

STAND. COM. REP. NO.

1024

Honolulu, Hawaii

MAR 23 2017

RE: H.B. No. 889  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Higher Education, to which was referred H.B. No. 889, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PESTICIDES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the pesticide licensing fee and require annual renewal of the license;
- (2) Amend authorized uses for monies in the pesticide use revolving fund and repeal the cap on the fund;
- (3) Require the Department of Agriculture and University of Hawaii College of Tropical Agriculture and Human Resources (CTAHR) to execute a memorandum of understanding and submit a report to the Legislature regarding the expenditure of monies from the pesticide use revolving fund;
- (4) Establish an environmental toxicologist position within the Department of Agriculture to partner with the Department of Health toxicologist, through a memorandum of understanding, to expand the technical capacity of the Departments of Agriculture and Health to analyze



findings and make recommendations regarding environmental and human health;

- (5) Establish a pesticide extension specialist position, through a contract with the Department of Agriculture, within CTAHR; and
- (6) Appropriate funds out of the pesticide use revolving fund for specific purposes.

Your Committees received testimony in support of this measure from the Chamber of Commerce Hawaii; Hawaii Crop Improvement Association; Western Plant Health Association; CropLife America; Maui County Farm Bureau; Ponohele Ranch, Limited; Alexander & Baldwin, Inc.; Hawaii Center for Food Safety; Hawai'i Farm Bureau; and eighty-nine individuals. Your Committees received testimony in opposition to this measure from the Hawaii Cattlemen's Council, Inc.; Life of the Land; and one individual. Your Committees received comments on this measure from the Department of Agriculture, University of Hawai'i System, and Hawaii Island School Garden Network.

Your Committees find that the Department of Agriculture is responsible for ensuring that the nearly 10,000 pesticides registered for use in Hawaii are used properly. Your Committees further find that the pesticide use revolving fund is comprised of funds collected by the Department of Agriculture from pesticide license fees, restricted use pesticide dealer license fees, and training fees and is used to support the pesticide program's registration and licensing, certification and education, and compliance monitoring activities. The revolving fund may also be used to establish pesticide training workshops, educational programs, development of integrated pest management strategies, and other services to benefit users of pesticides, including collection, disposal, and recycling of pesticide containers.

Your Committees appreciate the intent of this measure to amend the authorized uses of and repeal the cap on the pesticide use revolving fund; however, based on the testimonies of the Department of Agriculture and University of Hawaii System, your Committees find that other aspects of the bill are unnecessary or may have potentially burdensome fiscal and management implications. Your Committees find that it is best at this time



to increase the cap on the pesticide use revolving fund rather than amending its permissible uses and making specific appropriations. An increase on the fund's cap will increase the ability of the Department of Agriculture to conduct critical training and outreach to:

- (1) Ensure that pesticides are not misused, as the misuse of pesticides is not only illegal but may also endanger the health and safety of people and the environment;
- (2) Assist in the disposal of pesticides and pesticide containers; and
- (3) Supplement environmental studies, such as groundwater reviews and water sampling activities.

Accordingly, your Committees have amended this measure by:

- (1) Deleting section 2 which increased in license fee and decreased the renewal term of the license;
- (2) Deleting the proposed new language and restoring the stricken language in section 3;
- (3) Increasing the cap on the pesticide use revolving fund from \$250,000 to \$1,000,000;
- (4) Deleting parts III and IV;
- (5) Amending section 1 to reflect the amended purpose;
- (6) Making it effective July 1, 2017; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 889, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 889, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

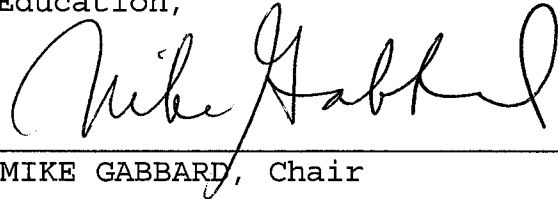


Respectfully submitted on  
behalf of the members of the  
Committees on Agriculture and  
Environment and Higher  
Education,



---

KAIALI'I KAHELE, Chair



---

MIKE GABBARD, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 889, HDI	AEN/HRE, WAM	3/21/17		
<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
GABBARD, Mike (C)	X			
RIVIERE, Gil (VC)	X			
NISHIHARA, Clarence K.				X
RHOADS, Karl				X
RUDERMAN, Russell E.	X			
<b>TOTAL</b>	3	0	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				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Higher Education**  
**HRE**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 889, HD1	AEN/HRE, WAM	3/21/2017		
<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
KAHELE, Kaiali'i (C)	X			
KIDANI, Michelle N. (VC)				X
ESPERO, Will	X			
KEITH-AGARAN, Gilbert S.C.	X			
TANIGUCHI, Brian T.				X
<b>TOTAL</b>	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espo</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes