

STAND. COM. REP. NO. **3682**

Honolulu, Hawaii

APR 05 2024

RE: H.B. No. 2136  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred H.B. No. 2136, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

beg leave to report as follows:

The purpose and intent of this measure is to require the Department of Agriculture to establish and implement a pesticide inspection program that:

- (1) Increases compliance with the proper use of restricted use pesticides;
- (2) Ensures the continued prohibition on the use or application of pesticides containing chlorpyrifos; and
- (3) Informs the public of the most recent pesticide inspection results on the Department of Agriculture's website.

Your Committees received testimony in support of this measure from the Food+ Policy Internship 2024, Hawai'i Farmers Union United, and seven individuals.



Your Committees received comments on this measure from the Department of Agriculture, Hawai'i Farm Bureau, Hawai'i Alliance for Progressive Action, and one individual.

Your Committees find that restricted use pesticides are pesticides that require regulatory controls in addition to the rules for controlling the misuse of pesticides to ensure that only people with special knowledge, skills, equipment, and supplies are allowed to buy, use, or supervise their use. Your Committees further find that because the improper sale, use, or supervision of restricted use pesticides can cause significant harm to both public health and the environment, it is necessary to establish a systematic process for conducting certain inspections relating to restricted use pesticides and require the results of those inspections to be made available to the public. Therefore, by requiring the Department of Agriculture to establish and implement a pesticide inspection program, this measure will protect the health of the environment and people in the State and promote greater transparency and accountability pertaining to the use of restricted use pesticides in the State.

Notwithstanding, your Committees have heard the concerns raised by the Hawai'i Farm Bureau, requesting that this measure be amended for clarification and to ensure due process regarding information published on the Department of Agriculture's website as a result of this measure. Therefore, amendments to this measure are necessary to address these issues.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that the Department of Agriculture, in establishing the pesticide inspection program, shall:
  - (A) Develop a system to conduct inspections periodically, rather than annually; and
  - (B) Make a summary of data, rather than all of the data, available to the public on the online reporting tool for restricted use pesticides; and
- (2) Inserting language clarifying that the Department of Agriculture shall post the results of pesticide inspections upon completion of a final order issued by



the Department for a violation of the pesticide inspection program or any rules adopted thereunder, rather than post the results of all pesticide inspections conducted pursuant to the pesticide inspection program.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2136, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2136, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Commerce and  
Consumer Protection and Ways  
and Means,


  
DONOVAN M. DELA CRUZ, Chair

  
JARRETT KEOHOKALO, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

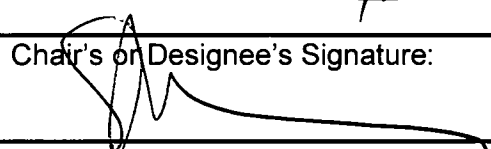
**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2136 HD2 SD1	AEN, CPN/WAM	4/2/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"		✓		
AWA, Brenton				✓
<b>TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2136 HDZ SD1	AEN, CPN/WAM	4/2/2024		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.				X
DECOITE, Lynn		X		
HASHIMOTO, Troy N.	X			
INOUE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn				X
FEVELLA, Kurt	X			
<b>TOTAL</b>	10	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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