

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

## MINUTES

January 28, 2014

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 9:06 a.m.

**PRESENT:** Councilmember G. Riki Hokama, Chair  
Councilmember Donald G. Couch, Jr., Vice-Chair (Temporary Chair: 10:46 to 11:59 a.m.)  
Councilmember Gladys C. Baisa, Member (Out 11:59 a.m.)  
Councilmember Elle Cochran, Member  
Councilmember Stacy Crivello, Member  
Councilmember Don S. Guzman, Member  
Councilmember Mike White, Member

**EXCUSED:** Councilmember Robert Carroll, Member  
Councilmember Michael P. Victorino, Member

**STAFF:** Carla Nakata, Legislative Attorney  
Michele Yoshimura, Substitute Legislative Analyst  
Tammy M. Frias, Committee Secretary

Erin Fleming, Legislative Attorney, Office of Council Services (*sitting in gallery*)  
Chancy Hopper, Legislative Analyst, Office of Council Services (*sitting in gallery*)

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Tina Thompson, Executive Assistant to Councilmember Crivello, assisting at Molokai  
Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Richelle M. Thomson, Deputy Corporation Counsel, Department of the Corporation  
Counsel  
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation  
Counsel

**OTHERS:** Maui testifiers:  
Doug MacCluer  
Sharon Zalsos  
Darren Strand, President, Maui Gold Pineapple Company  
Donna Boughey  
Don Gerbig  
Darrell Tanaka  
Brian Igersheim, Director of Quality Control, Haliimaile Pineapple Company

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Autumn Ness  
Irene Bowie, Executive Director, Maui Tomorrow Foundation, Inc.  
Mae Nakahata, Agronomist, Hawaii Commercial & Sugar Company (“HC&S”)  
Marilyn Chapman  
Steve Wilson  
Rebecca Sydney  
James Gomes  
Mark Sheehan, President, Haiku Aina Permaculture Initiative (“HAPI”)  
Terez Amato Lindsey  
Paul Achitoff, Managing Attorney, Earthjustice  
Chris Wurtele  
Kimberly Usher  
Geoff Haines, Owner/Manager, Pacific Produce, Inc.  
Kimo Falconer  
Mitchell MacCluer, Manager, CPS  
Warren Watanabe, Executive Director, Maui County Farm Bureau  
David Buddy Nobriga  
James Nobriga  
Sean Loa, Account Representative, American Machinery  
David Stoltzfus, Maui Site Lead, Monsanto Co.  
Janet Ashman  
Lloyd Fischel  
Karen Chun  
Tom Blackburn-Rodriguez  
Alex Franco, President, Hawaii Cattlemen’s Council  
Paul Singleton, President, Pacific Produce  
Howard Hanzawa  
John Gelert  
Charlotte O’Brien, Carbon Drawdown Solutions  
Brian Lehmann  
Sunny Savage-Luskin  
Bruce Douglas  
Charlotte Mandala  
Wesley Bissen, HC&S  
Tamara Paltin  
Joyrama Greco  
Oriana Kalama, President/Founder, Ocean Defender Foundation  
Lauryn Rego  
Nomi Carmona, President, Babes Against Biotech  
Robert T. Martin  
Michael J. Murphy  
Jasmine Kilborn  
Penny Levin, Member, Taro Security and Purity Task Force  
Brian Murphy, Director, Maui County Citizens for Democracy in Action (“MCCFDIA”)

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Christine Andrews  
Eddy Garcia  
Rita Ryan, Chief Technology Officer, Carbon Drawdown Solutions  
Pamela Tumpap, President, Maui Chamber of Commerce  
Melissa Panzarini  
Tom Woolf  
Sara Ember Behrendt  
Councilmember Gary Hooser, Kauai County Council  
John Fitzpatrick  
Valerie Sapourn  
Lucienne de Naie, Conservation Chair, Sierra Club Hawaii  
Leona R. Wilson  
Ryan Brooke  
Shayne Edelhertz  
Astrid Senturia  
Faith Eubank  
Ann Evans  
Unmani Cynthia Groves  
Courtney Bruch, Director, GMO Free Maui  
Amy Chang  
Gabrielle Lindsey  
Dr. Joe Ritter  
Benny Ramos, Jr.  
Jerry Edlao  
Stephen West  
Olaf Behrendt

Officer Aylett Wallwork, Department of Police  
Officer Jhun-Lee Casio  
Officer Marjorie-Ann Kahookele-Pea

Additional attendees on Maui: Approximately 50 individuals

Molokai testifiers (via telephone conference bridge):

Lynn DeCoite  
Kalaniuamaiamamao Ritte  
Scott K. Adams  
Hanohano Naehu  
Tanya M. M. Naehu  
Adolph Helm  
David Gilliland  
Jose Escobar  
Dexter Candelario  
Kanohowailuku Helm  
Kainoa Kaholoaa  
Chris Natartez

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Kendrick Kansana  
Michael Buse  
Sheryll Buse  
Darryl Burgess  
Eddielyn Maniago  
Grace Floresca  
Shirley Ballocanag  
Edgar Alvarez  
Josephine P. Esteban  
Rugene Arista  
Dylan Guerrero  
Samson Kaahanui  
Leo Ramos  
Kealohapauole Spencer-Basa  
Ivan Kawamae  
Joseph Kahe`e V  
George Kahinu IV  
Keoni S. Tapaoan  
William Honokaupu  
Herman Puaoi, Jr.  
Kimo Pule  
Pierriden Perez  
Gina Buehner  
Jorge Hernandez Camacho  
Christina Schonely  
Jill Coombs  
Cynthia McCutcheon  
Salina K. R. Victorino  
Susan Poaha, Assistant Crew Leader, Monsanto  
Mark Ballocanag  
Ray Foster  
Dawn Bicoy  
Piilani Augustiro  
Joan Lasua, Hawaii Finance Specialist, Monsanto-Molokai  
Melissa Poepoe, Field Crew Member, Monsanto  
Patti Guay, Employee, Monsanto-Molokai  
Derrick Thielk, Supervisor, Monsanto  
Miles Luuloa  
Blaze Juario, Field Crew Member II, Monsanto-Molokai  
Joshua Hunziker, Operations Supervisor, Monsanto-Molokai  
Kawehi Horner, Seed Tech II, Monsanto  
Jesse Ah Yee, Field Crew, Monsanto-Molokai  
Kali Arce, Seed Tech, Monsanto  
David K. Makaiwi

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Jonathan Kauwenaole  
Bronson Manaba  
Cory Jones  
Kalai Maliu  
Carl Healani Adolpho III, Spray Scout, Monsanto-Molokai  
Mapuona Kansana  
Liane Kauma  
Helena Miguel, Seed Tech, Monsanto  
Coco Augustin, Tech IV, Monsanto-Molokai  
Jason Y. Matayoshi, Maintenance Tech, Monsanto-Molokai  
Danielle Bicoy, Seed Tech, Monsanto-Tech  
Audwin Calairo, Maintenance Tech, Monsanto-Molokai  
William Casino  
Alex Mangayayam  
Melvin Spencer, Jr.  
Jose Ragasa  
Felix T. Gasmen  
Felipe G. Ragonton  
Jose Avila, Field crew worker/Mechanic  
Christopher Kaauwai  
Jolenta Duvauchelle, Seasonal field crew worker, Monsanto-Molokai  
Eric Lacar  
Aristotle Oamil, Seed Tech, Monsanto-Molokai  
Andrew K. Arce, Owner, Arce's Farm  
Phyllis A. Starkey  
Tyra Reyes  
Jae Won Perez  
Iponohea Nahoopii-Kaauwai  
Lionel Adachi  
Timothy O. Crawford, Operations Manager, Monsanto-Molokai  
Gene Albino  
Ken Bare  
Keola mau loa o Hawaiiiloa Mowat  
Hoala Davis  
Moses Phillips, Jr.  
Keith Suafo`a  
Roshani Nash  
Kanoë Davis  
Levie Yamazaki-Gray  
Ehu Lani Kame  
Cherie Dudoit-Galam, Seed Technician, Monsanto-Molokai  
Tina Tamanaha  
Mercy Ritte

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**PRESS:** Jeff King, *Maui on TV*  
Melissa Tanji, *The Maui News*  
*Akaku--Maui County Community Television, Inc.*

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**ITEM PIA-58: PESTICIDES AND GENETICALLY MODIFIED ORGANISMS (CC 13-381)**

CHAIR HOKAMA: . . .(*gavel*). . . The Council's Committee on Policy and Intergovernmental Affairs shall come to order. This is our regular meeting of January 28, 2014. This morning present from the Committee is Vice-Chairman Couch.

VICE-CHAIR COUCH: Good morning, Chair.

CHAIR HOKAMA: Good morning. Members, Ms. Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR HOKAMA: Good morning. Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR HOKAMA: Good morning. Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR HOKAMA: Good morning. Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR HOKAMA: Good morning. And Mr. Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR HOKAMA: Good morning. The Chair excuses Mr. Carroll and Mr. Victorino from today's proceedings. Members, we have one item that has been agendized, that is agenda number Policy 58 under the title of Pesticides and Genetically Modified Organisms. The Chair will lay out the ground rules for today's meeting to everyone that would like to share comment. Your Committee is interested in receiving comments regarding the proposed bill for legislation from Maui County residents. The Committee's interested in receiving facts that the Committee can verify, and whatever conclusion this Committee reach shall be reached by conclusions of law. Because we know that this is a very strong and at times could be an emotional issue, the Chair is requesting that we respect each other's differences of opinion. We are one community, one family. We tend to disagree at times and that is fine, but we shall remain civil in this meeting. The Chair will maintain decorum. If not, the Chair has resources to exercise and those people

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will be removed from this Chambers if they continue to interrupt the proceedings of this meeting. Please turn off your cell phones, anything that will disturb this meeting. Again, we shall maintain decorum at all times. We shall maintain civility toward each other at all times. Because this is a very important issue, the Chair thought of re-modifying the length of testimony because I can tell you there is just as much or maybe more waiting on Molokai to share their thoughts and views with the Committee also. The Chair is in consideration, there's no final determination, but after further discussions with appropriate leadership of this Council, we will make a determination whether or not we shall go to Molokai for a face-to-face meeting with Molokaianians to receive their comment face-to-face. Okay. Citing that, that is the current status. The Chair will also state that I am aware that there was posted on the Facebook amendments to the proposed bill that we have listed for the agenda this morning. As I had talked to Ms. Cochran prior to the posting, I prefer that we keep our comments to the bill that we decided to post. You can recommend any amendments you wish to, revisions, deletions. The Committee's open to all comments regarding the bill that was introduced. Other than that, the Chair has no further directions at this time for the Committee or the, our residents for testimony. Any questions to the Chair from the Committee on how we to proceed? Okay. Having none, as we call up our people to testify, if you are representing an organization, we ask that you share that information with us, please. And we, the Chair is also going to ask for, if you're possible, to please share your address with the Committee also. You have three minutes. We are going to use the lighting system to assist you with your time. When the yellow light goes on, that means you have 30 seconds remaining, and I ask you to consider, start concluding your remarks when the red light goes on and the beeper goes off, your three minutes are up. You may request the Chair for additional time to conclude no longer than one minute, but I caution you now, please we have a lot of people that would like to share a lot of things so I would prefer not to have that extra minute. That is the Chair's request. Stating that, we shall move to testimony. The first person that we have that has signed up for testimony is Doug MacCluer. Following Mr. MacCluer it shall be Sharon Zalsos.

***...BEGIN PUBLIC TESTIMONY...***

MR. MacCLUER: Thanks, Chairman. Chairman and the County Council, I have been a farmer on Maui for 50 years, and I remember when we grew almost all of our food that we ate. We had multiple chicken farms, two dairies, multiple feed lots, a lot of pig farmers, and every big ranch had a slaughterhouse. I am opposed to this bill because it's local, it's anti-local ag and that's a problem. We used to feed all of our animals off the, what we had. Sure we farmers made mistakes but that's the way you learn. We learned that you can't do conservation the way you used to, we used to, and you can't use dangerous pesticides. We have to take care of the people, our people and our neighbors. I object to this bill because at the same time the Department of Health is stopping funding for the conservation position and we're trying to move the responsibility from the Feds, the State of Hawaii to local farmers and the government. We used to have a local pesticide trainer and inspector on Maui, and used to have more people locally with the Department of Ag, now they're gone. No wonder kids don't want to get into farming,

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it's not only hard work but it's not always profitable and you have to fight like hell on the bills like this, and that's a problem. Thank you.

CHAIR HOKAMA: Thank you, Mr. MacCluer. Members, any questions for the testifier on, clarification of his testimony?

COUNCILMEMBER COCHRAN: Yes, Chair.

CHAIR HOKAMA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Good morning, Mr. MacCluer.

MR. MacCLUER: Good morning.

COUNCILMEMBER COCHRAN: Nice to see you.

MR. MacCLUER: Nice to see you.

COUNCILMEMBER COCHRAN: And we're matching. So I'm just wanting a little bit more clarification as in your state, your sentence anti-local agriculture and exactly what is it you're referring to as in local? Who, I guess.

MR. MacCLUER: We used to supply all of our food on Maui and now we import 82 percent of it. I served on the Board of Ag for many years and that's what I'm referring to.

COUNCILMEMBER COCHRAN: So the big box stores can sell produce a lot cheaper than we can provide it ourselves today.

MR. MacCLUER: And we import food from Mexico, Chile, the mainland. Salinas Valley irrigates all of their produce with wastewater, so that's what I'm saying.

COUNCILMEMBER COCHRAN: One more, Chair?

CHAIR HOKAMA: Is it on the same question?

COUNCILMEMBER COCHRAN: No, it's a different --

CHAIR HOKAMA: Okay.

COUNCILMEMBER COCHRAN: --sentence of his...

CHAIR HOKAMA: So long as it's part of the testimony that he provided.



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COUNCILMEMBER COCHRAN: It is. It is, Chair. Thank you. And also in regards to what we used to have as in pesticide trainer and inspectors --

MR. MacCLUER: Yeah.

COUNCILMEMBER COCHRAN: --you're saying we no longer have this?

MR. MacCLUER: No. We don't have a trainer and we don't, we cut our inspectors by 50 percent.

COUNCILMEMBER COCHRAN: Okay. And all right, that's important information. Thank you, Mr. MacCluer.

CHAIR HOKAMA: Okay, thank you. Any other questions for the gentleman on testimony he provided? Mr. MacCluer, thank you very much for your --

MR. MacCLUER: Thank you.

CHAIR HOKAMA: --presence this morning. We'll bring up Ms. Zalsos and then we'll check with our District Offices.

MS. ZALSOS: Aloha, Chair Hokama.

CHAIR HOKAMA: Good morning.

MS. ZALSOS: Ladies and gentlemen of the Council, good morning. First of all, I would like to express my gratitude for this opportunity. As you know, freedom to give one's testimony is not always something that every person in this earth will ever experience. As a United States Air Force veteran, I cherish that very much about this country. My name is Sharon Zalsos and I am here on my own behalf. After reading the proposed bill, I realized that this is almost exact replica of Kauai's Bill 2491. Of course Kauai County was replaced by Maui County. The bill is currently in litigation. It is my understanding that Kauai's Mayor had the foresight to see that the bill would not stand by itself, that it would be open to lawsuits. So I urge this Council to please consider that, please take that to consideration. I fully support Maui's agriculture. I am in support of every single farmer from this island, Molokai, Lanai. I am in support of all of the 770 HC&S farmers, and I am in full support of all of the 500 workers of Monsanto. I buy my produce every Saturday morning from our Maui swap meet. I make sure that I buy Maui first, and I highly encourage that everyone else do the same. Thank you.

CHAIR HOKAMA: Thank you, Ms. Zalsos. Members, any questions for the testifier? Having not, Ms. Zalsos, thank you for being here. Ms. Lono, Dawn, our Hana Office, is there anyone wishing to provide testimony?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and I have no one waiting to testify at this time.

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CHAIR HOKAMA: Thank you. Lanai, Ms. Fernandez, anyone wishing to provide testimony?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR HOKAMA: Okay, thank you very much. Molokai, Tina...Ella is, do we have people wishing to testify?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and the first testifier is Lynn DeCoite.

CHAIR HOKAMA: Okay, thank you. We'll ask Ms. DeCoite to share her testimony with us, please.

MS. DeCOITE: Aloha, honorable Committee Chair Hokama, Vice-Chair Couch, and respected Council members. My name is Lynn DeCoite and I am a third generation Hawaiian homestead farmer on Molokai, and I am keiki o ka aina. I'd like to start my testimony by saying what is government coming to. I believe in freedom of speech but please make sure you know what you're talking about. The proposed pesticide/GMO bill introduced by Councilmember Cochran is anti-ag bill that unfairly targets farmers and businesses in Maui County. The bill is dangerous to the people of Maui County. It is not enforceable by the County at this time, and taxpayer monies would be required to establish this bill which is redundant to the regulations already set forth by the Federal and State governments. One part of the proposed bill, the environmental impact and public safety studies that will need to be performed for each of the restricted use pesticides should already tell the Council that the law is an attempt to ban the ag in the State of Hawaii. There is a reason that those pesticides are restricted use, and that is that those studies have already been undertaken long before the products became commercially available. Why are these studies needed since they've already been done and the information from them available is public knowledge? The second part of this bill I'd like to focus on is the underlying fact that the bill is an attempt to ban the use of GMO crops in Maui County. So we ban GMO but we import it, what is the difference? I'll tell you this will lose over 65 percent of Molokai's workforce and food production that could be grown here. We will send more people to the unemployment line. Is that what we want? And farmers like myself will stop farming. That much less food will be grown in the State of Hawaii. My family-owned sweet potato farm is the biggest supplier of sweet potatoes in the State of Hawaii. I too will look at closing my doors. You have tied our hands, feet, and basically thrown away the keys. If bills were passed on by who screamed the loudest and who could threaten politicians then maybe this is what people will have to resort to, to get their point across. We are not like that, we are simple farmers doing great agricultural practices, working side by side with GMO growers, supporting one another. How dare you judge us because you cannot find nothing wrong with GMO. Now famers like myself will have to suffer for the decision you make based on people's accusations and not facts. Cost of food will go up. Major supply and demand issues. No food and no sustainability for Hawaii, only the rich will afford food. What happens in the natural disaster? This will lead to famine. All at the hands of decision coming from people that have no incline about farming and the repercussions

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of this bill. The question is what is the alternative? You are GMO, genetics at its best. The mixing of two genes to create another living being that can get sick which is why we give them immunizations at a young, early age. Should we ban immunization also?

MS. NAKATA: Three minutes.

MS. DeCOITE: Common sense. Will you feed the people who choose not to be farmers? And what is your solution? Are the laws that are in not stiff enough? Aren't the farmers of today already paying and making sacrifices? Farming is not an easy job and it clearly shows when government does not support agriculture. Many anti-GMO movement are hypocrites. They buy GMOs knowingly and yet they oppose it. Why don't they grow their own food? But they want us to grow it for them and tell us how to grow it? I say then don't eat it. The late Senator Inouye once said your actions speak louder than your words. If this is what this bill...then let them pay with their tax paying dollars, not mine. I don't have a problem eating GMO, I welcome it and so does my family. Let the movement make a commitment to the County, make them tell you how they plan to supply our County and State with food that we grow without using chemicals. Let's not forget that food safety will also be regulated and you cannot be contraptng [*sic*] your own fertilizers --

MS. NAKATA: Four minutes.

MS. DeCOITE: --manure or compost to call that natural. That also needs to be tested. It can also be --

CHAIR HOKAMA: Ms. DeCoite. Ms. DeCoite.

MS. DeCOITE: --combustible if not properly handled. What government will be regulating that?

CHAIR HOKAMA: Ms. DeCoite, you need to --

MS. DeCOITE: The County needs to be fair.

CHAIR HOKAMA: --terminate your testimony, please. You had more than four minutes.

MS. DeCOITE: Okay. Chair . . . (*inaudible*). . . 30 seconds.

CHAIR HOKAMA: No.

MS. DeCOITE: This bill will do little to add to --

CHAIR HOKAMA: We gave you four minutes, Ms. DeCoite.

MS. DeCOITE: --the safety of the people of Maui County since it's never been proven that they're in danger. If passed this bill will ultimately hurt the farmers and businesses of Maui County. I speak for myself and my family and I do not speak for Molokai as some say they do.

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Councilmen and women, don't you be threatened and fall victim to people that threaten your positions. Stand up and do what is right. Sincerely, Lynn DeCoite, Molokai homestead farmer. Thank you.

CHAIR HOKAMA: Thank you, Ms. DeCoite. Questions for the testifier, Members? Okay. Thank you, Ms. DeCoite. Before we ask the second Molokai testifier, we're going to adjust that. We're going to notify you at the 2½ minute mark once, you have 30 seconds to conclude your original 3 minutes, and then we're going to notify you of your 3 minute mark. It is only fair that everyone is given the same amount of time, and therefore if you choose to continue speaking after your maximum is allowed, I'm either going to pound this meeting into recess and wait 'til we can all understand what is the rules before we restart the meeting. 'Cause I won't have this Committee lose control of this meeting. Any question, Members? Oh, and please all testimony is to be directed to the Chair and not the Committee members or the audience. Molokai, who is your next testifier, please.

MS. ALCON: The next testifier is Kalani Ua Ritte.

CHAIR HOKAMA: Okay. I have our next person to please share his testimony.

MR. RITTE: Okay. Aloha. My name is Ua Ritte. Born and raised and going die on Molokai, hopefully not soon and hopefully not of cancer. But yeah, aloha, everybody. I just like ask why, yeah, why this multibillion dollar corporations gotta be around our schools? Why they gotta be testing their pesticides around our schools and around homes? Can they do it somewhere else? Okay. They going tell you why they doing this because jobs, they going provide jobs. Okay. Some people going come up here and tell you science is why they doing this, why they around our schools and around our homes, okay. Some people going tell you that they feeding the world and that's why they around schools and homes, okay. That's not why they around schools and homes, they around because they greedy, okay. This is about, this is not about the workers here, this is not about nobody here, this is about CEOs that stay 3,000 miles away in their ballroom looking at Molokai like on one chart and numbers. That's all it is, Molokai to them. They looking at their charts and they looking at their pocketbooks, okay. They want to make \$10 million instead of \$1 million. They want to have five houses instead of one house, okay. That's why they spraying poisons around our schools and around people's houses, they greedy. They shouldn't have come up above the highway, they should have stayed south where nobody stay, the wind blowing in that direction. I don't think would have had this much, the kine, bang, heads banging, but no they had not to push the issue, they had to come around schools, they had to come around houses. So I think it's greed. I think these CEOs, they like five cars instead of one, ten mistresses instead of just one, you know what I mean? And if you like know what happens when you have these companies that not doing production-based agriculture, but they're doing research-based agriculture which means they spray more pesticides than the production-based guys. So why? Why? Look at Kauai and then you going know what happens, you know. Ask all the guys who don't work for the company what it's like living around these fields, you know. Ask all the doctors who came to testify about their experiences with pesticide exposure in these communities around the fields. Ask the scientists who came and testified about all these

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pesticides and the side effects that da kine, that they cause. You line 'em up, cancer, diabetes-- what you call when you fat--obesity, all these line up with those pesticides that they spray. So if you get cancer, you know, it shouldn't surprise, you know, you --

MS. NAKATA: Two and a half minutes.

MR. RITTE: --on one island that spray tons of toxic chemicals that cause cancer near you, of course you going get cancer. You know so it's all about greed, brah, and I no think it's right for ask us to put our kids at risk for these people's greed. Eh, you like do your science stuff, science things, you like test, you like spray, go spray someplace where no mo' nobody around, and I think that's one fair compromise. So yeah, thank you, and aloha.

CHAIR HOKAMA: Thank you for your testimony. Members, any questions for the gentleman's testimony for clarification? Having none, thank you very much for your comments. We'll come back to the Chamber. Darren Strand, and he shall be followed by Donna Boughey.

MR. STRAND: Good morning, Chair Hokama --

CHAIR HOKAMA: Good morning.

MR. STRAND: --and Committee members. I am Darren Strand and I'm here on behalf of Maui Gold Pineapple Company. I would like to discuss a handful of the impacts from this bill and a few of the false assumptions on which it is based, and specifically how it will negatively impact our company, our product, and our employees. This bill assumes that a farm like ours and the employees of Maui Gold cannot use pesticides in a safe manner with respect to the land that we are farming, our neighbors, and the food we produce. In the eight years that I've been manager in the pineapple operations on Maui, we've never had a case where pesticides have drifted offsite of the application or had residues on our harvested product. This is a fact. This is the truth, not a general statement in a letter to the editor, not a post on my Facebook page, but this is the truth because we take what we do very seriously and we're held accountable by the agencies that regulate us and the retail customers that buy our product. Our on-farm practices are always compliant and are always more stringent than what is required by State and Federal law. Elle's bill is a solution without a problem. This is a solution to a problem that doesn't exist. Maui Gold Pineapple Company is farming over 1,000 acres in Haliimaile corridor below Makawao. We have 82 employees, almost all of whom were employees of Maui Pineapple Company that shut it operations and laid off the last 225 employees of December, 2009. Maui Gold has just finished our fourth year of operations and while we've had success at several levels, I'm always reminded of the situations that make Maui a hard place to run an agricultural business. We pay three times as much for water as our competitors on Oahu. Our fuel costs are much higher. Our material costs are higher. A kilowatt is much more expensive on Maui than it is on Oahu. And then on top of that, we have to ship our product to the large, to the major marketplace of and the population on Oahu. The punitive nature of this bill creates an additional set of costly regulations for operations. The no-crop buffer zones around neighboring properties eliminates between 15 and 20 percent of our production acreage. So along with all of the previously listed

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disadvantages, now we will need to try to operate our business with 20 percent less product, 20 percent less revenue. I don't think that's possible. Again, there is not drift offsite. Our neighbors are not complaining, and this bill is again, a solution looking for a problem. Several times since we've refocused pineapple production into Haliimaile, I've sent letters and gone door to door to our neighbors. I have offered every resident the opportunity to be part of our neighbor notification program. Several of them have accepted this offer and we communicate with them about our activities near their properties. Mostly our neighbors are concerned about noise and dust, and we schedule our operations to meet their requests. For example, we don't start tractor operations below Makawao Town until after 7:30 at the request of one of our neighbors. We do soil preparation when conditions allow for minimal dust, and we follow a conservation plan that keeps our soil where we need it, on our farm. Many of our neighbors are concerned about the products that we are spraying and we create a schedule with them that works for both of us. In my opinion, at this time Maui Gold has a cooperative relationship with our neighbors. The notification requirements of this bill make our current system inadequate and put us in an antagonistic position with our neighbors. Compliance with the notification requirements that are in the language is so tedious that they would require us to notify all of the requesting neighbors within 1,500 feet of our property. Can I continue for a short while?

CHAIR HOKAMA: Yeah, you got 30 seconds left, Mr. Strand.

MR. STRAND: Okay. Our estimate that this would be nearly 300 parties...

