

Honolulu, Hawaii

FEB 15 2023

RE: S.B. No. 1010
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 1010 entitled:

"A BILL FOR AN ACT RELATING TO PESTICIDES,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the definition of restricted use pesticides to include malathion.

Your Committee received testimony in support of this measure from Adaptations, Inc.; Ka Ohana O Na Pua; Hawai'i Alliance for Progressive Action; Kuwale Ridge Farms; Food+ Policy Internship 2023; Hawai'i Farmers Union United; Environmental Caucus of the Democratic Party of Hawai'i; Waihunahuna Foundation; and forty-two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Crop Improvement Association; Western Plant Health; CropLife America; Responsible Industry for a Sound Environment; and one individual. Your Committee received comments on this measure from the Department of Agriculture, Department of Agriculture Pesticides Branch, Department of the Attorney General, and one individual.

Your Committee finds that malathion is an insecticide in the chemical family known as organophosphates and is used outdoors as pest control for a wide variety of insects and has been principally used for mosquito control and fruit fly eradication programs in the United States. Malathion is a neurotoxic



cholinesterase inhibitor that causes the rapid build up of acetylcholine in insects and exposed humans, leading to uncontrolled rapid twitching of some muscles, paralyzed breathing, convulsions, nausea, pain, and death, in extreme cases. Exposure has also been linked to developmental delays, impaired cognitive development, and a host of learning and behavioral problems in young children.

Your Committee further finds that in March 2022, there was a chemical spill at a beachside residence in Mokuleia that affected about twenty residences. When the fire department, police, and neighborhood members attempted to assist in the cleanup, two exposed people using personal protection equipment were sent to the emergency room. Days later, many neighbors continued to experience severe symptoms, and an exposed downwind neighbor went to the hospital. Your Committee considers malathion to be a poisonous nerve toxin that is dangerous to humans, beneficial insects, animals, and the environment and is lethal to vulnerable marine life ecosystems when contaminated runoff from heavy rains reach the ocean. However, your Committee also acknowledges that malathion has an important use in keeping the public safe from mosquito born viruses like Zika virus, West Nile virus, and dengue. Thus, this measure classifies malathion as a restricted use pesticide, which severely limits its availability to the public for the sake of public health and the environment.

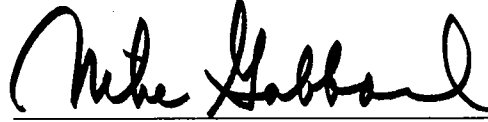
Your Committee has amended this measure by:

- (1) Deleting the definition for malathion to clarify that only malathion, and not all organophosphate insecticides, is classified as a restricted use pesticides; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1010, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1010, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,



MIKE GABBARD, Chair



