

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

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEXTER KISHIDA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
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**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

**MARCH 11, 2024  
1:00 PM  
CONFERENCE ROOM 224 AND VIDEOCONFERENCE**

**HOUSE BILL NO. 2136, HD2  
RELATING TO AGRICULTURE**

Chair Gabbard, Vice Chair Richards, and Members of the Committees:

Thank you for the opportunity to testify on House Bill 2136, HD2 relating to agriculture. The bill requires the Department of Agriculture to establish and implement a pesticide inspection program to increase compliance with the proper use of restricted use pesticides by agricultural producers. The Department respectfully offers comments on this bill.

Through the delegated authority of the U.S. Environmental Protection Agency and the authority granted by HRS 149A, the Pesticides Branch implements an inspection and compliance program to regulate the use, distribution, licensing, and certification of pesticides and pesticide applicators statewide. The Department currently has a fully functioning "pesticide inspection program" which inspects and regulates both restricted use and general use pesticides. The Branch is tasked with regulating not only agricultural producers but other users of pesticides such as the landscaping industry, ornamental and nursery industry, and pest control industries. The Department emphasizes that the Pesticides Branch must remain neutral regarding inspection



processes and should inspect and regulate all users, no matter their respective industries.

The Department does not currently have any authority or access to the gross income of any farmers, cooperative associations, or landowners to be able to determine what persons fall within the definition of “agricultural producer” and would be unable to enforce most, if not all of this proposed measure.

All pesticide inspection results and actions are available through filing a Uniform Information Practices Act request or in summary at the following link:

<https://hdoa.hawaii.gov/pi/pest/pesticides-reports/>.

We respectfully request the following changes:

Replace (1) to read, “Increase compliance with proper use of restricted use pesticides;

Strike (3) as summaries may already be found at  
<https://hdoa.hawaii.gov/pi/pest/pesticides-reports/>

Strike (e) as the branch should uniformly regulate all users

Thank you for the opportunity to testify on this measure.



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March 11, 2024

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON HB 2136, HD2**  
**RELATING TO AGRICULTURE**

Conference Room 224 & Videoconference  
1:00 PM

Aloha Chair Gabbard, Vice-Chair Richards, and Members of the Committee:

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

HFB values the careful regulation of pesticides and the work of HDOA to ensure that these products protect public health, the environment, homes, crops, restaurants, etc., and are also used to combat destructive invasive species and are used safely. Although nearly everyone uses pesticides in some way, not everyone is educated about their proper use. HFB encourages more education and assistance regarding pesticide safety, especially for residential use, where there is a need.

This measure duplicates State laws already in place and unfairly targets only farmers and ranchers by singling them out for increased inspections and public reporting. HFB questions why this is warranted. Both federal and state laws and regulations strictly regulate all facets of pesticide use, with stiff penalties for violations. Agricultural producers are keenly aware of this and work with HDOA to ensure they comply with the rules.

Thank you for the opportunity to provide our comments and your continued support of Hawai'i's agricultural community.

**HB-2136-HD-2**

Submitted on: 3/10/2024 10:10:39 AM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Janet Ashman	Testifying for Hawaii Farm Bureau	Comments	Remotely Via Zoom

Comments:

Providing comments via Zoom on behalf of Hawaii Farm Bureau. Thank you.



### Officers

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State President

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Waimanalo, O'ahu

Vincent Kimura  
Honolulu, O'ahu

Natalie Urminska  
Kauai

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Senate Agriculture and Environment Committee,

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB2136.**

By ensuring compliance with the appropriate use of these pesticides, we can mitigate the risks associated with their usage and promote sustainable farming practices. This proposed program will not only serve to protect our environment but also ensure our long-term viability by preserving soil quality and the delicate balance of our agricultural ecosystems.

Chlorpyrifos is widely regarded as a pesticide with detrimental effects on human health and wildlife. By maintaining the prohibition on this hazardous substance, we prioritize the safety and well-being of our farmers, consumers, and our diverse ecosystems.

Lastly, we appreciate the provision in HB2136 that emphasizes the necessity of informing the public about pesticide inspection results for agricultural producers. Transparency is paramount in building trust between farmers and consumers, and this measure will empower the public to make informed choices about the products they consume. By ensuring this open flow of information, we can foster a stronger connection between farmers and consumers and work together towards a sustainable and healthy future for our agricultural community.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



**Senate Committee on Agriculture & Environment**

**Hawai'i Alliance for Progressive Action (HAPA) Supports: HB2136 HD2**

Monday, March 11th, 2024 1:00p.m. Conference Room 224

Aloha Chair Gabbard, Vice Chair Richards and Members of the Committee,

HAPA is testifying in support of HB2136 HD2.

HB2136 HD2 requires the Department of Agriculture (DOA) to establish and implement a pesticide inspection program to increase compliance with the proper use of Restricted Use Pesticides (RUPs) by agricultural producers, ensure the continued prohibition on the use of chlorpyrifos, and inform the public of the most recent pesticide inspection results for agricultural producers.

HAPA supports the expansion of the pesticide inspection program and understands that the DOA does its best when enforcing the compliance of Hawai'i pesticide use law. We support the legislature giving the Pesticide Branch of DOA more authority for regulatory inspections to be mandatory without the ability for users to refuse inspection.

We support the existing pesticide inspections program and its expansion. We humbly ask that you consider making this measure even stronger.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', is written over a light blue horizontal line.

Anne Frederick  
Executive Director



## TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

### SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

MARCH 11, 2024

HB 2136, HD2, RELATING TO AGRICULTURE

POSITION: SUPPORT

The Democratic Party of Hawai'i **supports** HB 2136, HD2, relating to agriculture. Pursuant to the “Agriculture” section of the official Democratic Party of Hawai'i platform, the party supports “regulations that ensure the ethical and safe production and consumption of all agricultural products.”

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

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

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

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

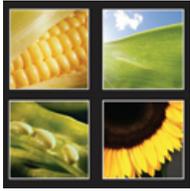
Accordingly, it is essential that we strengthen pesticide inspections, compliance, regulations, and consumer protections, particularly for pesticides like chlorpyrifos, glyphosate, and paraquat. Recent reports have found that **over 215,000 pounds of restricted use pesticides were released across central O'ahu and the North Shore in 2019**, according to the Hawai'i Alliance for Progressive Action. The research is clear: there is no excuse for failing to fully protect public health from the dangerous effects of chemical carcinogens.

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

Mahalo nui loa,

**Kris Coffield**  
*Co-Chair, Legislative Committee*  
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**Abby Simmons**  
*Co-Chair, Legislative Committee*  
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# HAWAII CROP IMPROVEMENT ASSOCIATION

HB2136 HD2– With Comments  
Relating to Agriculture

Senate Committee on Agriculture and Environment

Date: Monday, March 11, 2024  
Time: 1 PM  
Place: Conference Room 224

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Committee:

The Hawaii Crop Improvement Association (HCIA) appreciates the opportunity to provide **comments on HB2136 HD2**, which requires the Department of Agriculture to establish and implement a pesticide inspection program to increase compliance with the proper use of restricted use pesticides by agricultural producers, ensure the continued prohibition on the use of chlorpyrifos, and inform the public of the most recent pesticide inspection results for agricultural producers.

HCIA offers the following comments with concerns about this measure as it only applies to agricultural producers and not all applicators. Agriculture should not be singled out as there are other restricted use pesticide applicators statewide. We believe that funding for this measure should be incorporated so that the Department of Agriculture can adequately implement this program. We prefer that if there is any additional funding available that it should go towards pesticide education initiatives and other programs that support and strengthen the growth of agriculture and help farmers increase and expand locally grown products.

Mahalo for the opportunity to provide testimony on this measure.

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

**HB-2136-HD-2**

Submitted on: 3/9/2024 7:28:56 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Klayton Kubo	Individual	Support	Remotely Via Zoom

Comments:

Support

**HB-2136-HD-2**

Submitted on: 3/8/2024 5:42:42 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

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

Comments:

We know by now how pesticides are collecting in everyone's blood and tissues. We need more safeguards on these toxics for everyone's health. Please support this bill. Mahalo.

**HB-2136-HD-2**

Submitted on: 3/9/2024 4:32:53 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to requiring the Department of Agriculture to establish and implement a pesticide inspection program to increase compliance with the proper use of restricted use pesticides by agricultural producers, ensure the continued prohibition on the use of chlorpyrifos, and inform the public of the most recent pesticide inspection results for agricultural producers

**HB-2136-HD-2**

Submitted on: 3/9/2024 4:35:16 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am in support of HB2136 HD2, but prefer HD1 over HD2.

In HD2, the requirement to include specific geospatial data information about specific restricted use pesticide application locations was removed, and I do believe that keeping it in would be beneficial.

While in previous testimony, farmers stated that it could open them up to vandalism and theft by exposing the locations of their crops, but in their reporting of the use of pesticides, there is no requirement to report the types of crops these pesticides are being applied to.

Being able to understand exactly where RUP has been applied is key to understanding the long-term effects on the environment, being able to consider long-term effects on the soil, and having an understanding of locations and areas that may need to be considered for future mitigation and restoration due to use of RUP.

Mahalo nui loa for your time and consideration.

Keoni Shizuma

**HB-2136-HD-2**

Submitted on: 3/9/2024 5:54:38 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure and the expansion of the pesticide inspection program.

The following amendments are requested:

--Specify location reporting is to be via GPS location, specific geospatial location, rather than TMK parcel number and

--Mandate the development of an online reporting tool for public access to the data and standard reporting requirements.

Mahalo for the opportunity to testify.

**HB-2136-HD-2**

Submitted on: 3/10/2024 12:26:31 PM

Testimony for AEN on 3/11/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Vice Chair Richards, and Committee Members,

I am in Strong Support of HB 2136 HD2,

This is important to ensure proper use of pesticides so that public safety and the environment is protected.