CHAIR HOKAMA: Turn that off, please, Carla. Thank you.

MR. STRAND: Our estimate is that this would be nearly 300 parties, but it would be devoid of any cooperative communication. Again, our neighbors are not complaining about our current system and this is a solution to a problem that doesn't exist. Actually I believe that our nearest neighbors will be unhappy with the new mandatory notification system and would prefer the current voluntary system that is in place.

MS. NAKATA: Three minutes.

MR. STRAND: To conclude, it is important for you to know that Maui Gold Pineapple Company has had success in our transition from a large commodity style plantation to a smaller farm focusing on a higher quality product, better service, and a better position in the marketplace. I'm not exaggerating to state that this bill puts our operation at risk and makes it hard for me to imagine continued success. Thank you.

CHAIR HOKAMA: Thank you, Mr. Strand. Any questions for the gentleman on testimony provided?  
Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Mr. Strand, thank you for being here. Do you have that in writing? It looks like you're reading off something in writing.

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MR. STRAND: Yeah, some of it.

VICE-CHAIR COUCH: Can you submit...

MR. STRAND: Some of it's handwritten, scribbled.

VICE-CHAIR COUCH: Can you submit that at a later time, please?

MR. STRAND: Yes, I can.

VICE-CHAIR COUCH: Thank you.

MR. STRAND: No problem.

CHAIR HOKAMA: Okay, thank you. Any other questions for the testifier, Members? Okay, having none, thank you very much for your testimony.

MR. STRAND: Thank you.

CHAIR HOKAMA: Donna Boughey, B-o-u-g-h-e-y.

MS. BOUGHEY: Boughey.

CHAIR HOKAMA: Boughey, thank you. Sorry.

MS. BOUGHEY: No, no worries. Aloha. Good morning.

CHAIR HOKAMA: Good morning.

MS. BOUGHEY: My name is Donna Boughey. I represent South Maui. I was raised in Kihei for almost 30 years. I wanted to share some thoughts and concerns about Monsanto to you. Sometimes Monsanto makes me want to leave Maui, but why should I leave just because the State decided that it would be okay to use us residents as test pilots for their unnatural food products, GMO creations? Do not know what they are spraying, testing at all hours of the night here on Maui worries me and obviously worries others who live here. The Monsanto employees wear suits when they spray the fields, but where are our suits and masks to protect us when they do so? They call themselves farmers but farmers don't wear suits. How come Maui residents aren't informed of what types of viruses they are spraying, testing, and what pesticides they launch into the same air we breathe every time they do it? What is going on behind those closed-off sheds behind the barbed wire fences? We all have the right to know. I also believe science experiments should be done inside. How is open air testing safe? Where is the data on that? What happens to the soil when they test a pesticide? Does it just sit there for weeks on dry days or do they rely on the rains to clean their fields? Where does all that end up? These are all questions that we should have answers to. The point I'm trying to make is that by the time

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Monsanto are done, there will be no country to move to, no good soil, and no more natural anything. Look at the history of how they contaminated other states like Alabama. They are still dealing with PCB contamination spills there. For many years now, we have, they have been contaminating our rivers, streams, and our oceans every time it rains, every second the wind blows. If we stand up now and kick them out, it will end. If we don't then it is over, they will win and that is that. The reality is that we are inadvertently in a science experiment by default just by living here, and that is not right. Soon no one will have a choice because the aina will be destroyed by these biotech companies. All I know is that we can't just continue to participate and watch the destruction of these beautiful islands. We have Monsanto headquarters, labs, plus chemical testing fields near our schools and neighborhoods. In fact I'm a mom who has a child currently going to a school in Kihei. What are the long-term effects of them testing who knows what? If we know what Monsanto is doing, what chemicals they are testing, how much as far as quantity is being tested, then all that info --

MS. NAKATA: Two and a half minutes.

MS. BOUGHEY: --can help us determine, you know, or decide if our kids and environment is safe for the future. I just went to Kauai with my family for a few days, we visited Waimea, the west side of Kauai that has nothing but acres and acres of GMO fields. I have a picture to share, it's of a GMO experimental cornfield plot with a warning sign on it. It says not to cross the fields, that they were testing viruses and pesticides. How is this safe?

MS. NAKATA: Three minutes.

MS. BOUGHEY: I did some reading about the selective herbicides they had tested on this crop on Syngenta's own, very own website. It's hazardous to humans and domestic animals. You must wear chemical-resistant attire from head to toe. This product is toxic to invertebrates. Do not apply where surface water is present. This pesticide, Lumax Warrior that they have, that it was...sorry, nervous. This pesticide that they tested on this crop contains atrazine. Atrazine can seep into the soil and enter groundwater which may be used as drinking water. The active ingredients have the potential to contaminant through ground spray drift. How many other countless ones like the ones they were using...I'm sorry. How many other countless ones like Lumax are they using and in what amounts? This crop on Kauai near Polihale was right next --

MS. NAKATA: Four minutes.

MS. BOUGHEY: --to a low lying area where there is runoff that goes into the ocean. But no one is around to...

CHAIR HOKAMA: Okay, you need to stop right there, please.

MS. BOUGHEY: Okay, I'm sorry.

CHAIR HOKAMA: If you have...



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MS. BOUGHEY: I have a lot to say but...

CHAIR HOKAMA: If you have...you can continue to submit written testimony.

MS. BOUGHEY: Yeah.

CHAIR HOKAMA: That, that, the Committee will leave it open to continue to receive open testimony, so if you have it written, you can submit it and we'll accept it.

MS. BOUGHEY: Okay.

CHAIR HOKAMA: Okay.

MS. BOUGHEY: Thank you. Sorry, so long, everybody but --

CHAIR HOKAMA: No, no apologies --

MS. BOUGHEY: --you know please pass this bill --

CHAIR HOKAMA: --necessary.

MS. BOUGHEY: --it means a lot to us.

CHAIR HOKAMA: Any questions for the lady on what she presented in testimony, Members? Having none, thank you very much for your testimony this morning. We'll go with Don Gerber and then we'll check with our District Offices after Don Gerber. Excuse me, Gerbig.

MR. GERBIG: Sorry, I'm so late.

CHAIR HOKAMA: No, no problem, Mr. Gerbig.

MR. GERBIG: Mr. Chairman, Committee members, my name's Don Gerbig. I'm a former sugar worker. Been in the chemical business, been in the environmental regulation business for Amfac and have a little bit of interest in this. I'm here as my, on behalf of myself. I'm going to just summarize in paragraphs. First the lack of need of this ordinance. There's no factual scientific evidence presented for the need of this ordinance, only innuendos and fear mongering. If there are concerns about pesticides then a study of all pesticides used should be made, not just those used by agriculture. This ordinance will not provide complete information since most pesticide uses such as pest control operators, homeowners, County, State government uses are not included. How can you have a study of pesticide uses when you only consider half the pesticides used? The ordinance gives criminals the opportunity to vandalize crops. The ordinance requires the reporting of the exact location of GMO crops grown but fails to provide any justification for the need for this information. It's well known that anti-GMO vandals on the Big Island and

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Kauai have destroyed GMO crops. Wouldn't this be an advantage to the vandals to destroy more GMO crops? There is no scientific evidence for the basis of pesticide application buffer zones. The ordinance requires buffer zones of crop-free areas of 100 to 500 feet of private farmland property. They are not based on any scientific evidence or study. This is a taking of the farmers' land. Will the County pay the farmer for these buffer zone loses in production? Another thing is overburden of recordkeeping on the pre-applications before. The application, the ordinance requires the pesticide applier or farmer under the good neighbor courtesy notice, to provide all requesting neighbors within 1,500 feet of the property line, that the notices include the application time, date, wind direction, field and all this. Now can you imagine the number of farmers or the notices a farmer must provide if the farm borders a subdivision or if the application date has to be rescheduled because of wind or rain? And moreover burdensome recordkeeping after application, post application. The farmers must submit a County report every seven days furnishing data on each pesticide application for all pesticides used.

MS. NAKATA: Two and a half minutes.

MR. GERBIG: Thank you. Ordinance unfairly penalizes the farmers and leaves the non-agricultural operations free and clear. The unknown costs of these proposed pesticide data studies mentioned in the ordinance, there's no cost and there's no expertise, as I see it. If we're going to do a study, it should be done by UH or Department of Agriculture or somebody like that. Please consider seriously the economic harm and negative impact of this ordinance.

MS. NAKATA: Three minutes.

MR. GERBIG: Thank you.

CHAIR HOKAMA: Thank you, Mr. Gerbig. Members, any questions for the testifier, please?  
Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Mr. Gerbig. Again, we'd like to get a copy of your testimony in writing if you have.

CHAIR HOKAMA: Yeah, hold on one second, please, Mr. Gerbig.

MR. GERBIG: I've submitted a copy.

VICE-CHAIR COUCH: Okay, thank you.

MR. GERBIG: It's in...yeah.

CHAIR HOKAMA: Okay. Any other questions for Mr. Gerbig? Thank you very much for being here this morning. We'll go to Hana Office, Ms. Lono, anyone interested in sharing testimony?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

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CHAIR HOKAMA: Thank you. Ms. Fernandez, anyone on Lanai?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR HOKAMA: Thank you. Ms. Alcon, Molokai, please.

MS. ALCON: The next testifier is Scott Adams.

CHAIR HOKAMA: Okay, thank you.

MR. ADAMS: Aloha . . . *(spoke in Hawaiian)* . . . My name is \_\_\_\_\_ Adams. I'm a third generation Hawaiian homesteader, and born and raised over here. But I have been trained in western agricultural practices all my life. I was vice president, president of Future Farmers of America, I got one four-year degree in horticulture, and after I learned all that, I realized that western type of agriculture, agribusiness is not good for the land and the people. But put the science on the side, yeah, all the science on the side. This is about being good neighbors. Yeah, letting your neighbor what's going, letting your neighbor know what's going on upwind from him. That's what it's about. It's about having one choice to know what's affecting my children. I have five girls, one of 'em autistic, I don't know if that's from all your chemicals that they spraying out there. But I know that 2,4-D and stuff like that is very, very harmful to the environment, and being that we the apex predator in the food chain, everything going end up in us. So anyway, put the science on the side, I just saying be good neighbors. When I burn fire I ask my neighbors, you know, that I burning fire. If it's Kona wind or going blow into their house I no burn fire, so it's just about being good neighbors and letting everybody know what they doing. Mahalo.

CHAIR HOKAMA: Thank you very much for your testimony. Any questions for the gentleman? Having none, thank you for being here. Next, Molokai.

MS. ALCON: The next testifier is Hano Naehu.

CHAIR HOKAMA: Thank you.

MR. NAEHU: My name is Hanohano Naehu. I born and raised on the island of Molokai. I just like to remind all the workers that we no more problem with you guys, we never had. I going read you something, it might take me a little bit over three minutes but I know Lynn DeCoite went over so I going try read fast. Is chemical agriculture good for an island like us? A young local Hawaiian man, a paramedic in his early 30s walks towards the microphone at a Kauai County Council meeting on Bill 2491. Bill 2491 is a proposed law that makes the chemical agriculture companies on the island let the community know when they are spraying, what they are spraying, and creates a 500-foot buffer around any fields that are next to residences and schools. He approaches the microphone with his cap pulled down and an obvious sadness when he says, "My name is Chad Pa, sorry if I emotional but this really hits home for me. I'm speaking on behalf of my girlfriend and my unborn son. I'm gonna share with you guys a story what's been

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going on with me.” He sobs and pulls his cap a little lower and continues, “My son has a condition called gastroschisis and basically means his stomach will be on the outside when he is born. So I had to fly my girlfriend up to Arizona where they can perform the surgery and I’ve been working here without them for two months. I’ve been doing my research about what causes this and I came across four other friends of mine who had the same condition. It breaks my heart that we have to go through this ‘cause I don’t come here to point fingers, I don’t come here to fight, I don’t want to segregate anybody, but something is wrong with this, there is too many coincidences.” He adjusts himself in his seat as he fights back tears and says, “Sorry I just trying to read this. Gastroschisis has been more commonly found in the islands of Hawaii and there have been several studies of scientists linking gastroschisis to the chemical atrazine. This chemical is sprayed here more than any other place on the planet.” Molokai, this is an example of what’s been happening on the islands of Hawaii because of exposure to chemical agriculture. Though chemical agriculture is beneficial in making food cheap and providing some jobs, unfortunately those happy benefits do not outweigh the harmful effects of chronic diseases linked to diet and exposure, non-sustainable farming practices, and mistrust of a company who is responsible for farmer indebtedness that has led to suicide. Molokai has become a chemical testing site for some of the largest chemical industrial agricultural companies on the planet, and the concern is how will all that pesticide, herbicide, and insecticide have on our island and community. The known negative effects of Monsanto’s Roundup on human health and the environment have been firmly established by numerous scientific studies and large-scale investigations, with scientists even linking the best-selling herbicide to conditions like infertility, cancer, all due to its genotoxic --

MS. NAKATA: Two and a half minutes.

MR. NAEHU: --DNA damaging nature. The community of Molokai’s concern has always been the pesticide use and the effects of it. Everyone speaking on behalf of the company has always said there is nothing wrong with what they are doing and everything is safe. But the concern is I have family that works for these companies and vouch with their lives that they wouldn’t be doing this work if they weren’t sure that it was safe. But a *Global Medicine* issue stated --

MS. NAKATA: Three minutes.

MR. NAEHU: --“agriculture chemicals are used heavily in farming to control pests. And while all pesticides can harm humans, insecticides and herbicides cause the most human poisoning. Pesticides pose an even higher risk to children than to adults. Due to a combination of play behavior in and around fields, take home residues from family members, residence in proximity to farmland and even by direct agricultural work, children may be subject to substantial long-term pesticide exposure and harm. There are a number of corn field workers who say I come in direct contact with these pesticides and see no ill effects from it. What they do not understand is that these types of chemicals are chronic poisons, which means it slowly shuts everything down. These types of pesticides like Roundup are the number one choice of suicide in South America and Asia. Farming on lands with the highest evaporation rates in the State; using over 4.5 million --

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MS. NAKATA: Four minutes.

MR. NAEHU: --gallons per day from an island's single source aquifer on inedible crops...

CHAIR HOKAMA: Okay, you're going need to conclude your testimony. You can have a sentence.

AUDIENCE: ...*(clapping and cheering)*...

MR. NAEHU: Okay, pau though.

CHAIR HOKAMA: ...*(gavel)*... If you cannot maintain decorum in here we're going to change the rules.

MR. NAEHU: Thank you. I going be submitting this and many more stuff into the dispatch. But, Molokai, we gotta be smart.

CHAIR HOKAMA: Okay.

MR. NAEHU: Cannot poison our place, that's like killing our self.

CHAIR HOKAMA: Thank you for your testimony. Members, any questions for the gentleman that shared his testimony? Okay, thank you very much for your comments. Next testifier, Molokai. Ms. Alcon, you can have...

MS. ALCON: The next testifier is Tanya Naehu.

CHAIR HOKAMA: Okay, thank you.

MS. NAEHU: Aloha. My name is Tanya Marie Mailelani Naehu. I am a Hawaiian woman born and raised in Hawaii who wears many hats, as a Kumu, a wife, a sister, a daughter, an artist, a hula dancer, and a mother of three beautiful keiki. Today I am here as a mother that is concerned about the future of her babies. My two older children attend school in the Kualapuu and Hoolehua areas of Molokai. These ahupuaa have been the center of Molokai's ever changing agricultural industry. From sugar to pineapple to coffee and now bioengineering of corn seeds and most recently soy. The amount and types of pesticides used in these fields have me worried every day that I send my keiki off to school. I keep telling myself, "Pesticide, herbicide, insecticide, homicide, suicide, they all end with the same suffix, c-i-d-e-, cide." So as a Kumu I was inclined to look it up and here it is, -cide, combining form, means denoting a person or substance that kills, as in the term "insecticide". Second definition, denoting an act of killing, as in the term "homicide". My heart began to race as thoughts...my heart began to race as these thoughts went through my head upon this finding. First, am I a good mother for sending my babies to this death zone every day? Why isn't the DOE addressing this if their responsibility is not to only educate our keiki but create a safe and nurturing environment? How can everyone

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for this, that is pro this type of agriculture ignore the fact that poison is being used in ridiculously profuse amounts to test the tolerance of these seeds that will eventually get shipped off to feed the world? Why are they destroying our soil, air, and groundwaters? What will be left for a legacy of this era? I understand that this is a bill to make use and amounts of usage to be more transparent and I guess that's a start, but I don't think it's enough. Is the price of a few casualties okay as long as we have some kind of economy? How long will we wait before the damage is irreparable? We who are against the concept of bioengineering and genetically modified organisms for the most part are not getting any type of money, no type of personal gain, but instead --

MS. NAKATA: Two and a half minutes.

MS. NAEHU: --just some hope that we can provide a better future for our keiki. Some may argue that these companies help to put food on the table and pay the bills. Why can't we come together and think of another way to build economic and food security for our people rather than putting all of our efforts into these companies who have a reputation of coming into small towns, making big money, and leaving in 10 to 20 years, and only leaving behind a legacy of tainted soils, lost loved ones who may have died --

MS. NAKATA: Three minutes.

MS. NAEHU: --of some rare disease or cancer, and a whole bunch of people on unemployment. So I guess this bill is a stepping stone and I am in support of it if it means that the truth may be revealed eventually. My babies are my life, I would die for them if it meant that they would be safe from harm. So please hear my prayers and my pleas to ensure a safer future for all of Hawaii's keiki. Mahalo nui me ka haahaa. He kuleana no kakou, pono e malama aina, malama kekahi i kekahi, a me malama i na keiki . . . *(spoke in Hawaiian)*. . . Mahalo.

CHAIR HOKAMA: Thank you for your testimony. Members, any questions for the lady that shared her thoughts with the Committee? Okay, having none, thank you very much, Molokai, for your testimony. We shall return to the Chambers. Brian Igersheim, I-g-e-r-s-h-e-i-m, and after this gentleman it'll be Darrell Tanaka.

MR. IGERSCHEIM: Chair Hokama --

CHAIR HOKAMA: Good morning.

MR. IGERSCHEIM: --Council, good morning. My name is Brian Igersheim. I'm employed by the Haliimaile Pineapple Company. I help to oversee the overall health of our plants and our soil, although I am providing this testimony on behalf of myself. I'm a staunch supporter of both organic farming and sustainable agriculture here on Maui. I know how incredibly important it is to produce the food that we eat and at the same time be good stewards of our land and our oceans and our community. I do want to discuss the following misconceptions about organic and conventional farming and pesticide use. The first misconception is that organic farming is

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100 percent safe for our island, our bees, and our neighbors. And the second misconception is that pesticide use on farms by trained and licensed applicators adhering to State and Federal laws are 100 percent unsafe for our land, our bees, and our community. What is clear is that neither of these broad generalizations about organic and conventional farming are true and accurate. And as an example of this, there's an organic pesticide called Pyrethra and it's derived from an African Violet and it helps to fight or mitigate problems of caterpillar infestation on plants but it's extremely toxic to bees, and it's available at Home Depot and Lowe's. And that's one example, another is Malathion which is a non-restricted use pesticide which has been linked to leeching into the soil and into the water, groundwater, as well as negative effects, health effects particularly among children, and this is also available at Home Depot and Lowe's. It can be applied, these products can be applied by anybody at any time on their residential property or small farms without any consideration of the neighbors, the land, the water or the bees, and I think this is potentially far more harmful than application of a restricted-use pesticide by a trained applicator who's under the guidelines of State and Federal Department of Agriculture. So to create a new law that limits the opportunity for sustainability and agriculture in our community without further study to clear up these misconceptions, in my judgment will do nothing more than promote the increased importation of fresh produce from abroad --

MS. NAKATA: Two and a half minutes.

MR. IGERSHEIM: --that's going to line our shelves and supermarkets and products that were grown in a manner that this bill opposes. So I just cordially ask this Committee to revise the language of this bill and to keep the focus upon the pesticide use and seed production of genetically modified organisms which I think is the intent of the bill, and to conduct the Environmental Impact Study on the negative effects of intense agricultural activity --

MS. NAKATA: Three minutes.

MR. IGERSHEIM: --and pesticide use on our islands, and to not pass a law that further inhibits the Maui agriculture community at large without this further study. So I thank you for your time.

CHAIR HOKAMA: Thank you very much for your testimony. Members, any questions for the gentleman on the testimony he has provided this morning? Having none, Mr. Igersheim, thank you very much. Darrell Tanaka, and after Mr. Tanaka, Autumn Ness, N-e-s-s.

MR. TANAKA: Aloha, Chair, Council members. My name is Darrell Tanaka. I own an orchid nursery in Haiku and I do use over-the-counter pesticides. Now the reason I'm here today is because I have a pet peeve for legislation that is run by emotion instead of sensibility and fairness. The stringent requirements in this bill, it makes it so difficult to reasonably farm that it's just outrageous. Now I don't use restricted-use pesticides, but what this bill is in reality is an attack on, even on general-use pesticides which is an attack on farming. If I cannot spray I'm out of business, I lose my home. It all depends on what crop you have, what climate you live in, what pest you are faced with, that determines what and when you have to spray. You know you cannot put something like that in black and white. How are you going to have somebody declare a week

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ahead of time what they intend to spray when they even, they never go out to their fields to check what pest they have? You know if I find a pest in my nursery this morning, I'm going to spray this afternoon for that specific pest. I'm not going to spray if there's no pest there because I don't like spraying, it's hard, and it's also very expensive. I'm going to give one example of the flawsnesses [*sic*] in this bill. My parents, my stepfather, he had a restricted-use pesticide license. He gave it up because the requirements to maintain it is very stringent, they're very strict, and it's just really hard to maintain it. So he gave it up, he decided he didn't need it, but the wording in this bill basically is going to punish them because he purchased just over five pounds of restricted-use pesticides last year, if this bill is passed for the coming year, because he lives on a two-acre property and given the current buffer zones, he's not going to be able to spray anything. And that's why I call this bill a harassment bill because you're punishing people. Why is this an attack on general-use pesticides? If this was really about restricted-use pesticides then the term "general-use pesticide" shouldn't even be in here.

CHAIR HOKAMA: I'm sorry, Mr. Tanaka. We're not going to tolerate interruption of testimony please, so turn of your equipment. This is the last warning from the Chair. Mr. Tanaka, we apologize. Please continue your testimony.

MR. TANAKA: Thank you, Chair. Even though this, the notifications, now it seems reasonable to want an agriculture entity to notify people, especially if they're sensitive to chemicals. By all means they should be notified. There's no harm in that, but the requirements that how you're going to make them do that is totally unfair. I mean it goes as far as if you were to call someone and the phone just continued to ring and they didn't pick up --

MS. NAKATA: Three minutes.

MR. TANAKA: --technically you cannot spray. You know so it's just totally unreasonable. The only way, Chair, that I can see accomplishing anything is to wipe the slate clean and start out with wording that comes from Maui, not Kauai. Make it sensible, make it fair. Go out to the farmers and sit down with them and hash out the wording, see what works. But like this, this whole thing, I didn't submit written testimony on purpose simply because this bill is too flawed, and that is something I adamantly stand against is flawed legislation that affects people like me who shouldn't be affected. Thank you.

CHAIR HOKAMA: Thank you, Mr. Tanaka, for your comments this morning. Members, questions for Mr. Tanaka on the testimony he has presented? Okay, having none, Mr. Tanaka, thank you very much for being here this morning. What is that, three we did in the Chamber?

UNIDENTIFIED SPEAKER: Two.

CHAIR HOKAMA: Two. Ms. Ness. My apologies if I've mispronounced your last name.

MS. NESS: No, that's okay, it's perfect. I had this really beautiful speech printed out and I'm just going to wing it, so I apologize. I just changed my mind totally what I want to say. I apologize that I



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stutter through this. First of all, I hear some of the testimony against this bill today implies that it's anti ag. I completely disagree. I don't, I and a lot of people here don't want to send any farmers to the unemployment line. If your operation is in compliance with existing laws and you have a good neighbor relationship with the people around you, awesome. If you're a mid-sized farmer producing food for local consumption then all you need to do is establish some kind of an e-mail network and push send a couple times a week, you know, like, that's really all we're asking for in my mind.

CHAIR HOKAMA: Ms. Ness, can you...I'm sorry to interrupt, can you please identify yourself for the record, please.

MS. NESS: Oh, yeah. My name's Autumn Ness, I'm speaking as a resident, a registered voter, and a mom.

CHAIR HOKAMA: Thank you.

MS. NESS: If you are a large ag business that is using undisclosed experimental pesticides or pesticides cocktails on our island then you owe it to Maui to disclose what and when you're using and allow us to study it. That's who I am addressing, that's what I think that this bill really matters. I want to share with you my story, I didn't plan on doing this but to maybe give you a different way of looking at this. I moved to Maui from Japan, I had been living there for 12 years very close to Fukushima. I was there when the earthquake and tsunami and the explosion happened, I know what it's like to feel like an experiment. The government was very careful about keeping from us how much radiation we had been exposed to, how much radiation we were eating and drinking and breathing on a daily basis. They went so far as to give the children in our town little glass badges to wear around their neck so they could collect data about how much they were being exposed to on a daily basis, but that data was not shared with the parents, it was sent to Tokyo University to be studied. They were literally walking experiments, walking guinea pigs. We were told at hospitals that we weren't allowed full body scans to tell, to know how much radiation we had been exposed to. We weren't told what or how much radiation was in our food or water. We were just given the tag line that everything's fine, we know it's going on, and there will be no effects on your health, and that was it. They didn't respect us as citizens enough to make our own decisions about how much or what we were ingesting. I lived in that situation for six months.

MS. NAKATA: Two and a half minutes.

MS. NESS: I can't tell you what it does to the human spirit to know that the poison and the, that the food and the air that you are ingesting every day is poisoning you. I got pregnant six months after that and I decided that I didn't want my daughter to be an experiment like I was, so we left. We have an amazing community in Maui that invited us here to have our baby and to heal from this really...can I please have one more minute?

CHAIR HOKAMA: Sure.

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MS. NESS: From this really traumatic experience. And I moved to Kihei right downwind from the Monsanto test fields, and I had no idea, you know, and I started talking to people and people shook their heads about how sorry they felt for me that I lived next to Fukushima with all of these unknown toxins coming into my body. And then I realized that the same thing is happening right next to my house in Kihei. And when I tell people in Japan this is happening to me again, they shake their heads and they feel sorry for me and it's the same situation, this is the same thing happening again. The chemicals are different but they're invisible, we have no ways of making our own decisions about where we live, what we eat, what we breathe. All we're asking for is information. That's it, it's simple. The same thing that we do here and shake our heads and feel so sorry for those people in Japan, who are living in this invisible poison and all they want is information, we're asking for the same thing and it's so easy. All you have to do is tell us --

MS. NAKATA: Four minutes.

MS. NESS: --what's going on and allow us to study it so we can make decisions about our health for us, for our kids, for our land, and for our oceans. I beg you to please work on this bill, it's a work in progress but don't throw it out. Let's work together to make it something that we can all use, okay? Please. Thank you.

