

STAND. COM. REP. NO.

3441

Honolulu, Hawaii

MAY 12 2020

RE: H.B. No. 2565
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred H.B. No. 2565, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PESTICIDES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the Pesticide Disposal Amnesty Program within the Department of Agriculture to provide a one-time, affordable, and environmentally accessible means for the disposal of restricted and nonrestricted use pesticides from a bona fide agricultural entity;
- (2) Convene a Pesticide Disposal Amnesty Program Steering Committee to guide and monitor the program;
- (3) Appropriate funds for the purposes of the Pesticide Disposal Amnesty Program;
- (4) Require, rather than authorize, the issuance of a written warning notice for first-time pesticide use violations; and
- (5) Increase fines for pesticide use violations.



Your Committee received testimony in support of this measure from the Department of Health; Department of Agriculture; Hawai'i Center for Food Safety; Kauai Chapter of the Surfrider Foundation; Young Progressives Demanding Action; We Are One, Inc.; Hawai'i SEED; EcoTipping Points Project; Hawaii Alliance for Progressive Action; Hawai'i Farm Bureau; CropLife America; and one hundred individuals. Your Committee received testimony in opposition to this measure from the Western Plant Health Association and Hawaii Pest Control Association. Your Committee received comments on this measure from Larry Jefts Farms, LLC.

Your Committee finds that the introduction of this measure is timely, as legal disposal options for pesticides are limited in Hawaii. Your Committee recognizes that the longer pesticides are left unmanaged, the more likely the container will fall, or the chemicals will leach into the ground or wash into nearby waterways. Accordingly, this measure has a great potential to provide environmental and human health benefits for the community by removing threats to residents, waterways, and the environment.

Your Committee recognizes the Department of Health's concern that the use of "amnesty" in the name of the program signals to the public that this program provides amnesty from complying with waste disposal regulations; however, it also notes that the amnesty given is meant to only apply to the pesticides that are brought for disposal, and the use of the word amnesty may encourage public participation, as with the Department of Agriculture's amnesty bin at the airport.

Your Committee has amended this measure by:

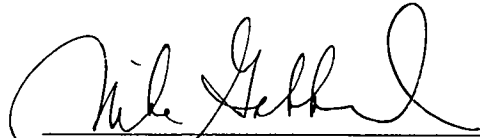
- (1) Replacing the word "amnesty" with "collection";
- (2) Authorizing, rather than requiring, the issuance of a written warning notice for first-time pesticide use violations;
- (3) Adding "at least" before "fourteen days" so that the Pesticide Disposal Collection Program will not be limited to only fourteen consecutive days, as that time frame may be insufficient to collect the currently unknown amount of unused pesticides in the State;



- (4) Limiting the Department of Agriculture's obligation to accept pesticides that weigh less than five pounds or fifteen gallons;
- (5) Allowing the Department of Agriculture to set a fee schedule for the disposal of pesticide amounts greater than five pounds or fifteen gallons without regard to Chapter 91 or Chapter 201M, Hawaii Revised Statutes;
- (6) Inserting an effective date of July 1, 2020; and
- (7) 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 H.B. No. 2565, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2565, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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




MIKE GABBARD, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2565, HD2	AEN, JDC/WAM	03/11/2020		
<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			
RUDERMAN, Russell E. (VC)	X			
RHOADS, Karl	X			
THIELEN, Laura H.		X		
FEVELLA, Kurt				X
TOTAL	3	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes