaua‘i was greater, on average, than in all but four states: Florida, Louisiana, North Carolina and Indiana.”
- According to Kyle Smith, an attorney representing Waimea Residents in their lawsuit against DuPont Pioneer, during the August 5, 2013 Kaua‘i Council Meeting regarding Bill No. 2491 (Ordinance No. 960): “Sixty-five percent (65%) of the days of the year on average, so about two hundred forty (240) days, they are applying pesticides. You can look at the combinations that are applied. You could look at it by on the application days, the average is between eight (8) and maybe sixteen (16) applications per day of pesticides on these research fields. Most importantly though and I think what is most relevant for this discussion is the total usage. Recently, the industry statistics I saw put out at the public comment was that Kaua‘i was using about one (1) pound per acre, per season and that the mainland uses about two (2) pounds per acre and I have these charts to show you. Again, I believe it is a seed company graph. The reality is if you double that because we have multiple seasons, we have three (3) seasons. Typically, two (2) seasons are planted, you are looking at closer to two (2) pounds per acre, that puts us in the upper-level of the mainland usage. . . . 2010, 2009 you are looking at close to twelve (12) pounds per acre and the average usage, and this is Restricted-Use Pesticides, over that same time period would be eight (8) pounds per acre.”

### 3) CHEMICAL COMPANIES: “The information regarding the pesticides we use is already public information.”

#### THE TRUTH:

- The only State records kept are of Restricted Use Pesticides SOLD in the State of Hawai‘i—NOT the Pesticides USED. Additionally, these records are for RUPs only, not all pesticides.
- The State does not keep records of, and the companies have refused to release any information regarding, the amount of “General Use Pesticides” (such as Glyphosate) that they are using.
- The HDOA will no longer provide company-specific data but only aggregated data, which makes it impossible to determine what chemicals are being used by whom at what geographical location.
- The HDOA has charged hundreds of dollars to provide the data.
- Hawai‘i Revised Statutes 149A-31.2 (Pesticide use; posting online) (2013), mandating that HDOA “shall publish on its website the public information contained in all restricted use pesticide records, reports, or forms submitted to the department” still has yet to be implemented by HDOA.

## 9 MOST FREQUENT MISSTATEMENTS MADE BY CHEMICAL COMPANIES IN HAWAII

### 4) CHEMICAL COMPANIES: “We are highly regulated.”

#### THE TRUTH:

Not really.

- Federal agencies do not always have a Hawaii presence, rarely conduct on-site physical inspections, and have delegated responsibilities to the States and localities. See also Wisconsin Public Intervenor v. Mortier, 501 U. S. 597 (1991).
- Even though the chemical companies are by far the largest agricultural users of RUPs in the State and operate on over 20,000 acres often adjacent to homes, schools, and sensitive environmental areas, the HDOA infrequently inspects their operations.
  - Approximately 43% of the HDOA inspection log incidents are redacted from public view indicating inspection cases that remain “open” and/or otherwise contain information not available to the public.
  - It takes YEARS to investigate violations and complaints of pesticide drift. See the following:
    - Honolulu Civil Beat, “Does Hawai‘i’s Failure to Enforce Pesticide Use Justify Action by Kaua‘i?” (October 8, 2013)
    - Video of HDOA responses to the Kaua‘i County Council during proceedings for Bill No. 2491 (Ordinance No. 960)
  - Licensed physicians on Kaua‘i who practice in areas impacted by the chemical companies’ operations have expressed that they believe there is 10 times the national rate of certain rare congenital heart defects in newborns.
  - The State birth defects registry until very recently has not been updated since 2005.

### 5) CHEMICAL COMPANIES: “We only use what every other farmer uses.”

#### THE TRUTH:

Based on raw Kaua‘i data provided by HDOA showing three (3) years of RUPs purchased for use in Kaua‘i County – *NO OTHER REAL HAWAII FARMER USES ANYTHING EVEN CLOSE TO WHAT IS USED BY THE CHEMICAL COMPANIES*. Just in 2012, and just on Kaua‘i, over 5,477 pounds and 4,324 gallons were purchased by the chemical companies. The chemical companies have used at least 22 different types of RUPs, while regular food farmers use one (1) to possibly three (3) different types and use only a few gallons every few years. Summary data is here.

### 6) CHEMICAL COMPANIES: “We do not experiment with pesticides.”

#### THE TRUTH:

- *Bacillus thuringiensis* corn (“Bt Corn”) is considered a pesticide by the United States Environmental Protection Agency (EPA), and experiments with Bt Corn require an “Experimental Use Permit” (EUP) issued by the federal government. See for example here, and here (documents were provided by HDOA with all redactions as shown).

## 9 MOST FREQUENT MISSTATEMENTS MADE BY CHEMICAL COMPANIES IN HAWAII

- The chemical companies have other federal Experimental Use Permits; however, the total number of experiments conducted with pesticides is not known and public records contain redactions. See for example [here](#), and [here](#) (documents were provided by HDOA with all redactions as shown).

### 7) CHEMICAL COMPANIES: “The State and County also use large quantities of pesticides.”

#### THE TRUTH:

- The State and County primarily use general use pesticides such as Roundup for roadside spraying and park maintenance. These products are considered non-RUPs by the EPA and HDOA.
- The State uses very small amounts of RUPs in targeted efforts to fight invasive species.

### 8) CHEMICAL COMPANIES: “The County of Kaua‘i uses more RUPs than anyone.”

#### THE TRUTH:

- The only RUP the County uses is chlorine gas to eliminate bacteria in water. Chlorine gas is by definition a RUP but it is not applied in the open air near homes, schools, hospitals, or other sensitive areas. Its application is very controlled and the information pertaining to its use is public.

### 9) CHEMICAL COMPANIES: “What about golf courses? They use lots of pesticides, too.”

#### THE TRUTH:

- Reporting of golf course RUP sales on Kaua‘i in 2012 shows only approximately 50 pounds and 20 gallons of RUPs are used annually by all of the golf courses on Kaua‘i combined—compared to over 5,477 pounds and 4,324 gallons used by the 4 chemical companies each year. The raw data is [here](#) and the summary data is [here](#).

*- Information provided by Kaua‘i County Councilmember Gary Hooser -*

**American Congress of Obstetricians and Gynecologists  
District VIII, Hawaii (Guam & American Samoa) Section**  
Lori Kamemoto, MD, MPH, FACOG, Chair



February 12, 2015  
Thursday  
3:00 PM  
Conference Room 414  
State Capitol

To: Senator Josh Green, MD, Chair – Senate Committee on Health  
Senator Mike Gabbard, Chair – Senate Committee on Energy and  
the Environment  
Senator Russell E. Ruderman, Chair – Senate Committee on  
Agriculture

From: Lori Kamemoto, MD, MPH, FACOG, Chair  
Greigh Hirata, MD, FACOG, Vice Chair  
American Congress of Obstetricians and Gynecologists, Hawaii  
Section

**Re: SB793, SB1037 and SB797 - Relating to Pesticides**

**Position: For Information – Attachment: ACOG Committee Opinion  
575 - Exposure to Toxic Environmental Agents; Strongly  
Support the Intent to limit population exposure to toxic  
environmental agents**

Dear Senators Green, Gabbard and Ruderman:

The American Congress of Obstetricians and Gynecologists, Hawaii (Guam & American Samoa) Section [Hawaii ACOG], **strongly supports the overall intent of bills SB793, SB1037 and SB797 to limit population exposure to toxic environmental agents. However, we are**

**not experts in the fields of farming or the environment, and therefore cannot speak to what would be the best way to accomplish this goal.**

Please refer to the **ACOG Committee Opinion no. 575 “Exposure to Toxic Environmental Agents” (October 2013) attached to this testimony** for further details on this issue. In summary:

“Reducing exposure to toxic environmental agents is a critical area of intervention for obstetricians, gynecologists and other reproductive health care professionals. Patient exposure to toxic environmental chemicals and other stressors is ubiquitous, and preconception and prenatal exposure to toxic environmental agents can have a profound and lasting effect on reproductive health across the life course. Prenatal exposure to certain chemicals has been documented to increase the risk of cancer in childhood; adult male exposure to pesticides is linked to altered semen quality, sterility and prostate cancer; and postnatal exposure to some pesticides can interfere with all developmental stages of reproductive function in adult females, including puberty, menstruation and ovulation, fertility and fecundity, and menopause. Many environmental factors harmful to reproductive health disproportionately affect vulnerable and underserved populations, including underserved women, more vulnerable to adverse reproductive health effects than other populations. The evidence that links exposure to toxic environmental agents and adverse reproductive and developmental health outcomes is sufficiently robust and ACOG...join leading scientists and other clinical practitioners in calling for timely action to identify and reduce exposure to toxic environmental agents while addressing the consequences of such exposure.”

Mahalo for the opportunity to present this testimony.



The American College of  
Obstetricians and Gynecologists  
WOMEN'S HEALTH CARE PHYSICIANS



# COMMITTEE OPINION

Number 575 • October 2013

**The American College of Obstetricians and Gynecologists Committee on Health Care for Underserved Women**

**American Society for Reproductive Medicine Practice Committee**

**The University of California, San Francisco Program on Reproductive Health and the Environment**

*This Committee Opinion was developed by the American College of Obstetricians and Gynecologists Committee on Health Care for Underserved Women and the American Society for Reproductive Medicine Practice Committee with the assistance of the University of California, San Francisco (UCSF) Program on Reproductive Health and the Environment. The Program on Reproductive Health and the Environment endorses this document. This document reflects emerging clinical and scientific advances as of the date issued and is subject to change. This information should not be construed as dictating an exclusive course of treatment or procedure to be followed.*

## Exposure to Toxic Environmental Agents

**ABSTRACT:** Reducing exposure to toxic environmental agents is a critical area of intervention for obstetricians, gynecologists, and other reproductive health care professionals. Patient exposure to toxic environmental chemicals and other stressors is ubiquitous, and preconception and prenatal exposure to toxic environmental agents can have a profound and lasting effect on reproductive health across the life course. Prenatal exposure to certain chemicals has been documented to increase the risk of cancer in childhood; adult male exposure to pesticides is linked to altered semen quality, sterility, and prostate cancer; and postnatal exposure to some pesticides can interfere with all developmental stages of reproductive function in adult females, including puberty, menstruation and ovulation, fertility and fecundity, and menopause. Many environmental factors harmful to reproductive health disproportionately affect vulnerable and underserved populations, which leaves some populations, including underserved women, more vulnerable to adverse reproductive health effects than other populations. The evidence that links exposure to toxic environmental agents and adverse reproductive and developmental health outcomes is sufficiently robust, and the American College of Obstetricians and Gynecologists and the American Society for Reproductive Medicine join leading scientists and other clinical practitioners in calling for timely action to identify and reduce exposure to toxic environmental agents while addressing the consequences of such exposure.

### Reproductive Environmental Health

Robust scientific evidence has emerged over the past 15 years, demonstrating that preconception and prenatal exposure to toxic environmental agents can have a profound and lasting effect on reproductive health across the life course (1–3). Exposure to toxic environmental agents also is implicated in increases in adverse reproductive health outcomes that emerged since World War II; these changes have occurred at a rapid rate that cannot be explained by changes in genetics alone, which occur at a slower pace. For additional information, a detailed review is available at [www.acog.org/goto/underserved](http://www.acog.org/goto/underserved).

Exposure to environmental chemicals and metals in air, water, soil, food, and consumer products is ubiquitous. An analysis of National Health and Nutrition

Examination Survey data from 2003–2004 found that virtually every pregnant woman in the United States is exposed to at least 43 different chemicals (4). Chemicals in pregnant women can cross the placenta, and in some cases, such as with methyl mercury, can accumulate in the fetus, resulting in higher fetal exposure than maternal exposure (5–7). Prenatal exposure to environmental chemicals is linked to various adverse health consequences, and patient exposure at any point in time can lead to harmful reproductive health outcomes. For example, prenatal exposure to certain pesticides has been documented to increase the risk of cancer in childhood; adult male exposure to pesticides is linked to altered semen quality, sterility, and prostate cancer; and postnatal exposure to some pesticides can

interfere with all developmental stages of reproductive function in adult females, including puberty, menstruation and ovulation, fertility and fecundity, and menopause (8). A group of chemicals called endocrine disrupting chemicals has been shown to interfere with the role of certain hormones, homeostasis, and developmental processes (9). They represent a heterogeneous group of agents used in pesticides, plastics, industrial chemicals, and fuels. One study shows that the endocrine disrupting chemical bisphenol-A works in a fashion that is comparable to diethylstilbestrol at the cell and developmental level (10). Likewise, research has clearly shown that many industrial chemicals can affect thyroid function (9, 11). Because of deficiencies in the current regulatory structure, unlike pharmaceuticals, most environmental chemicals have entered the marketplace without comprehensive and standardized information regarding their reproductive or other long-term toxic effects (12).

### **Vulnerable Populations and Environmental Disparities**

Although exposure to toxic environmental agents is ubiquitous among all patient populations, many environmental factors harmful to reproductive health also disproportionately affect vulnerable and underserved populations and are subsumed in issues of environmental justice. In the United States, minority populations are more likely to live in the counties with the highest levels of outdoor air pollution (13) and to be exposed to a variety of indoor pollutants, including lead, allergens, and pesticides than white populations (14). In turn, the effects of exposure to environmental chemicals can be exacerbated by injustice, poverty, neighborhood quality, housing quality, psychosocial stress, and nutritional status (14, 15).

Women with occupational exposure to toxic chemicals also are highly vulnerable to adverse reproductive health outcomes (16). For example, levels of organophosphate pesticides and phthalates measured in occupationally exposed populations are far greater than levels measured in the general population (17, 18). Furthermore, low-wage immigrant populations disproportionately work in occupations associated with a hazardous workplace environment (19, 20).

As underscored by a groundbreaking 2009 report by the National Academy of Sciences, the effects of low-dose exposure to an environmental contaminant may be quite different based on vulnerabilities, such as the underlying health status of the population and the presence of additional or “background” environmental exposure (21). Recognition of environmental disparities is essential for developing and implementing successful and efficient strategies for prevention.

### **Prevention**

The evidence that links exposure to toxic environmental agents and adverse reproductive and developmental health outcomes is sufficiently robust, and the American

College of Obstetricians and Gynecologists (the College) and the American Society for Reproductive Medicine (ASRM) join numerous other health professional organizations in calling for timely action to identify and reduce exposure to toxic environmental agents while addressing the consequences of such exposure (1, 22, 23). Reproductive care providers can be effective in preventing prenatal exposure to environmental threats to health because they are uniquely poised to intervene before and during pregnancy, which is a critical window of human development. An important outcome of pregnancy is no longer just a healthy newborn but a human biologically predisposed to be healthy from birth to old age (3, 24).

### **Providing Anticipatory Guidance**

It is important for health care providers to become knowledgeable about toxic environmental agents that are endemic to their specific geographic areas. Intervention as early as possible during the preconception period is advised to alert patients regarding avoidance of toxic exposure and to ensure beneficial environmental exposure, eg, fresh fruit and vegetables, unprocessed food, outdoor activities, and a safe and nurturing physical and social environment. By the first prenatal care visit, exposure to toxic environmental agents and disruptions of organogenesis may have already occurred. Obtaining a patient history during a preconception visit and the first prenatal visit to identify specific types of exposure that may be harmful to a developing fetus is a key step and also should include queries of the maternal and paternal workplaces. A list of key chemical categories, sources of exposure, and clinical implications are provided in the online companion document to this Committee Opinion ([www.acog.org/goto/underserved](http://www.acog.org/goto/underserved)). Examples of an exposure history are available at [http://prhe.ucsf.edu/prhe/clinical\\_resources.html](http://prhe.ucsf.edu/prhe/clinical_resources.html). Once this exposure inventory has been completed, information should be given regarding the avoidance of exposure to toxic agents at home, in the community, and at work with possible referrals to occupational medicine programs or United States Pediatric Environmental Health Specialty Units if a serious exposure is found (25).

Reproductive care professionals do not need to be experts in environmental health science to provide useful information to patients and refer patients to appropriate specialists when a hazardous exposure is identified. Existing clinical experience and expertise in communicating risks of treatment are largely transferable to environmental health. Physician contact time with a patient does not need to be the primary point of intervention; information and resources about environmental hazards can be successfully incorporated into a childbirth class curriculum or provided in written materials to help parents make optimal choices for themselves and their children (26).

Reporting identified hazards is critical to prevention. For example, the reproductive toxicity of a common solvent used in many consumer products was first

described in a case report of a stillbirth (27). Physicians in the United States are required to report illnesses or injuries that may be work related, and reporting requirements vary by state. No authoritative national list of physician-reporting requirements by state exists. Resources for information about how to report occupational and environmental illnesses include local and state health agencies and the Association of Occupational and Environmental Clinics (<http://www.aoec.org/about.htm>). Illnesses include acute and chronic conditions, such as a skin disease (eg, contact dermatitis), respiratory disorder (eg, occupational asthma), or poisoning (eg, lead poisoning or pesticide intoxication) (28).

Patient-centered actions can reduce body burdens of toxic chemicals (ie, the total amount of chemicals present in the human body at any one time) (29–32). For example, research results document that when children's diets change from conventional to organic, the levels of pesticides in their bodies decrease (29, 30). Likewise, study results document that avoiding canned food and other dietary sources of bisphenol A can reduce measured levels of the chemical in children and adult family members (31), and that short-term changes in dietary behavior may significantly decrease exposure to phthalates (32).

Clinicians should encourage women in the preconception period and women who are pregnant or lactating to eat fruit, vegetables, beans, legumes, and whole grains every day, to avoid fast food and other processed foods whenever possible, and to limit foods high in animal fat, while providing information about how certain types of food affect health and how individuals can make changes. Also, patients should be advised that some large fish, such as shark, swordfish, king mackerel, and tilefish, are known to contain high levels of methylmercury, which is known to be teratogenic. As such, women in the preconception period and women who are pregnant or lactating should avoid these fish. To gain the benefits of consuming fish, while avoiding the risks of methylmercury consumption, pregnant women should be encouraged to enjoy a variety of other types of fish, including up to 12 ounces a week (two average meals) of a variety of fish and shellfish that are low in mercury. Five of the most commonly eaten seafood items that are low in mercury are shrimp, canned light tuna, salmon, pollock, and catfish. White (albacore) tuna has more mercury than canned light tuna and should be limited to no more than 6 ounces per week. Pregnant women and breastfeeding women should also check local advisories regarding the safety of fish caught in local lakes, rivers, and coastal areas. If no advice is available, they should consume no more than 6 ounces per week (one average meal) of fish caught in local waters and no other fish during that week (33).

### **Primary Prevention: The Role of Reproductive Care Professionals Beyond the Clinical Setting**

Ultimately, evidence-based recommendations for preventing harmful environmental exposure must involve

policy change (34). Action at the individual level can reduce exposure to some toxic chemicals (29, 31, 32) and informed consumer-purchasing patterns can send a signal to the marketplace to help drive societal change (35). However, individuals alone can do little about exposure to toxic environmental agents, such as from air and water pollution, and exposure perpetuated by poverty. The incorporation of the authoritative voice of health care professionals in policy arenas is critical to translating emerging scientific findings into prevention-oriented action on a large scale. Accordingly, many medical associations have taken steps in that direction (23).

For example, in 2009, the Endocrine Society called for improved public policy to identify and regulate endocrine disrupting chemicals and recommended that “until such time as conclusive scientific evidence exists to either prove or disprove harmful effects of substances, a precautionary approach should be taken in the formulation of EDC [endocrine disrupting chemical] policy” (36). Consistent with the clinical imperative to “do no harm,” the precautionary principle states, “When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically” (37).

The College and the ASRM join these associations and call on their members to advocate for policies to identify and reduce exposure to environmental toxic agents while addressing the consequences of such exposure. Advancing policies and practices in support of a healthy food system should be pursued as a primary prevention strategy to ensure the health of pregnancies, children, and future generations. The College and ASRM urge the U.S. Environmental Protection Agency and other federal and state agencies to take all necessary actions when reviewing substances to guarantee health and safety. In addition, the College and ASRM fully support rigorous scientific investigation into the causes and prevention of birth defects, including linkages between environmental hazards and adverse reproductive and developmental health outcomes. Timely and effective steps must be taken to ensure the safety of all mothers and infants from toxic environmental agents. Because data are lacking on the safety of most chemicals, careful consideration of the risks posed must be given while the potential immediate and long-term health and genetic risks are evaluated. A chemical should never be released if a concern exists regarding its effect on health.

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**Subject:** Submitted testimony for SB1037 on Feb 12, 2015 15:00PM  
**Date:** Tuesday, February 10, 2015 3:23:16 PM

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**SB1037**

Submitted on: 2/10/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn B. Wilson, PhD	American Academy of Pediatrics, Hawaii Chapter	Support	No

Comments: I am submitting testimony on behalf of Sylvia R. Pager, MD, and the American Academy of Pediatrics, Hawaii Chapter- Mahalo

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February 12, 2015

TO: COMMITTEE ON HEALTH  
Senator Josh Green, Chair  
Senator Glenn Wakai, Vice Chair

COMMITTEE ON AGRICULTURE  
Senator Russell E. Ruderman, Chair  
Senator Gil Riviere, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT  
Senator Mike Gabbard, Chair  
Senator Josh Green, Vice Chair

FR: Renee Pinel, President and CEO  
Western Plant Health Association

RE: S.B. 1037 Relating to the Health Impact of Pesticides.  
**Position: Oppose**

Dear Chairs Green, Ruderman and Gabbard, Vice Chairs Wakai and Riviere and members,

On behalf of the Western Plant Health Association (WPHA) I am writing to express our **opposition** to SB 1037 mandating disclosure of pesticide use by large-scale agricultural entities. WPHA represents the interests of fertilizer and pesticide manufacturers, agricultural biotechnology providers, and agricultural retailers in Hawaii, California and Arizona.

The purported goal of this bill is to provide information to the public on pesticide use. However, as written, the bill fails to establish uniform reporting of restricted use pesticides. The bill is written to apply only to agricultural commodities that are planted, raised and harvested within a single year. The entities that would be subject to the reporting requirements of this law would then be burdened by having to report all pesticide use. This includes reporting of general use pesticides, available to the public. The result is inequitable treatment of pesticide users.

The bill also requires reporting to the department of health for disclosure to the public via an online portal without providing any resources to the department to carry-out this requirement. WPHA opposes reporting of pesticide use to the department of health. The Hawaii Department of Agriculture is responsible for the regulation and oversight of pesticide products and their use. The department of agriculture staff already provides expert analysis of pesticide products and should continue to maintain authority in all areas of pesticide use. We appreciate the opportunity to share our concerns.

Sincerely,

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

Renee Pinel  
President/CEO



February 12, 2015

TO: Sen. Josh Green, Chair  
Sen. Glenn Wakai, Vice Chair  
Members of the Senate Committee on Health

Sen. Mike Gabbard, Chair  
Sen. Josh Green, Vice Chair  
Members of the Senate Committee on Energy and Environment

Sen. Michelle N. Kidani, Chair  
Sen. Breene Harimoto, Vice Chair  
Members of the Senate Committee on Education

FROM: Deborah Zysman, Executive Director

RE: **Support for SB 793:** RELATING TO HEALTH IMPACT OF PESTICIDES  
**Support for SB 1037:** RELATING TO HEALTH IMPACT OF PESTICIDES  
**Support for SB 797:** RELATING TO HEALTH IMPACT OF PESTICIDES

---

Good Beginnings Alliance (GBA) **supports SB 793, SB 1037 and SB 797**, which establishes disclosure requirements for outdoor applications of pesticides in proximity to schools, childcare facilities, and certain commercial agricultural entities. And which establishes reasonable pesticide buffer zones for sensitive areas. While SB 1037 requires mandatory disclosure but does not designate a buffer zone, we urge that any policy passed out this session have both mandatory disclosure and designated buffer zone requirements.

Good Beginnings Alliance is Hawaii's leading policy and advocacy non-profit organization on children's health, education and safety. We build a united voice to educate and advocate for Hawaii's children.

We are concerned that many children in Hawaii have no choice but to live, play and attend childcare, preschool and/or school in close proximity to areas where restricted use pesticides are used.

The American Academy of Pediatrics (AAP) issued a policy statement in 2012 titled "Pesticide Exposure in Children." The full policy statement can be found at:  
<http://pediatrics.aappublications.org/content/130/6/e1757>



The main findings of the AAP are that:

- Children are uniquely vulnerable to the toxicity of pesticide exposure and have both acute and chronic health issues associated with exposure
- **Prenatal and early childhood exposure to pesticides is associated with pediatric cancers, decreased cognitive function and behavioral problems.**
- Government should consider measures to minimize children's exposure.

Given the high risks associated with prenatal and early childhood pesticide exposure, extreme caution should be taken to protect our children.

**Disclosure requirements and buffer zones are reasonable measures to protect children's health and well-being.**

For these reasons, we respectfully urge committee members to pass this legislation.

## Senate Bill 1037 - OPPOSE

Syngenta Hawaii strongly opposes this measure. When a bill is based on a false premise, the proposed legislation is necessarily flawed. Such is the case with the bill before this committee.

The presumption that commercial agricultural fields are a major threat, or any kind of threat, to children in schools or elsewhere, is not supported by any evidence or study. On the contrary, a cursory review of reports of pesticide exposure reveals incidents that affected children and the public were exclusively confined to non-agricultural use of pesticides by individuals who purchased them for their personal use on their property. The alleged sprays of 2006 and 2008 in Waimea, after full investigation revealed it was not the result of spraying by agricultural operations. Yet, many years later, this seems to be a basis to legitimize such legislation.

If the intent is to prevent these kinds of incidents and if these incidents are considered a significant threat to public health, then regulating the sale and use of over-the-counter pesticides to home owners and gardeners should be the focus of future regulation.

But the true purpose of this legislation has nothing to do with pesticides or public health as the title implies. The intent of this legislation is to demonize commercial agriculture by falsely claiming farmers are responsible for poisoning children, which has become the mantra of the anti-agriculture movement in our state, generously funded by large national anti-agriculture organization, such as the so-called Center for Food Safety and the Pesticide Action Network, which are using our small state as a testing ground for developing model legislation to be used elsewhere.

If one considers the manner of use and the type of pesticides employed today, it's plain to see why there is little risk to the public from modern commercial agriculture. Application of pesticides by farmers is already well regulated by the state and federal governments. Farm workers who handle pesticides are certified and trained to do so. They are at the greatest risk because they are closest to the products in question. If any group would be adversely affected it would be farm workers, yet the evidence of pesticide impacts on the health of farm workers shows this group to be healthy .

Because of their high cost and plain common sense, when pesticides are applied to farm fields, they are used in the smallest amounts and weakest concentrations needed to do the job. The pesticides today in the United States are the safest ever developed. They are tested over a period of many years for possible short- and long-term effects before they are allowed to be sold and used on farms.

But none of these facts matter to the organizations that are backing this legislation. They want to end commercial agriculture in Hawaii and throughout the country and they know that one of the best ways to do that is to take away the tools farmers depend on to grow an abundance of nutritious crops free of diseases and insect infestation.

I urge you to hold this measure which has great potential to harm commercial agriculture in Hawaii at the very time there is a desire on the part of the public to see a renaissance of agriculture in our state.

Thank you for the opportunity to testify on this legislation.



**SB 1037  
RELATING TO THE HEALTH IMPACT OF PESTICIDES**

**PAUL T. OSHIRO  
MANAGER – GOVERNMENT RELATIONS  
ALEXANDER & BALDWIN, INC.**

**FEBRUARY 12, 2015**

Chair Green, Chair Ruderman, Chair Gabbard, and Members of the Senate Committees on Health, Agriculture, and Energy & Environment:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and its agricultural company Hawaiian Commercial & Sugar Company on SB 1037, A BILL FOR AN ACT RELATING TO THE HEALTH IMPACT OF PESTICIDES.

Pesticide use in Hawaii is extensively regulated by both the Federal Environmental Protection Agency and the State Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Hawaii Pesticide Law (Chapter 149A, HRS). Depending upon the pesticide and its intended use, the EPA and the State impose mandatory conditions and requirements that are science based and designed to protect the pesticide applicator, the general public, and the environment. These requirements may include, but are not limited to, maximum application rates, using only specified application methods and equipment, application only under specified weather conditions, prohibition of any pesticide drift to neighboring properties that causes health or environmental harm, and, in the case of restricted use pesticides, allowing use only by or under the direct supervision of certified pesticide applicators.

Pesticide labels contain specific instructions such as what the pesticide may be used on, how much of the pesticide may be used, how often the pesticide can be used, and worker protection requirements. Federal Law states that the pesticide label is the law, and that use of the pesticide that is not in conformance with the label is a violation of Federal Law and may result in fines and/or imprisonment.

This bill includes provisions to impose new regulations on the use of all pesticides by any entity or person that cultivates crops on 200 or more acres within a single County. Mandatory disclosure of pesticide use is required for all pesticides used by these entities and persons.

We believe that the mandatory pesticide disclosure requirements imposed by this bill may create unintended negative consequences. By imposing these mandatory pesticide disclosure requirements without accompanying public education on Federal and State pesticide oversight and regulation, this may result in an increase in the number of inquiries, complaints, and non-science based comments and concerns.

Thank you for the opportunity to testify.



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February 12, 2015

HEARING BEFORE THE  
SENATE COMMITTEES ON  
HEALTH,  
AGRICULTURE,  
and  
ENERGY AND ENVIRONMENT

**Testimony on Senate Bills 793, 1037, 797**  
RELATING TO THE HEALTH IMPACT OF PESTICIDES

Room 414  
3:00 PM

Aloha Chairs Green, Ruderman, and Gabbard, and Vice Chairs Wakai and Riviere, and  
Members of the Committees:

I am Christopher Manfredi, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,932 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 strongly opposes Senate Bills 793, 1037, and 797.**

HFB holds the strong belief that health and safety must come first in every enterprise. Hawaii's farmers and ranchers are also protective parents with children and grandchildren, and they are proud and active members of the communities in which they farm.

These bills are an outright and unnecessary attack on conventional farming practices that will do nothing to increase public safety. Instead, they will result in some local farmers being forced to give up farming altogether. Your support of these bills will end any hope that Hawaii has of becoming food and energy self-sufficient. The bills set up a new, unfunded, and arbitrary State pesticide use regime to replace decades of U.S. EPA and Hawaii Department of Agriculture expertise, throwing out the continuous, intensive scientific evaluation-based laws and regulations that protect the public while allowing farmers to produce food and other necessary and desirous crops and products, including fuel, fiber and flowers.

Each pesticide sold and used in Hawaii undergoes intense scientific scrutiny prior to being allowed on the market. Its potential impact to health and the environment is studied and regulated, taking into account the most sensitive population, including infants and expecting mothers. Both the federal and State government dictate how each pesticide is used and what notification, worker protection, buffers, and recordkeeping are required.

As you already know, earning a living by farming is extremely difficult in Hawaii. The cost of land, water, labor, inputs, fuel, electricity, transportation, farm and packaging supplies and equipment are often many times greater than anywhere else. Add to these costs the constant battle to protect the crop from ever-increasing numbers and types of insects, weeds and disease. Layered upon these challenges are ever-increasing regulations brought about by, for example, crushing federal food safety regulations and activist activity. It's a wonder anyone would consider a career in agriculture. Yet, we soldier on- the 1% of farmers and ranchers growing the crops for the other 99%, so that they may pursue careers of their choosing. This is how our society has evolved.

These bills will take farm land out of production, further increase costs, and make it even more difficult to farm in Hawaii. We respectfully request that this committee consider the impact to growers in Hawaii of **far exceeding existing U.S. EPA and State restrictions**. Before deciding whether new, arbitrary and damaging restrictions are needed, it is important to evaluate whether any real risks to the public exist that need to be addressed.

#### Why target farmers?

Agriculture is a minority user of restricted use pesticides. Structural pesticide applicators (those who spray to kill termites, ants, cockroaches, bedbugs, etc.) use huge quantities of highly toxic RUPs, some in gaseous form. Why is that industry exempted from this legislation? Why are the drinking water and wastewater treatment plants, which use highly toxic chlorine gas to disinfect our water, also exempt? Common sense would dictate that these users should also be included.

We can all readily understand and support the need to use pesticides to protect our homes and businesses from termites, to keep our drinking water safe, and prevent disease outbreaks such as West Nile virus or malaria. We don't object to the use of pesticides to prevent frightening infestations of the Little Fire Ant or destruction of our precious watersheds by Miconia, yet agricultural producers are unfairly made a priority of this legislation.

#### Restricted Use Pesticide (RUP) trigger

It is a fact of life in Hawaii that insects and diseases thrive in our climate. There's is no winter-kill season in Hawaii. Insects, weeds and diseases are imported by ships and aircraft at alarming rates; far more rapidly than nature's ability to react. The proposed new requirements are unreasonably triggered by a farmer's use of an RUP. Contrary to the perception that RUPs subject the public to greater risk, the use of an RUP may actually decrease the likelihood of exposure since it requires the user to be educated and licensed to ensure proper and safe applications. Furthermore, a farmer's use of particular types of pesticides is not a static process. In any given year, a farmer may need to use an RUP if a general use pesticide is not effective in controlling a particular pest or disease infestation. Or, he may use no RUPs but a significant amount of general use pesticides, like those that homeowners, landscapers, and golf courses use, if they are effective and available. It makes no sense to impose differing requirements upon users of the same pesticides, based upon their RUP purchases.

Ironically, these bills unfairly target farmers while State and local government agencies who apply significant quantities of pesticides along roadsides, at public buildings and grounds, including schools and parks, and other areas accessible to the general public, would not be subject to the requirements of the proposed legislation if they happen not to purchase RUP's above the as yet unspecified quantity. But farmers who apply the very same pesticides on private agricultural land would be subject to overwhelming costs and burdensome new regulations simply because a small fraction of their pesticide use happens to be RUPs.

#### Posting of signs

After a detailed evaluation and registration process that, among other things, assesses the toxicity of each pesticide, U.S. EPA determines whether posting of signs is necessary and includes those requirements on the legally enforceable pesticide label. To impose additional requirements that experts at U.S. EPA have determined to be unnecessary, would create an unwarranted burden upon farmers. Where required by U.S. EPA, for the particular pesticide, farmers already post signs to protect their field workers, and any trespassers.

#### Sensitive areas

The definition of "sensitive areas" is so broad that it will be impossible for a farmer to determine whether these areas are near his farm. How is a farmer to know if a child care facility, family child care home, group child care center, group child care home, hospice home, extended care adult residential care home, expanded adult residential care home, or "place of worship" (defined so broadly as to include a single devotee practicing his chosen religion in his own home) is near his farm? Is there a map or registry of such places?

The term "any watershed" is also included in the definition, and since every area within the entire state is part of a watershed, every acre of every farm would be considered a "sensitive area" under this proposal. This alone would ban pesticide use by farmers everywhere in the state for farmers subject to the law.

#### County authority to arbitrarily restrict farmers' use of necessary pesticides

The State Department of Agriculture Pesticide Branch, the agency with expertise in this area, already has broad authorization to restrict pesticide use and strictly enforce State and Federal laws and its own rules to protect the public. The prospect that each individual county with neither the technical expertise nor the administrative resources, would now be authorized to concoct its own set of restrictions, potentially based on fears and misperceptions, will push farmers, even the few highly successful ones, to find other, more reliable occupations. Those that remain will find themselves in competition with farmers from other islands, the mainland, and foreign countries, where arbitrary pesticide laws don't make farming untenable.

We respectfully request that you allow Hawaii's farmers the opportunity to keep farming by considering an alternative measure introduced this session, SB 734, that would increase funding and expand the capacity of DOA to better address any pesticide concerns and ensure public safety, while allowing agriculture to remain viable in Hawaii.

Thank you for the opportunity to testify *in opposition* to these bills.

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**Subject:** \*Submitted testimony for SB1037 on Feb 12, 2015 15:00PM\*  
**Date:** Wednesday, February 11, 2015 2:05:08 PM

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**SB1037**

Submitted on: 2/11/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Adolph Helm	Dow Agrosciences	Oppose	No

Comments:

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## We Grow 93% of Hawaii Island Agriculture Crops

~ 625,000 acres of land in production ~ \$194 Million in Revenue ~

### TESTIMONY BEFORE THE SENATE COMMITTEE ON HEALTH, AGRICULTURE, ENERGY & ENVIROMENT

FEBRUARY 12, 2015 at 3:00PM in Capitol Room 414

TESTIMONY ON SB 793, SB 797, SB 800, SB 801, SB 1037

#### Founding Association Members

Hawaii Papaya Industry  
Association (HPIA)

Hawaii Cattlemen's Council

Big Island Banana Growers

Hamakua, Hilo & Kohala Farm  
Bureau Counties

Hawaii Floriculture & Nursery  
Association

Aloha Chair(s) and Committee Members,

My Name is Lorie Farrell, I am the Project Director for Hawaii Farmers and Ranchers United, Mahalo for allowing us to testify on this matter.

Farmers are land stewards and we understand firsthand the need for crop protection methods and pesticides; we live in our communities and our children attend local schools; We are members of our communities. Farmers and agriculture is not the enemy, we feed and sustain Hawaii.

ACTIVISTS GROUPS HAVE TARGETED FARMERS WITH ANTI-PESTICIDE  
LEGISLATION

**NO FACTS = NO FARMERS = NO FOOD**

WE OPPOSE SB 793, SB 797, SB 800, SB 801, SB 1037

- All pesticide and product use labels already address public and environmental safety through mandated requirements, precautions and setback, all of which are already enforceable by state and federal law. Pesticides undergo years of study and tests based on scientific research to reduce risk and ensure health and safety for everyone and the environment. The average time frame to obtain a pesticide label is 12 years and a cost of \$150 to 250 million dollars; this is due to the strict guidelines required by the EPA.



[Obtain more information on the Process here.](#)

-- We Feed Hawaii --

- These bills have been developed and promoted by national anti-pesticide /agriculture organizations like Center for Food Safety and PANNA. The intent of these national well- funded groups is to make make growing genetically modified crops in Hawaii as difficult as possible, and has less to do with concerns about their use of pesticides. The unintended consequences of which is Hawaii's farmers and ranchers are being squeezed of their hope and were forced to defend ourselves on multiple levels.
- These groups have misled the public and lawmaker sby saying similar laws have been adopted across the country, in "33 states". This is false! Very few states have laws that contain ANY of the provisions that are in these bills. Integrated Pest Management (IPM) requirements in schools and on school property has nothing to do with the application of pesticides on agricultural lands.
- Appropriately – schools have the responsibility of ensuring the health of students by ensuring pesticides are used appropriately. The recent incidents at schools in Waipahu, Ewa Beach and Hawaii Kai did NOT involve farmers, but were the result of improper use by neighbors.
- We support SB 734 because we believe that a strong state pesticide regulatory program is essential to assuring the public that these valuable pesticide products are used properly. SB 734 strengthens the Hawaii Department of Agriculture's capacity to regulate pesticides in the state. If lawmakers are sincere about addressing public safety, support the pesticide branch of the Dept. of Ag.

Good public policy must and should be based on facts. To accurately assess the merits of any bill and value to public health and safety, the facts must be taken into consideration. This can be an excellent opportunity to not only understand the actual risks posed by the use of pesticides, but to also educate the public on those risks. We respectfully oppose these measures.

Thank you...

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**SB1037**

Submitted on: 2/11/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Franco	Individual	Oppose	No

Comments:

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February 11, 2015

Testimony from Jeff Case, Senior Director Government Affairs, CropLife America

In opposition to SB 793, SB 797, SB 800, SB 801, SB 1037

Thursday, Feb. 12, 3 p.m. – Senate Committees on Health, Ag, Water/Land and Education

Aloha Chairs and Committee Members:

CropLife America represents the manufactures and registrants of pesticide products that are used for agriculture production. We recognize the need for these valuable crop protection products to be used in a manner that is protective to schools, children and sensitive environmental areas. But we are opposed to the series of bills - SB 793, SB 797, SB 800, SB 801 and SB 1037.

These bills will not provide any additional public or environmental safety than already exists in the use requirements, many precautions and setbacks identified on the product use labels which are enforceable by state and federal law. We dispute the idea that there are wide-spread problems with pesticide applications in the state, and the need for these extensive and unprecedented measures.

These bills have been develop and promoted by national anti-pesticide /agriculture organizations like Center for Food Safety and EarthJustice. The goal of these national well- funded groups is to make growing genetically modified crops in Hawaii as difficult as possible and has less to do with concerns about their use of pesticides.

These groups have misled the public and lawmakers by suggesting that 33 states which have already passed similar laws. Very few states have laws that contain ANY of the provisions that are in these bills. Integrated Pest Management (IPM) requirements in schools and on school property has nothing to do with the application of pesticides on agriculture lands.

Appropriately – schools have the responsibility of keeping students healthy and safe by ensuring pesticides are used appropriately. The recent incidents at schools in Waipahu, Ewa Beach and Hawaii Kai did NOT involve farmers, but were the result of improper use by neighbors.

We support SB 734 because we believe that a strong state pesticide regulatory program is essential to assuring the public that these valuable pesticide products are used properly. SB 734 strengthens the Hawaii Department of Agriculture's capacity to regulate pesticides in the state. If lawmakers are sincere about addressing public safety, support the pesticide branch of the Dept. of Ag.

Thank for your consideration.

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**SB1037**

Submitted on: 2/11/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Elif Beall	Individual	Support	No

Comments:

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**SB1037**

Submitted on: 2/11/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Hawaii Cattlemen's Council	Oppose	No

Comments: Farmers and Ranchers strongly believe in the health and safety of their families, employees and the community. Farmers & Ranchers are the true environmentalists, stewarding over 25% of the State's land mass. We don't talk about helping the environment... we do it every day. Pesticide use is already regulated by the EPA and the Hawaii Dept of Agriculture, based on years of testing. Labeling requirements are based on good science, not on arbitrary buffers and activist sentiment. There seems to be an attack these days on the 1% of our population, the farmers and ranchers, who grow the food for everyone else. No one wants to use or over-use pesticides, but do use them when it is necessary. The little fire ant invading Hawaii is a great example. Do we want to fight it with available resources, or let those lovely critters take over our islands, biting everything in their path, raining down out of trees on our residents and visitor industry? Please oppose this anti-farming bill.

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Planned Parenthood of Hawaii

To: Hawaii State Senate Committees on Health, Agriculture and Energy & Environment  
Hearing Date/Time: Thursday, February 12, 2015, 3:00 p.m.  
Place: Hawaii State Capitol, Rm. 414  
Re: Testimony of Planned Parenthood of Hawaii in support of S.B. 1037

Dear Chairs Green, Ruderman and Gabbard and members of the Committees,

Planned Parenthood of Hawaii writes in support of S.B. 1037, which seeks to require the department of health to establish a mandatory disclosure program for pesticide use by all persons or entities under certain circumstances.

Planned Parenthood of Hawaii is dedicated to providing Hawaii's people with high quality, affordable and confidential sexual and reproductive health care, education, and advocacy. To that end, we support increased pesticide regulation because it will help to ensure that pesticides are used in a safe manner and at safe levels and help to mitigate the impact of pesticides on reproductive health.

As pesticide use is widespread across Hawaii, we must be vigilant in preventing harmful exposures before they occur. Please note that women of reproductive age and both male and female farmworkers and those who work with pesticides are particularly vulnerable to excessive exposure. According to a recent study from the University of California, San Francisco, pesticide exposure can harm the reproductive health and function of adult females during all developmental stages and has been associated with male sterility, spontaneous abortion, diminished fetal growth and survival and childhood and adult cancers.<sup>1</sup> Increasing pesticide regulation will serve to reduce the risks associated with pesticide exposure and promote the overall public health of our communities.

Thank you for this opportunity to testify in support.

Sincerely,

Laurie Field  
Director of Public Affairs & Government Relations

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<sup>1</sup> See, e.g., University of California, San Francisco Program on Reproductive Health and the Environment, *Pesticides Matter, A Primer for Reproductive Health Physicians* (Dec., 2011), available at [http://prhe.ucsf.edu/prhe/pdfs/pesticidesmatter\\_whitepaper.pdf](http://prhe.ucsf.edu/prhe/pdfs/pesticidesmatter_whitepaper.pdf).

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**SB1037**

Submitted on: 2/10/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Elle Cochran	Maui County Council Member	Support	No

Comments: I Support SB 1037

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# **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, 2015

Testimony To: Senate Committee on Health  
Senator Josh Green, Chair

Senate Committee on Agriculture  
Senator Russell E. Ruderman, Chair

Senate Committee on Energy and Environment  
Senator Mike Gabbard, Chair

Presented By: Tim Lyons, CAE  
Executive Director

Subject: S.B. 1037 - Relating to the Health Impact of Pesticides.

Chair Green, Chair Ruderman, Chair Gabbard, and Members of the Joint Committees:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we would respectfully request that this bill be clarified and provide for a separate exemption section for structural pest control applications. The amounts we use are minor in comparison to those that might be used on 200 or more acres. We don't believe and hope that we are not the target here and, therefore, there should be an exemption section within the bill.

We are particularly concerned with eco-terrorism. That is, situations where neighbors fight with neighbors regarding what they are about to apply via the use of a structural pest control operator. We are also worried about compromising information between pest control operators dependent on the type of information they would have to disclose and the possibility that a competitor can receive that information and use it to their advantage.

Again, we would respectfully request an exemption from this bill and some clarifying language.

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**SB1037**

Submitted on: 2/10/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Corine Chang	Individual	Support	No

Comments: I am in support of full pesticide disclosure. This should've been mandatory years ago for obvious common sense reasons. I want full transparency on all poisons used in open air!

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**SB1037**

Submitted on: 2/10/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Gordines	Individual	Oppose	No

Comments:

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**SB1037**

Submitted on: 2/10/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
pat gegen	Individual	Support	No

Comments: Excellent Basic Pesticide Reporting process - Need to include buffer zones - we would prefer people not be exposed to the drift - if they are exposed we need good disclosure to identify agent that is impacting to treat.

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# Hawaii Crop Improvement Association

*Growing the Future of Worldwide Agriculture in Hawaii*

## SENATE COMMITTEES ON HEALTH, AGRICULTURE, and ENERGY AND ENVIRONMENT

Testimony on Senate Bills 793, 1037, 797  
RELATING TO THE HEALTH IMPACT OF PESTICIDES  
February 12, 2015, Room 414, 3:00 PM

Aloha Chairs Green, Ruderman, and Gabbard, and Vice Chairs Wakai and Riviere, and Members of the Committee,

I am Bennette Misalucha, Executive Director of the Hawaii Crop Improvement Association (HCIA) and HCIA respectfully opposes Senate Bills 793, 1037, and 797.

Although the term pesticide has become a dirty word, pesticides are used throughout the world and in Hawaii to control pests and disease carriers, such as mosquitoes, ticks, and rodents. They are used in our drinking water to prevent disease and in our watersheds to control invasive species. Pesticides are also used in agriculture to control weeds, insect infestation, and diseases that can completely destroy a crop. Even organic agriculture uses pesticides.

Our member companies are very aware of their responsibility to use pesticides properly and they take this duty very seriously. The many employees of HCIA members are likely people you know as friends, relatives, and neighbors who contribute to communities throughout the Islands where we farm. We have been a part of these communities and local economies for over 50 years.

Our farms use trained employees who are experienced in pesticide application and apply pesticides only when necessary. The safety of our employees and the community is of utmost importance to us and we follow the strict federal and State pesticide laws and regulations carefully. We are regularly inspected by the State Department of Agriculture Pesticide Branch whose duty is to enforce these laws.

We disagree with the idea that there are wide-spread problems associated with pesticide applications in the state, and the need for these extensive and unprecedented measures. The proposed legislation assigns arbitrary restrictions and conditions that go far beyond science-based regulations. The U. S. Environmental Protection Agency evaluates and registers pesticides to ensure that they will not harm people, non-target species, or the environment. After thorough risk assessments, EPA determines if a pesticide can be sold and used. It dictates where a pesticide can be used, the amount, frequency, and timing of its use; and how it will be stored or discarded. EPA determines the conditions under which the pesticide can be used based upon ongoing research of any possible health or environmental effect.

It is clear that these bills have been developed by non-farmers who do not understand existing pesticide regulations and enforcement nor farmers' need to control insects, weeds, and disease. The bills are designed to unfairly target one segment of Hawaii's pesticide users - our member company farmers who grow genetically modified crops. The well-funded national organizations that are promoting this type of legislation here and across the country hope to set a precedent in Hawaii and make this farming as difficult as possible. Their claims that similar laws have been adopted across the country, in "33 states", are simply not true. A closer look at the laws they refer to reveals that they are concerned with requirements for schools' own procedures to use Integrated Pest Management; not pesticide use on farms. In fact, very few states have laws that contain ANY of the provisions in these bills.

These measures undermine EPA's role and will harm Hawaii farmers without providing increased safety. Before any additional State pesticide restrictions are imposed, they should be determined to be justifiable and necessary. The Hawaii Department of Agriculture currently has the authority and expertise to promulgate additional pesticide regulations to protect the public if it determines that further regulations are warranted.

We respectfully request that these bills be held. Rather than create new and arbitrary laws that will make it more difficult for farmers to stay in business in Hawaii, we support the concepts in other pesticide-related bills introduced this session, such as SB 734, that would give the HDOA and the University of Hawaii increased funding and capacity to more effectively perform their roles, including educating growers and others to ensure proper pesticide use, assistance in implementation of pesticide drift reduction strategies, and appropriate enforcement capability. We believe that a strong state pesticide regulatory program is essential to assuring the public that pesticide products are used

Thank you for this opportunity to submit testimony in opposition to these measures.

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**SB1037**

Submitted on: 2/11/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Oppose	No

Comments:

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**SB1037**

Submitted on: 2/9/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Support	Yes

Comments:

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**SB1037**

Submitted on: 2/9/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Furlotti	BluSea Foundation/ Global Mana	Support	Yes

Comments: As a resident of Hawai'i who is especially concerned with the protection and preservation of the natural environment, I would like to give testimony on discoveries made and insights gained from actual research efforts on characterizing water-borne pollutants that were carried out by our non-profit organization, the BluSea Foundation.

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**SB1037**

Submitted on: 2/9/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Koba-Burdt	Individual	Support	No

Comments:

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**SB1037**

Submitted on: 2/9/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
deb mader	Individual	Support	No

Comments: Aloha, We support any bill that calls for pesticide disclosure. We have had many instances of over-spray and it was nearly impossible to get the sprayer to admit what and how much they were spraying, particularly when people are ill from it. This bill would make it easier to treat illness from overspray since there would be access to this data. Mahalo Deb Mader

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**SB1037**

Submitted on: 2/10/2015

Testimony for HTH/AGL/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Strongly support. Mahalo to the introducers for trying to get a handle on this silent emergency of pesticide overuse in Hawai`i.

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