CHAIR HOKAMA: Thank you, Ms. Ness. Any questions for the lady on her testimony, Members, that she shared with you this morning? Having none, Ms. Ness --

MS. NESS: Thank you very much.

CHAIR HOKAMA: --thank you very much for being here. We'll go back to our District Offices. Hana, is there anyone wishing to provide testimony?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR HOKAMA: Thank you. Ms. Fernandez, anyone on Lanai with testimony?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR HOKAMA: Okay, thank you. Ms. Alcon, Molokai?

MS. ALCON: Our next testifier is Adolph Helm.

CHAIR HOKAMA: Okay, thank you very much.

MR. A. HELM: Aloha, Chairman Hokama and Vice-Chair Couch and fellow Committee members. Mahalo in providing me the opportunity to testify on PIA-58. My name is Adolph Helm and born and raised on Molokai and presently reside in the Hoolehua Homestead area. I have close

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to 40 years of agricultural experience in all types of farm practices, and I'm currently the project leader for Mycogen Seeds an affiliate of Dow AgroSciences. Mycogen Seeds has maintained a seeds and traits research operation on Molokai since 2002 and employ approximately 110 people, all of them residents of Molokai. Mycogen Seeds firmly believe that regulatory oversight regarding GMOs and pesticide use should be the responsibility of the State of Hawaii and the Federal government, and we humbly request to you to defer this proposed measure until the Kauai County lawsuit regarding Bill 2491 is resolved in court. Mahalo.

CHAIR HOKAMA: Okay, thank you very much, Mr. Helm, for your testimony. Members, any questions for the testifier this morning? Having none, Mr. Helm, thank you very much for your comments. Molokai, your next testifier, please.

MS. ALCON: Our next testifier is David Gilliland.

CHAIR HOKAMA: Okay, thank you.

MR. GILLIAND: Aloha, Chairman Hokama, Vice-Chair Couch, and fellow Committee members. Thank you for the opportunity to testify before you today. My name is Dave Gilliland and I am the site leader for our Molokai facility where currently we have over 110 employees coming through our gates daily. I have a background in plant genetics and I have been working on crop, improving crops for over 27 years in Africa, the mainland US, and from Molokai for the last 14 years. I say from Molokai as Dow AgroSciences' work here impacts farmers across South America, India, Africa, and the mainland US as well as Canada. Dow AgroSciences strongly believes that the regulatory oversight of GMOs and pesticides is currently correctly positioned with the State of Hawaii and the Federal government. We believe this to be so as these agencies have both the resources and the correct scientific and regulatory expertise for this role. Therefore we ask you to defer this proposed measure indefinitely. Mahalo.

CHAIR HOKAMA: Thank you for your testimony this morning. Members, any questions on the gentleman's testimony before you? Having none, thank you very much. Molokai, your next testifier, please.

MS. ALCON: Our next testifier is Jose Escobar.

CHAIR HOKAMA: Okay, thank you very much.

MR. ESCOBAR: Good morning --

CHAIR HOKAMA: Good morning.

MR. ESCOBAR: --County Council members. My name is Jose Escobar and I oppose the bill, only because, you know, plenty speculation with pesticides. And I for one is a private applicator so, you know, we follow Federal and State laws, and, you know, I hear a lot of speculation in Kauai, you know, with the chemical atrazine. Nobody knows now that creates birth defects and, you

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know, I for one, you know, spray pesticides and we follow all the laws and State and Federal laws and we stay within our boundaries. You know that's all I get for say.

CHAIR HOKAMA: Okay. Mr. Escobar, thank you very much for your comments this morning. Members, any questions for Mr. Escobar? Having none, thank you very much for sharing your thoughts with the Committee. We'll return to the Chambers. I'll ask Irene Bowie if she would come and provide testimony. And after Ms. Bowie, Mae Nakahata.

MS. BOWIE: Good morning, Chair and --

CHAIR HOKAMA: Good morning.

MS. BOWIE: --and Committee members. Irene Bowie, Maui Tomorrow Foundation. Maui Tomorrow supports the proposed ordinance as peer-reviewed science continues to uncover the links between pesticide exposure and serious human health problems. Fetuses, young children, the elderly, and those with compromised immune systems are particularly vulnerable, and it is reasonable for County government to pass efforts to protect our community from possible harm. In particular we support neighbor notification of field spraying and buffer zones. Advanced notice allows the public to take precautions to avoid exposure such as keeping children and pets inside, closing windows, and covering vegetable gardens and grills. Notification is a common sense measure that gives the public the right to know when and what they may be exposed to, and giving community members a means to protect themselves and loved ones from possible harm. We have residents of Maui County here today whose homes near large ag fields have been regularly exposed to harmful chemicals. They've contacted State Department of Ag and had their homes tested for pesticide exposure. These same people have received confirmation from Department of Ag that pesticides, including atrazine have been found on their properties. Contrary to a recent Maui Chamber of Commerce column, current State regulations are not protecting citizens from possible exposure to restricted-use pesticides. Neighbor notification and buffer zones would not be "devastating to Maui County's ag industry". In a recent *Maui News* Viewpoint, the Farm Bureau's executive director asked what the scientific and medical evidence indicates. He should read the recent American Academy of Pediatrics study which supports evidence that children are especially susceptible to the toxic effects of pesticide exposure. That abstract published in 2012 states, children encounter pesticides daily and have unique susceptibilities to their potential toxicity. Acute poisoning risks are clear. An understanding of chronic health implications from both acute and chronic exposure are emerging. Epidemiologic evidence demonstrates associations between early life exposure to pesticides and pediatric cancers, decreased cognitive function, and behavioral problems. Recognizing and reducing problematic exposures will require attention to current inadequacies --

MS. NAKATA: Two and a half minutes.

MS. BOWIE: --in medical training, public health, tracking, and regulatory action on pesticides. Maui Tomorrow supports this proposed bill which gives the public the right to know, a right to choice, and modest protections. Large ag in Hawaii continues to operate under century old methods.

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The community now demands that sustainable and safe 21<sup>st</sup> Century farm practices that protect human health and the environment be implemented, and we ask you, Council members --

MS. NAKATA: Three minutes.

MS. BOWIE: --to take common sense measures to ensure this. Mahalo.

CHAIR HOKAMA: Thank you, Ms. Bowie. Members, questions for Ms. Bowie, please? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Ms. Bowie, for being here. Question for you, do you have that in writing? Can you . . . *(inaudible)* . . .

MS. BOWIE: Yes, I submitted that.

VICE-CHAIR COUCH: Okay, great.

MS. BOWIE: Yeah.

VICE-CHAIR COUCH: Thanks.

CHAIR HOKAMA: Okay. Any other questions for Ms. Bowie on her testimony, Members? Having none, thank you very much --

MS. BOWIE: Thank you.

CHAIR HOKAMA: --for your presence this morning. Mae Nakahata, and then she will be followed by Marilyn Chapman.

MS. NAKAHATA: Good morning, honorable Chair and Members of the Council. . . . *(coughs)* . . . Sorry. My name is Mae Nakahata and I'm the agronomist for Hawaiian Commercial and Sugar Company. HC&S opposes this measure very strongly as we do see it as an anti-agriculture measure. The first speaker today spoke extensively about the old Maui that many of us knew. I moved here in 1984 and I was so proud to come to an island that had everything. You had a dairy, beef, poultry, you know, remember the egg farm on Makawao, and we had everything. And over the last 20 years, I slowly saw these entities go away, and you know what, it made a splash one day in the newspaper but then nobody objected, everybody thought it was the changing of times. And that is not the Maui we want to see, and this is why we're saying this is an anti-ag measure. HC&S has been growing sugar cane since 1865. We've had various practices and we've had our ups and downs, and some of our most severe downs were in the 2008 economic downturn. In 2009, A&B decided to designate 27,000 acres of our core lands into Important Agricultural Lands, and what that means is the only way those lands can go out of agriculture is because you have the vote of the Legislature, and we know that's not likely. Therefore this measure for us is very serious. Over time we have many employees and our employees have friends, families surrounding our farms. We will not do things to hurt them. It

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is not a wise business decision nor is it a good social practice. There were things said about the chemicals used and the lack of studies. Please go to the EPA website, there is an extensive section about all of the requirements done for pesticide registrations and what the requirements are, and these requirements evolve. What that means is when they did the last analysis they required companies --

MS. NAKATA: Two and a half minutes.

MS. NAKAHATA: --to continuously update their studies. We do not mind notification; however, if the notification will be used to file complaints that we constantly have to defend ourselves, that is where the problems happen. Same thing with buffers, we find that people dump things in these areas, and it does take out in our estimate right now over 1,000 acres of our lands. So farmers --

MS. NAKATA: Three minutes.

MS. NAKAHATA: --will continue to educate themselves to upgrade, but the community and those, and policymakers also need to do the same. Thank you very much.

CHAIR HOKAMA: Thank you, Ms. Nakahata. Members, any questions for the testifier on her testimony? Having none, thank you very much. Marilyn Chapman, please. And following Marilyn is Steve Wilson.

MS. CHAPMAN: Good morning.

CHAIR HOKAMA: Good morning.

MS. CHAPMAN: My name is Marilyn Chapman. I live in North Kihei and have owned my home there for 20 years. Upon first moving to Maui, I noticed all the fields directly behind my home and for as far as the eye can see. I made inquiries into what these fields were and why some had paper bags on them, what I was told I have carried with me since these words were said to me, the fields are from Hawaiian Commercial and Sugar, DeKalb Genetics, and Maui Land and Pineapple. I was told that DeKalb Genetics fields were not for consumption but for research so that people in places in our country and across the world that lived on land that could not be farmed for reasons such as drought, heat, radiation, and pests could once again grow food and feed their people. I immediately thought of Chernobyl and Africa. I'm here to tell you that both HC&S and Monsanto have been good neighbors. I've never had odors drifting to my home, I've never felt mist from their pesticides blowing into my yard. They even take many precautions to prevent dust and dirt from blowing into my neighborhood which is nearly impossible. Reading through this proposed bill relating to pesticides and genetically modified organisms, I am left wondering what is actually going on here. I thought we were trying to diversify our economy to get us to a point where tourism isn't our only revenue stream. I thought we were promoting agriculture right along with other Made in Maui products? Adding more duplicate regulations does not accomplish that purpose. Beyond agriculture, what about the use of pesticides on golf courses, our own yards, orchards, protea, orchid and other tropical flower farms. The State and

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Federal government already strictly regulate the use of pesticides. The County of Maui does not have the expertise or funds to oversee pesticides. Kauai requesting 555,000 from the State to implement their bill while the State and County continually cut funding to many important programs, cannot afford to improve our aging educational facilities, and are again looking at raising taxes. In Hawaii some growers raise a variety of papaya that was developed with the help of biotechnology after the papaya ringspot virus threatened to devastate the Hawaiian papaya industry. The small farmers feed their families and make small livings selling at farmers' markets. They say they are already regulated by the State and Federal government and that this additional layer will close them down and put them out of business. Monsanto employs over 1,000 employees on 3 islands.

MS. NAKATA: Two and a half minutes.

MS. CHAPMAN: These people are able to work year round because of Hawaii's favorable climate. Do we need these people out of work? Don't the Committees or the County Council have other things of importance to concern themselves with, respectfully. I always read how there is never enough time for the Committees to hear testimony, vote, and move forward other items. Is this a worthwhile item to take up so much of your valuable time after the international scientific community including the UK Royal Society, the US National Academy of --

MS. NAKATA: Three minutes.

MS. CHAPMAN: --Sciences, the World Health Organization, the European Commission, and the American Medical Association have all examined the health and environmental safety of biotech crops and crop breeding methods. Not to mention the fact that the Food and Drug Administration, Environmental Protection Agency, and the Department of Agriculture have found these crops and food and feed produced from them to be wholesome, nutritious, and as safe as conventional crops, food, and feed by scientific and regulatory authorities throughout the world. Thank you very much. Thank you, Chair.

CHAIR HOKAMA: Thank you, Ms. Chapman. Members, any questions for Ms. Chapman? Having none, thank you very much. After Mr. Wilson comes forward and gives his testimony, Members, we're going to take a morning break, and when we do return, we will start up with Molokai testimony.

MR. WILSON: Good morning, Chair --

CHAIR HOKAMA: Good morning.

MR. WILSON: --Council members. My name is Steve Wilson. I've been an organic farmer on Maui for over 20 years. I'm a former board member of the Maui County Farm Bureau, served as a board member on the Hawaii Organic Farmers Association Board until farmers were no longer allowed to serve. During my 20 years of making a living as an organic farmer, I've used less than one quart of approved pesticide pyrethrum. I still have over half of it left, and have not used

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any in the past 14 years. I've used no pesticides, no herbicides, no fungicides on my farm, and with proper practices, there's no reason. Just because you may lose, you know, 3 or 4 percent of your crop due to bugs or so forth but with proper practices, maintaining a healthy soil and biosphere, the need for these things, you just don't need 'em. And I've been making my living for 20 years without them. As a farmer I understand the challenge that we all face working with depleted soils and the economic challenge of making a living, but through proper stewardship of the land, the soil can be remediated, the pesticides, herbicides, and fungicides do not have to be used. The three most important things I believe government is responsible for is to protect the air we breathe, the water we drink, and the land we farm on. With the use of pesticides, herbicides, fungicides, all three of these things contaminate, all three of those items. The County has a responsibility to protect the air, the land, and the water. This bill is a very small step to help in the curtailing of the use of harmful chemicals in the environment, and ultimately our health and our wellbeing. You may hear other farmers talk about how they're being curtailed and handcuffed by the passage of such a bill, yet these boundaries are not only needed but don't really go far enough in protecting our children and our children's children. It's not really so much about --

MS. NAKATA: Two and a half minutes.

MR. WILSON: --me and where I'm at, but in small children, the accumulation of these pesticides, herbicides, fungicides affects their life in ways that the scientists are just now finding out about. And in conclusion, don't panic, just grow organic. Thank you.

CHAIR HOKAMA: Thank you, Mr. Wilson. Any questions for the gentleman, Members? Mr. Wilson, thank you for being here this morning. We shall go into recess and we shall return at 10:40. . . .(gavel). . .

**RECESS: 10:27 a.m.**

**RECONVENE: 10:46 a.m.**

VICE-CHAIR COUCH (TEMPORARY CHAIR): . . .(gavel). . . Excuse me, the meeting has been re-adjourned. Please...

COUNCILMEMBER BAISA: Re-adjourned?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Reconvened. Sorry. I re-adjourn it. The Policy and Intergovernmental Affairs Committee meeting of Tuesday January 28, 2014 is now back in order. I'm asking the gallery, outside please be quiet or we will recess this meeting 'til everybody is quiet.

COUNCILMEMBER BAISA: Pound the gavel.



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VICE-CHAIR COUCH (TEMPORARY CHAIR): If we can get the Staff to close the doors. Thank you. Chairman Hokama had to attend to some business so my name is Don Couch, I'm the Vice-Chair of the Committee, I will continue where we left off. And we're looking at Molokai, please present your next testifier.

MS. ALCON: Our next testifier is Dexter Candelario.

MR. CANDELARIO: Good morning, Council member. My name is Dexter Candelario. I oppose this bill. I am a sprayer applicator at Mycogen Seeds, and I oppose this bill because disclosing pesticides is on the way to anti-GMO, shutting down GMO practices, and furthermore you cannot blame birth defects on chemicals. Not enough facts, that's why we have State and Federal laws. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Seeing none, thank you. Molokai, please have your next testifier come up.

MS. ALCON: Our next testifier is Kanoho Helm.

MR. K. HELM: Aloha, Council of Maui. My name Kanohowailuku Helm. Came here to testify to oppose this measure, oppose this bill. I came also to support all types of farming on Molokai, the small farmer, the big farmer, and I think that all types of farming are good for this island of Molokai and we need to encourage more and more farming for this island. I think it's good for our people, good for our economy, and I think the farmers can all work together so that, you know, we can keep our lifestyle rural over here on this island of Molokai. You know what's been protecting us and keeping our lifestyle rural on this island and why we get to enjoy a rural lifestyle is the fact that we do have agriculture here on this island, and a matter of fact, the seed corn companies are the biggest farmers here on this island but they also help to support the smaller farmers as well. As a homestead farmer, you know, I'm glad that people such as the corn companies, they also help the small farmers as well, so I think it's a good working relationship. Hey, we over here at County Office, you know, just about 500 feet away from the swimming pool right up the street, but my understanding, we let our kids, we let our families...

VICE-CHAIR COUCH (TEMPORARY CHAIR): Oh, oh. We may have a technical difficulty. Can you check with them, please? Thank you. While we're waiting on Molokai, would like to go to the Hana Office. Hana Office, do you have anybody signed up to testify?

MS. LONO: The Hana Office has no one waiting to testify.

VICE-CHAIR COUCH (TEMPORARY CHAIR): And, Lanai Office, do you have anybody signed up to testify?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay, thank you. Is that...

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MS. ALCON: Yeah, I going continue KanoHo, we got cut off.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay, great. Thank you.

MS. ALCON: Okay, thank you.

MR. K. HELM: So to say again, you know, we right below the Cooke Memorial Swimming Pool where a certain amount of chlorine is put in our pool to kill off bacteria, germs, and whatnot so that we can keep the public safe when they go into the swimming pool. But, you know, for your guys' information, that, those chemicals applied are a restricted-use pesticide, same as what they apply for our drinking water as well, and, you know, I not for that, you know, there'd be bacteria in the pools, bacteria in our water and it could be very harmful to the public. To me the buffer zones most of all it's going to harm the small farmer who needs to maximize their land. Pesticide is a tool to maximize yield, and if applied in the right way it could . . . *(inaudible)* . . . --

MS. NAKATA: Two and a half minutes.

MR. K. HELM: --that's why people have to get their license, their applicator's license and go through stringent classes and heavy, heavy regulatory oversight. So, you know, I believe again that farming is a good thing for this island and I'd like to see farming both big and small to continue here. So again I oppose this measure.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Seeing none, Molokai, your next testifier, please.

MS. ALCON: Our next testifier is Kainoa Kaholoaa.

MR. KAHOLOAA: Hi. Aloha. My name is Kainoa Kaholoaa. I'm born and raised on the island of Molokai. I oppose this bill.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Is that it?

MR. KAHOLOAA: Yup. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay. Thank you. Members, any questions to the testifier? Thank you. All right, we'll go back into the Chambers here. Rebecca Sydney, followed by James Gomes.

MS. SYDNEY: Good morning and thank you. My name's Rebecca Sydney from Makawao. I want to pose a question, how can farmers intentionally release tons of toxic chemicals, pesticides, herbicides, fungicides, et cetera on food and on soil which gets into the water, the runoff goes into the ocean, it goes up into the atmosphere, and it's even found in the rain. How can they say they're responsible stewards of the land? Farmers tell us they can't farm without chemicals.

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How do you explain humans farming for over 10,000 years without chemicals? It doesn't matter if they are professionally trained on how to dispense these pesticides, they are dispensing them in large quantities and we are eating, breathing, and drinking more toxic chemicals than ever in the history of humankind and it's getting worse. In 1939 DDT was the most widely used insecticide in the world. Manufacturers including Monsanto said it was safe even after independent science showed otherwise. Finally after 40 years of harm to humans and the environment, it was banned. No one was held accountable. Here is a list of cancer-causing pesticides that have been banned only after years and years of open contamination. Why does this happen? Shouldn't chemical companies test these substances before causing major damage to humans and the environment? And why do they ignore the science? Pesticides have already hurt Maui in the growing of pineapple and sugar cane. Continual spray of carcinogenic chemicals such atrazine herbicide which is very toxic contaminants the drinking water for years and has been banned in Europe but still widely used in America. Diazinon insecticide which is not even to be used on food crops and is highly toxic to bees was used. Science has proven that pesticides are the reason for the disappearance of the bees. Fusilade herbicide, it states right on the label very toxic to aquatic organisms, we live right next to an ocean. Fosetyl-Aluminum pesticide is toxic to fish and wildlife. The label states do not apply in areas where runoff may occur. Heptachlor insecticide not only causes cancer but remains in the water, the soil, and the environment for over 50 years. It was banned after much environmental damage but the damage is still persisting. DBCP, a soil fumigant was banned in 1979 by the EPA --

MS. NAKATA: Two and a half minutes.

MS. SYDNEY: --thank you -- except it wasn't banned for Hawaii pineapple growers who could continue to use it. DBCP was scientifically proven to cause severe health problems, sterilization of men, and remains in the groundwater for years. It was finally banned in Hawaii in 1985. And now there's Roundup, the most widely used herbicide in the world. Monsanto says it's safe even though independent science proves otherwise. Does this sound familiar?

MS. NAKATA: Three minutes.

MS. SYDNEY: Roundup depletes the soil, causes birth defects, is a hormone disruptor, an endocrine disruptor, damages human DNA, is linked to Non-Hodgkin Lymphoma, poisons fish and amphibians, is found in the drinking water, the rain, in the urine of farmers, in the fetuses of pregnant women, and it is the leading suicide agent in the Pacific. Are you going to allow another 20 years of human and environmental harm until these toxic substances are banned? How can these farmers say they're good stewards of the land if they ignore science and knowingly contaminant the environment and humans for generations? And don't get me started on GMOs. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions of the testifier? Seeing none, and again I'll reiterate Mr. Hokama's comments, let's move this along, let's be, have decorum in this Chamber, please. James Gomes, followed by Mark Sheehan.

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MR. GOMES: Aloha kakahiaka, Vice-Chair, Committee members, and Staff. My name is Jimmy Gomes, I am with Ulupalakua Ranch, I'm their operations manager. And I'm here to oppose this bill. I think we should let it work out within litigation, what Kauai is going on or when they resolve that. I think we could look at then at that time and see where we're at. And basically I've been hearing...I'm also a Board and Land and Natural Resource member and I've been hearing when we go to board meetings, about farmers and ranchers who will no longer be farming. It's not only because of the bill here or other bills, it's what is impacted on them, fuel, insurance, taxes, right now where we're going. I know this is not with the, I'm off the subject but I didn't come prepared, I just shoot for the gut here, period. So I'm totally against it. And I'll tell you something else, too, this bill for example if it's a restricted pesticide use on your property line, Ulupalakua property line we're talking, I'm going to give you an example of our wind farm out in Auwahi near Kahikinui. We have one continuous property line from Auwahi Wind Farm all the way to Maui Meadows. That's a ten miles. So in ten miles do I have to notify my neighbors in a 1,500 foot radius? Fifteen hundred foot would encompass 15 to 20 percent of the residents in Maui Meadows that we are 10 miles away. That's just one example of this measure or this bill. So I am for the farmers, all kind of farmers or agriculture. To see these people who are going out of business that I've seen for generations here, that have put their kids through school, we're right now thinking about some of our kids on our ranch who want to pursue the ag industry or the ag field, we are telling them maybe if you want to be in ag, go get the education but don't come back to Hawaii. Don't come back to your roots, go to the mainland. Go somewhere else where it's more advantageous for you to be in this industry. So that's all I've got to say. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Mr. Gomes. Members, any questions to the testifier? Seeing none, next up is Mark Sheehan, followed by Terez Amato Lindsey.

MR. SHEEHAN: Good morning, Council Chair, Council members, members of the public. I always appreciate it when the Council members look up and look at me as if I'm being recognized for coming down here for what I have to say. Thank you very much for doing that. Well we're going to have to change how we do agriculture, and probably we'll have to pay more attention to people like Darren Doherty and the people who have been coming here advising on ways of getting back to a more sustainable type of thing. Because using mass amounts of pesticides to grow commodities that are shipped off these islands and risking the health of the people on these islands is really not something that can be sustained. It's criminal behavior, and really it borders on genocide what is going on on Molokai. You have to really do a lot of research to really understand as several people have spoken out, just how toxic these pesticides are and how much they're used. Ninety percent of the atrazine by the way which is very persistent in the environment and travels great distances, the atrazine sprayed in Waimea on Kauai shows up in Hanalei, that's been tested. And the reason why we don't know is because there's very little testing and accountability by the Department of Health and the Department of Agriculture. I'm going to quote from what Gary Hooser has to say on that matter. But the thing that is tragic is to really go into the science of what is happening with disease and especially birth defects and neurological and immunological problems with children. Children are much more vulnerable. They breathe more air, they move faster, they take in more of these pesticides. Their immune

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systems are not as developed. Seventy percent of your immune system is in your gut so these bacteria and these pesticides get into your gut, and very soon you get dysbiosis which means you have a leaky gut syndrome whereby the contaminants go from your gut into your blood stream, and that's why we see things that we have never seen before. Did you, when you were young, did you hear about ADD or ADHD? Autism rates, when I was born, autism was something that occurred once in 150,000, now it's 1 in 150. You've got to start really looking at this issue and realizing first of all, it's not going away. And secondly, the impacts of these pesticides and the unrestricted use, they persist in the environment for great lengths of time.

MS. NAKATA: Two and a half minutes.

MR. SHEEHAN: Let me just quote what Mr. Hooser has to say why we know so little. The Department of Health has shown no regular consistent systematic testing of soil, water, or air in the vicinity of these industrial operations. And the Department of Agriculture has shown by its past action and inaction that it is not equipped or interested in accepting the responsibility. The Department of Agriculture does not even know what pesticides are used, how much is used, nor where they are being used. On Kauai biotech companies --

MS. NAKATA: Three minutes.

MR. SHEEHAN: --that apply pesticides 250 times per year might be inspected by the DOA 7 times. Thank you. Are there any questions?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Mr. Sheehan. Members, any questions to the testifier? Thank you. Terez Amato Lindsey, followed by Paul Achitoff.

MS. LINDSEY: Good morning. And thank you for the opportunity to come before you guys to testify my opinion about PIA-58. You know it's a great honor to be able to be before you and to express our opinions and our concerns, and I thank you for taking the time to hear us. You're going to hear a lot of testimony from many people speaking out in favor of the intent of this measure, and they're going to tell you about all of the ill effects of pesticides, and potentiative [*sic*] effects of mixing and applying these pesticides and herbicides together, and all of the alarming scientific facts and statistics as it pertains to them. But so I'm not going to tell you about those things. I will tell you though as a resident of North Kihei and raising my children there, there is drift. There is drift because I can tell you on a balmy summer night, we can smell that Puunene Sugar Mill all the way in North Kihei, so there is definitely drift. But what I'm here to tell you about is that, you know, we're not here because we want farmers to lose their jobs, we're here because we just want to know what's going on. We're supposed to be stewards of this land, you know, we are the children of this land and we are preparing it for the future generations, and I'm here as a mom to beseech you to give us that opportunity to just know, know what is being sprayed and being applied in what cocktail drink combinations that we're not getting from a bar on a Friday night. You know these aren't some fun cocktails, these are harmful chemicals, and we have a basic right to know. And so, you know, in the words of, let's see, our very own Constitution, the Constitution, Section 1, Chapter 11 states for the benefit of present and future generations, the

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State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development and utilization of these resources in a manner that is consistent with their conservation and in furtherance of self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of its people. This is about being good stewards, you know, this is our land, we have to be responsible with what we're doing. How can we be --

MS. NAKATA: Two and a half minutes.

MS. LINDSEY: --good stewards if we don't even know what's being applied and in what quantities and when? Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. And, Members, any questions to the testifier? Seeing none, thank you. Paul Achitoff, and after Paul Achitoff we're going to go back to Molokai.

MR. ACHITOFF: Aloha, Council members. My name is Paul Achitoff and I'm the managing attorney of the Hawaii Office of Earthjustice which is a national nonprofit, public interest, environmental law firm. Our office has been offering pro bono legal services in Hawaii for 25 years, and I've been doing it for the last 20 years and have been studying issues directly related to this bill for about the last 12 years, and have been involved in litigation with Monsanto, Syngenta, and the USDA over issues related to these, to this bill for a long time. So I'm very familiar with a lot of the facts that are being discussed today. If you are a multinational corporation that wants to, the right to keep spraying toxic chemicals near homes and schools without being or forced to disclose when you're doing it or where you're doing it, how do you sell this to the public? Well, we're hearing some of that today. The anti-farmer rhetoric that's being used against this bill has been carefully formulated by industry consultants. Those who complain that this bill will harm small farmers who spray small amounts of pesticides haven't read the bill or don't really care to read the bill. It won't. This is not about poultry farms or nurseries. Monsanto's experimental operations use massive amounts of pesticides at a frequency and rate far beyond anything used in a conventional farm, hundreds of times a year, not a few times a year. Arguments that disclosure and buffer zones will put a billion dollar corporation out of business or force massive layoffs is ridiculous, as is the fantasy that Monsanto is in the business of replanting Chernobyl. This is a common sense measure that offers Maui residents and visitors some basic protections they deserve. The problems this bill seeks to address are very real. There is no doubt that pesticides are toxic chemicals that can and do cause serious harm. There is no debate that pesticides can and do drift well beyond the immediate area where they're applied. Thousands of people including farmworkers, their families, and members of the public are --

MS. NAKATA: Two and a half minutes.

MR. ACHITOFF: --injured each year as a result of pesticide exposure. This bill simply requires that users of large quantities of restricted-use pesticides disclose what they use and where and when they intend to use them, and not apply them in particularly sensitive areas such as near schools,

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homes, hospitals, and public waterways. Maui and its visitors are entitled to use their own property and public property --

MS. NAKATA: Three minutes.

MR. ACHITOFF: --without fear of being poisoned. They have a right to know what chemicals are being sprayed nearby so they can take appropriate measures to avoid them or seek medical treatment if necessary. Industry opponents have thrown up a dust cloud of legal objections to any and all restrictions on their ability to act as they please. They can afford to do so, they will continue to do so. This Council is authorized to protect the health, life, and property of those on Maui. This is its primary most basic mission and the Council must not abdicate its responsibilities simply because some have mounted well financed campaigns to maintain the status quo at the public's expense. I've practiced law for many years in areas directly related to these issues. I've reviewed the bill and I can ensure you --

MS. NAKATA: Four minutes.

MR. ACHITOFF: --that the bill is well founded in law, and if the opponents of the bill were as confident as they claim to be they would not be furiously lobbying in the State Legislature to strip this Council of authority to do anything about it.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Mr. Achitoff, can you wrap up your remarks, please.

MR. ACHITOFF: I urge you to move the bill out of Committee, allow amendments if any are necessary, and allow the public to be fully engaged in this matter, hear all of the arguments on their merits, and then do what is right for Maui.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Mr. Achitoff.

MR. ACHITOFF: Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay, this meeting is in recess. . . .(gavel). . .

**RECESS: 11:11 a.m.**

**RECONVENE: 11:12 a.m.**

VICE-CHAIR COUCH (TEMPORARY CHAIR): . . .(gavel). . . The PIA Committee meeting of January 28<sup>th</sup> shall come back to order. And, Members, any questions to the testifier? Thank you, miss, Chair Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Mr. Achitoff, for being here, and thank you for your testimony. I just have one question. You peaked my interest. You probably don't know me but my background is nonprofit, and you said something that caught my

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attention when you started. You said I represent Earthjustice and we do pro bono work. How is Earthjustice funded?

MR. ACHITOFF: By contributions. Totally by contributions...no, not totally, about 90 percent by contributions, about 10 percent by fee awards in cases where we win.

COUNCILMEMBER BAISA: So most of these contributions are individual contributions?

MR. ACHITOFF: The vast majority are individuals. We don't take any money from the government, we don't take money from corporations. They're either from foundations or individuals.

COUNCILMEMBER BAISA: Thank you very much. I'm always peaked by a nonprofit that can survive on donations. Thank you very much.

MR. ACHITOFF: Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, miss, Chair Baisa. Members, any...Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Achitoff, for being here. Really appreciate your presence and involvement. So you are currently assisting Kauai, your Earthjustice group?

MR. ACHITOFF: Earthjustice has committed to represent community groups in Kauai that may be interested in trying to intervene to defend the ordinance on Kauai that as we know it's now in litigation.

COUNCILMEMBER COCHRAN: And are you here to suggest the same here if needed or at a future date if that is, has Earthjustice sort of looked into that at all on behalf of Maui County?

MR. ACHITOFF: Well the subject hasn't been raised until just now so I honestly haven't thought about it but I'm certainly open to it. I don't make final decisions about what, you know, Earthjustice, what cases Earthjustice takes on, but I would certainly recommend it, you know, to the people who do make those decisions.

COUNCILMEMBER COCHRAN: Okay. Well thank you for those comments, Mr. Achitoff, and again, for being here, too. Thank you.

MR. ACHITOFF: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.



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VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Ms. Cochran. Members, any further questions of the testifier? Seeing none, thank you. Next testifier is Chris Wurtele, W-u-r-t-e-l-e. I'm sorry if mispronounced the name.

UNIDENTIFIED SPEAKER: Molokai.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Oh, I'm sorry. Yes, I did say I was going to Molokai. I'm sorry. Thanks, guys. Molokai, can you please do your next testifier, please.

MS. ALCON: Our next testifier is Chris Natartez.

MR. NATARTEZ: Good morning, Council. My name is Chris Natartez. I work for Mycogen and I know they stress safety, safety, safety all the time. So yeah, I oppose this bill. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions of the testifier? Seeing none, next...Molokai, can you please call your next testifier.

MS. ALCON: Our next testifier is Kendrick Kansana.

MR. KANSANA: Good morning. My name is Kendrick Kansana, resident of Molokai, born and raised. I work for Mycogen and I strongly oppose this bill. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions of the testifier? Seeing none, Molokai, next testifier, and then we'll go back to the Chambers.

MS. ALCON: Our next testifier is Michael Buse.

MR. BUSE: Thank you very much, City [*sic*] and Council members, for letting us testify today. I am part of a sprayer crew and act as an applicator at Mycogen Seeds. I'm opposed to the bill PIA-58.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Excuse me, can you identify yourself, sir.

MR. BUSE: Excuse me?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Can you identify yourself, please?

MR. BUSE: I'm Michael Buse.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you.

MR. BUSE: I work for Mycogen Seeds.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you.

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MR. BUSE: And I am part of a spraying crew and I act as an applicator, and yeah, I'm opposed to the Bill PIA-58 due to disclosing these pesticides is a way of shutting down the GMO practices. There's not enough evidence, I feel, on the birth defects due to the chemicals. You know we can get enough scientists to say on each side, you know, that it's good and others on the other side saying it's bad. The other thing is this will put more tax burden on us when we're already being overtaxed here. And the other thing, you know, when you shut down and we all lose our jobs and these other farmers cannot farm, it's going to cause us to have to go to the welfare system and already cost, you know, more money to, you know, keep us going here and put a lot of us homeless and on the beach in a tent. And so I am totally opposed to this bill. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier?  
Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And sorry, mister, is it Buse? Is that what, is that right?

VICE-CHAIR COUCH (TEMPORARY CHAIR): That's what it sounds like, yeah.

COUNCILMEMBER COCHRAN: Hi, Mr. Buse, it's Elle Cochran. Can you hear me?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Is Mr. Buse still there?

MR. BUSE: Yeah, I'm still here.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay, go ahead.

MR. BUSE: I'm here with you.

COUNCILMEMBER COCHRAN: Oh, hi, hi. Thank you. And so you're an applicator, chemical applicator?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Did you hear that?

COUNCILMEMBER COCHRAN: Is that what you said?

MR. BUSE: I'm getting part of it.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Oh, she asked if you were a chemical applicator. You have to speak up.

MR. BUSE: Yes.

COUNCILMEMBER COCHRAN: Yes. Okay. And so I just want to know your, you folks use more than 250 gallons or sorry, pounds in a year? Do you fall into that category? Do you...

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VICE-CHAIR COUCH (TEMPORARY CHAIR): Do you use more than 250...

MR. BUSE: I'm having a hard time hearing what she's having to say.

VICE-CHAIR COUCH (TEMPORARY CHAIR): The question is do you use more than 250 pounds...

COUNCILMEMBER COCHRAN: Pounds of restricted-use pesticides in a year?

MR. BUSE: No. That...no.

COUNCILMEMBER COCHRAN: No. Okay. Or...

MR. BUSE: And I just wanted to add, too, the safeguards, you know, are all put in place, and they're already real strict...*(inaudible)*... --

VICE-CHAIR COUCH (TEMPORARY CHAIR): Mr. Buse, you answered her question.

MR. BUSE: --and even go over that just, you know, to make sure of the safety of this.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Mr. Buse.

COUNCILMEMBER COCHRAN: Or less than 100 gallons? That's my second question, just a follow-up.

VICE-CHAIR COUCH (TEMPORARY CHAIR): The question is less than 100 gallons.

MR. BUSE: You know I don't have that statistics in front of me so I really can't give you an honest answer on that.

COUNCILMEMBER COCHRAN: Okay, thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any other questions of the testifier? Seeing none, thank you, Mr. Buse. All right. In the Chambers we're going with Chris Wurtele. Hopefully I got that right.

MR. WURTELE: Good morning, Chair and Council members. My name is Chris Wurtele and I live at 38 Meha Place in Kuau, about six blocks from Mama's Fish House. My house is mauka of Hana Highway adjacent to HC&S' sugar cane fields. Newly planted sugar cane was sprayed with pesticides on two different occasions, at the very end of October and the beginning of November of last year 2013. The first application was at around 9:30 in the morning during light trade winds which resulted in pesticide drift. I could smell the fumes right at my house giving me a headache. About one week later another application took place beginning at 4:00 a.m. At that time of the early morning, dense cold air up the slopes of Haleakala slides down the volcano

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creating a down slope wind toward the ocean. Even though the tractor was spraying one-half mile uphill, this downslope wind pushed the fumes right into our neighborhood. I'm sure that a number of people in our neighborhood were asleep with their windows open. A pungent, gas-like smell permeated our neighborhood. Our neighborhood had just been gassed. I called the State of Hawaii, Department of Agriculture. An Environmental Health Specialist came out to my house to test for pesticides. The test results showed exposure to dicamba, pendimethalin, 2,4-D and atrazine. These are all very toxic to human health and to the environment in general. Atrazine by the way was banned by the European Union in 2004 and it's still being used here. Atrazine has been linked with cancer, birth defects, reproductive effects, neurotoxicity, kidney and liver damage, et cetera. It is for these reasons to just name a few that the County of Maui needs a comprehensive ordinance regarding the application of pesticides. The State of Hawaii's laws are much too lax and do not adequately protect the health of people, animals, and the environment. We need notification before pesticides are to be applied to be able to protect ourselves. We also need buffer zones which prohibit the application of pesticides within reasonable distances of homes, parks, and roads. I called HC&S to request notification for everyone who lives close to their fields, and I was told they did not have the capacity to do so. HC&S seems to have the capacity to offer notification before they burn their sugar cane fields but not before they apply harmful pesticides.

MS. NAKATA: Two and a half minutes.

MR. WURTELE: This is why we need a pesticide ordinance. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Seeing none, thank you. Kimberly Usher, followed by Geoff Haines.

MS. USHER: Would have been up here earlier if I had heard my name was going to be called next. My name is Kimberly Usher. My website, I'm a blogger, is [fightforyourhealth.blogspot.com](http://fightforyourhealth.blogspot.com). Remember that, we're all here fighting for our health. I became aware of pesticides because I was poisoned four times already. What it does is you can't lift your arms, fibromyalgia is the first thing, you know. I lost fingers, look, it makes your blood clot. It makes you not think right. Did you hear these applicators? They talk about homelessness, when you get sick and you can't work, believe me, you're homeless. Try to get medical when you just get off work, gotta get something, it cost the whole amount of your temporary disability, and then you gotta wait six months without any money. Lucky I was living Kahekili Terrace, the last time I got poisoned. I laid in bed for a year, could not move. Richard Amadeo, this testimony is in memoriam to him. Christopher \_\_\_\_\_, he used to be the Assistant Secretary to Elmer Cravalho. Joe T. Franco, rancher, County worker. Florence Manner, telephone operator, Hawaiian Tel. In this County Council, I heard one day they made an in memoriam for Gary Hart with love. Gary Hart died on the operating table from a blood clot. I don't know why, he had heart surgery that day but I do know that shortly before he died Sheila from the Trading Post also died. I was walking down the street between Mill and Vineyard on Market and I was in the face the whole walk pesticide, the blue one. Is it the one that they call blue max warrior with atrazine? I don't know, it leaves a blue dye. Sheila died nine days after that spray. I myself had a burning mouth and lips. I was

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just getting over, you know, four years of my own pesticide poisoning. I want everybody to know it's dangerous. They sprayed all the town. They spray it in Iao River. They haven't done it for a few months. I have, like, pictures on my website. Everybody should know this stuff is dangerous, hit me when I was 39 years old. You can't say I was old in 1995. It hit me again in 2001. I walked at Stable Road, the first Baldwin mansion built on Maui --

MS. NAKATA: Two and a half minutes.

