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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON  
PESTICIDE INSPECTIONS CONDUCTED WITHIN THE PAST FIVE YEARS  
AND STRENGTHEN STATEWIDE ENFORCEMENT OF RESTRICTED USE  
PESTICIDE VIOLATIONS.

1 WHEREAS, the failure to adhere to pesticide use  
2 instructions poses significant risks to public health and the  
3 environment, including potential health injuries to farm workers  
4 and nearby residents, injury to non-target sensitive plants and  
5 species, drift harms to nearby farms and gardens, and short- and  
6 long-term contamination of the State's soil, air, and water; and  
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8 WHEREAS, despite these risks, pesticides have been misused  
9 and continue to be misused within the State; and  
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11 WHEREAS, according to a 2016 news release by Region 9 of  
12 the United States Environmental Protection Agency, in January  
13 2016, nineteen workers entered a west Kauai agribusiness field  
14 recently sprayed with a restricted use organophosphate  
15 insecticide, ten of whom were taken to a nearby hospital for  
16 medical treatment; and  
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18 WHEREAS, the agricultural operation reportedly failed in  
19 its duties to adequately implement the Federal Insecticide,  
20 Fungicide, and Rodenticide Act's Worker Protection Standard by  
21 failing to notify its workers to avoid fields recently treated  
22 with pesticides, then allowing or directing workers to enter the  
23 treated field before the required waiting period had passed and  
24 without proper personal protective equipment, which resulted in  
25 the workers' exposure to a restricted use pesticide with the  
26 active ingredient chlorpyrifos; and  
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28 WHEREAS, although the United States Environmental  
29 Protection Agency initially sought civil penalties of over



1 \$4,800,000, in February 2018, a settlement was reached for the  
2 improper use of chlorpyrifos in 2016 and 2017 for a \$150,000  
3 payment and \$400,000 in costs to train farmers, particularly  
4 small-scale growers, in pesticide use; and

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6 WHEREAS, in March 2018, the United States Environmental  
7 Protection Agency fined a commercial pesticide applicator  
8 \$168,535 for misusing restricted use fumigant pesticides on  
9 Kauai, saying that the applicator had failed to ensure that only  
10 certified workers or workers directly supervised by a certified  
11 worker applied a restricted use pesticide, failed to provide  
12 proper worker protection equipment, failed to properly monitor  
13 the pesticide's application or measure the amount of pesticide  
14 used, and failed to maintain at least two years of routine  
15 operational records; and

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17 WHEREAS, in November 2019, an agribusiness operation agreed  
18 to plead guilty to illegally spraying a banned pesticide known  
19 as PennCap-M, containing the active ingredient methyl parathion,  
20 on Maui in 2014 and entered into a deferred prosecution  
21 agreement involving unlawfully storing an acute hazardous waste  
22 at facilities on Maui and Molokai, agreeing to pay \$10,200,000;  
23 and

24  
25 WHEREAS, two years later, in December 2021, the same  
26 agribusiness operation agreed to plead guilty to thirty  
27 environmental misdemeanor crimes related to the use of a  
28 pesticide in 2020 on fields on Oahu and allowing workers to  
29 enter the fields during a restricted-entry period after the  
30 product was applied and pay another \$12,000,000 in fines and  
31 community service payments; and

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33 WHEREAS, a May 2016 study entitled "Pesticide Use by Large  
34 Agribusinesses on Kaua'i", prepared by an independent Joint Fact  
35 Finding Study Group, points out the need for additional  
36 pesticide inspections and reporting on the results of  
37 inspections, and faster follow-through of inspections and legal  
38 compliance reviews; and

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40 WHEREAS, according to the same study, the use of drift-  
41 prone pesticides needs to be more strictly monitored through  
42 inspections and proven violators should be fined; and



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WHEREAS, Act 45, Session Laws of Hawaii 2018, established additional state requirements for users of restricted use pesticides, prohibited restricted use pesticides within school buffer zones, and prohibited the use of pesticides containing chlorpyrifos as an active ingredient, among other measures; and

WHEREAS, under existing state law, commercial and private pesticide applicators who violate pesticide regulations may receive a written warning upon their first offense, regardless of whether the offense resulted in injury or illness; and

WHEREAS, enforcement of Hawaii's pesticide laws, as well as timely and routine inspections and compliance investigations of potential pesticide misuse, are crucial to protecting public health and ensuring public confidence in the State's oversight of pesticide use; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2022, the Senate concurring, that the Department of Agriculture is requested to submit a report on pesticide inspections conducted within the past five years and strengthen statewide enforcement of restricted use pesticide violations; and

BE IT FURTHER RESOLVED that the Department of Agriculture is requested to submit its report, including any findings, recommendations, and proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Director of Health, Chairperson of the Board of Agriculture, and Chairperson of the Board of Land and Natural Resources.

OFFERED BY:

  
MAR 03 2022