MS. USHER: --at the end, Oli Oli Kai, I was working there. I couldn't walk for a year after that. Couldn't lift my arms, couldn't feed myself. Thank God for Richard Amadeo this last time, he saved my life. God bless all people who feel compassion for others in pain and suffering, because that's what happens when you get poisoned by pesticides. Oh by the way, homelessness is not from losing your farm, it's from being poisoned by pesticides. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Ms. Usher.

COUNCILMEMBER COCHRAN: Chair? Yeah. Real quick.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry, Ms. Usher, if you don't mind. Thank you. What was that, your website you said?

MS. USHER: Fightforyourhealth.blogspot.com. My phone number is listed in the phonebook, my name is Kimberly Usher, U-s-h-e-r.

COUNCILMEMBER COCHRAN: Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay. Members, any further questions of the testifier? Next up is Geoff Haines, followed by Kimo Falconer.

MR. HAINES: Vice-Chairman Couch, Council. I'm Geoff Haines, part owner of Pacific Produce Waipoli Hydroponic Greens. After 40 years of experience in commercial agriculture, agricultural research and landscape industries on Maui, I feel I must address the current efforts that elected officials are making to add an additional burden to already adequate regulated industries. It is important to point out that pesticides over the years have become much more effective, focused on the problem pests, and at the same time much safer. This is the result of strict regulation by Federal and State governments as well as the ongoing research and resulting technology that is required to keep ahead of the ever evolving diseases and pests. Unfortunately, Hawaii's environment and the continuing importation of new pests and diseases add to the challenges. Upfront investments are huge, and variables in the weather already make for a very risky business. We all, we need all available tools to help overcome as much of this risk as possible. As a representative of the taxpayers of Maui, I feel it is irresponsible to add an additional burden that diverts funds that would otherwise be available for improving vital

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services. Wasting resources on enforcing redundant laws of any kind is shortsighted and we really can't afford it. To keep local agriculture viable, any government inputs would be better spent on developing a strategy to increase water conservation and new water source development and storage capacity. I also have an issue with the fact that the agricultural industry in Hawaii is being targeted and essentially portrayed as a threat to the health and wellbeing of its citizens. I am not aware of any specific instances or ongoing problems in the Maui community that are a proven result of pesticide misuse by local farmers and ranchers. Ironically, most of the recent documented incidences of illness nationwide have been due to biological, not pesticide, contamination of products. These can be minimized through good agricultural practices. It is interesting to note --

MS. NAKATA: Two and a half minutes.

MR. HAINES: --that, to date, it is the private industry rather than the government that is demanding food safety certification to address this problem. I also have some knowledge of the nursery, landscape, and golf course industries and am wondering why they have not been included in the discussion. Actually, the pesticides used in these non-food producing industries tend to be more persistent in the environment and definitely should be considered. I for one strongly suggest that they be included.

MS. NAKATA: Three minutes.

MR. HAINES: Producing food worldwide is an ongoing challenge that has taken a tremendous amount of research and development to keep up with the ever growing demand. The United States is still considered to be the breadbasket of the world and there is a reason for it: that reason is an ongoing commitment to continually reduce inputs and increase yields and food quality using the latest technology and engineering skills. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Mr. Haines. Members, any questions to the testifier? I have one. Thank you, Mr. Haines. You mentioned something about things were related to biological issues versus pesticides. Can you expand upon that, please.

MR. HAINES: Yeah. Biological issues have to do with pathogens and most of, in fact I don't recall recently of any pesticide problems nationwide that have been in the news. Basically it's been mainly biological contaminants through food handling or worker handling. Recently it was with melons, as you recall that big thing with the disease on the melons. And this is something that our farm is food safety certified so we have strict guidelines for that. And so it's, you have to weigh these things and look at what's really occurring out there.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay, thank you. Members, any further questions?

COUNCILMEMBER COCHRAN: Yeah, Chair?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Ms. Cochran.

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COUNCILMEMBER COCHRAN: Thank you. Thank you, Mr. Haines, for being here. So are you saying that if there's like not, I guess, proof that something is occurring, I guess lack of documentation is proof that something is not occurring, I guess, but yet there's been testimony today with people having firsthand experiences. So...

MR. HAINES: I'm just kind of curious as to why nationwide when there, you know, Hawaii's a small place and nationwide there's a lot...and you know the media is on to everything. So just kind of interesting that there aren't more incidences being reported nationwide with this sort of thing, this pesticide poisoning when, you know, it appears that most of the problems now are related to contamination, biological contamination.

COUNCILMEMBER COCHRAN: Okay.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any further questions of the testifier? Seeing none, we have Kimo Falconer, then we're going to go back to Molokai.

MR. FALCONER: Good morning, Mr. Chair, Members of the Council. My name is Kimo Falconer, I'm a West Side farmer, probably one of the last West Side farmers around. I'm here to voice also that I'm here in supporting the other farmers who can't be here today probably because they gotta get their crop to market or they're fixing the tractor or whatever it is. So there's a lot of people that would be here normally, but I'm here on behalf of myself. And I'm just here to say that I oppose this bill only because of the way it's written. I don't think it's impossible that there's a workable way to do this. I think that the answer and the solution is all into, you know, education and finding a way to meet on, you know, common ground. The way it's written right now it is pretty discriminatory and, you know, it's kind of, it's just non-tolerant. Zero tolerance is really not acceptable and I think we can all work as a community, we're a good community, there's no reason why we can't sit down and work on these things. I sent testimony in today earlier, it was the last minute thing, unfortunately I was working late last night farming, doing my thing, had some problems with the mill. But my testimony would have been too long anyway so I just want to take an excerpt of that. One of the things that I think is discriminatory is that only farmers are being targeted for chemical and pesticide use and that's not true. You know driving down the road in Olowalu the other day and I'm behind a DOT truck and the guy's spraying from the truck, he's 20 feet away, the wind's blowing 30 miles an hour. You know that, we're not the only users. I mean I think this should be across the board, there's no reason why it can't be. You know County of Maui, Department of Water Supply, chlorine gas, restricted chemical. We have a paradigm, maybe that's okay, but I think across the board we need to try to find ways to make it equal and not just focused on only the farmers. You know we're here about health, we're here about our children's health, we're here about the environment and health in the environment, that's good. We have nothing to hide there. But, you know, those entities, they don't haggle about how they're getting poisoned, so let's try to find a way that we can all stop using the pesticides that we're worried about and work the good. I do not use restricted-use chemicals on my farm, in fact I'm actually almost organic but anyway, I'm not.

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MS. NAKATA: Two and a half minutes.

MR. FALCONER: But, you know, at the end of the day, we're farmers, our kuleana is to feed people. They say in the year 2035 we're going to have 10 billion mouths to feed. We're going to need all the tools we can get to do that, and I just don't know how and I think it's time for the world to start figuring this thing out. We're going to push towards research, we're going to push to wherever, we need everything to get that done. I appreciate your time. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Mr. Falconer. Members, any questions to the testifier? Ms. Crivello.

COUNCILMEMBER CRIVELLO: Not for the testifier. Just...

VICE-CHAIR COUCH (TEMPORARY CHAIR): Oh, okay.

COUNCILMEMBER COCHRAN: Yeah, Chair?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And thank you, Mr. Falconer, for being here. Just a clarification on the Clorox usage by County, it's not sprayed. But my question directly and just so you're, you do not use restricted-use pesticides --

MR. FALCONER: No, ma'am.

COUNCILMEMBER COCHRAN: --on the coffee?

MR. FALCONER: No.

COUNCILMEMBER COCHRAN: Okay. And also just a comment for yourself but others in future testimony, you know, definitely a work in progress here.

MR. FALCONER: Great.

COUNCILMEMBER COCHRAN: And so I totally appreciate your input, would like to get more of it, and to see and again this goes for the entire County that's listening here, we, you know, we need, I need, this bill needs more work and definitely input.

MR. FALCONER: Thank you for that.

COUNCILMEMBER COCHRAN: So thank you again for being here. And I've taken note, and so if there's further stuff that you would like to chime in on, by all means contact myself --

MR. FALCONER: Thank you very much for that.



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COUNCILMEMBER COCHRAN: --and Chair, whoever. So thank you again, Mr. Falconer.

MR. FALCONER: Okay, mahalo. A hui ho.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Any more questions for Mr. Falconer?  
Seeing none, Ms. Crivello. Go ahead, Mr. Falconer. Thank you.

COUNCILMEMBER CRIVELLO: Thank you. Mr. Chair, just for consideration I'm getting some messages from our Council Service Office on Molokai, and the number of people are waiting, you know, we don't have a chamber, we have, you know, you walk in and out to testify and they're waiting in inclement weather.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Oh.

COUNCILMEMBER CRIVELLO: And if you can have some consideration to increase the rotation --

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay.

COUNCILMEMBER CRIVELLO: --for the island. That's --

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay.

COUNCILMEMBER CRIVELLO: --your call.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Sure.

COUNCILMEMBER CRIVELLO: Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. All right. Molokai, can you call your next testifier, please.

MS. ALCON: Our next testifier is Sheryll Buse.

MS. BUSE: Hello. Good morning. I'm Sherry Buse of Molokai. I'm here to testify, oppose the County bill against GMO and pesticides, because I believe that State of Hawaii and Federal government should oversee the regulation. And I have concern also on my work affected. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions of the testifier?  
Seeing none, okay, Molokai, next testifier, please.

MS. ALCON: The next testifier is Darryl Burgess.

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MR. BURGESS: Aloha, Chair and Council members. My name is Darryl Burgess, a long-time resident of Molokai. Employed by Mycogen Seeds in the irrigation department, and I oppose this PIA-58. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions for the testifier? Seeing none, thank you, Mr. Burgess. Go ahead, Molokai. We'll take a couple more.

MS. ALCON: Our next testifier is Eddielyn Maniago.

MS. MANIAGO: Hello, good morning. My name is Eddielyn Maniago, I'm a resident of Molokai. I work in Mycogen Seeds. My husband and I both work in agriculture. Agriculture is part of Molokai. . . .*(inaudible)*. . . I oppose this bill because I need this job. This job is to put food on my table. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Seeing none, Molokai, call your next testifier, please.

MS. ALCON: The next testifier is Grace Floresca.

MS. FLORESCA: Good morning, Members of the Council. I am Grace Floresca. I am a third generation descendent of a Sakada who came to Molokai in 1926 to work the pineapple fields. I am now myself working for a seed company, Mycogen Seeds in Molokai. I oppose this bill 'cause aside from the fact that I know and I believe the company is already monitored by Federal and other State laws in the use of pesticides. I believe my company is a good steward for this land, so I oppose this bill. Aside from that, it might drive away companies because the stringent laws, that are the means of livelihood of our island. So bottom line, I am a human element of this bill and so I oppose it.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Seeing none, Molokai, call another testifier, please.

MS. ALCON: Our next testifier is Shirley Ballocanag.

MS. BALLOCANAG: Hi, good morning. I'm Shirley Ballocanag, resident of Molokai. I came here to oppose the bill, GMO/pesticide bill, because the company I'm working which is DOW might force to close us, shut down and then I might lose my job and it will affect my family. I love my job. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Seeing none, one more from Molokai and then we'll come back to the Chambers.

MS. ALCON: Our next testifier is Edgar Alvarez.

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MR. ALVAREZ: Good morning, everyone and aloha to all. My name is Edgar Alvarez. I'm a Molokai resident. I have five kids, and one of the board member of the Molokai Filipino Community Council. I'm working in Mycogen as a field biologist there, and I'm here to testify as myself. And I'm opposing this bill because I believe that the, our State and Federal government has that, you know, regulation for this GMO and pesticide use. So I know really that I'm a biologist so every time we plant regulated, you know, field, we need to go through the process, so we need to inform USDA all of those activities that we have there. So we are in compliance with all of the regulation that the State and Federal government required from us. So I'm really opposing this bill. And as my background I'm a corn breeder for 19 years, and we need, you know, we need GMO because conventional breeding, developing hybrid with, through conventional \_\_\_\_\_ you know that insect pest. So with the GMO that we have, we have, we can increase the yield of the crops that we have. For specially I work with corn for 19 years and before when we have only, in the Philippines when we have only the conventional hybrids, when the insect pest, specifically corn borer attacked the field, corn farmers field, everything is wiped out. So when Monsanto, you know, introduced hybrid in the Philippines in 2003, the farmers are really happy because --

MS. NAKATA: Two and a half minutes.

MR. ALVAREZ: --they don't spray any more insecticide because that's the Bt, *Bacillus thuringiensis* that can resist the insect pest attacking the corn plants. So the farmers are happy, they're using less insecticide, they spray less insecticides in their farm, and they have a very good yield for corn. And on the pesticide use I think --

MS. NAKATA: Three minutes.

MR. ALVAREZ: --we have that Federal government...

VICE-CHAIR COUCH (TEMPORARY CHAIR): Mr. Alvarez, you're at three minutes. You have one more minute.

MR. ALVAREZ: Yeah, okay. Thank you. But for the pesticide use, every one of us, you know, have that responsibility to handling the chemicals. Right in Mycogen we have that certified applicator and we have that safety, all the safety PPE that we had to take care, taking care of our employees in there. So everything when they spray we have that REI, no one can enter the field if there's REI in there. So everything will be safe for every employee. So that's it. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Seeing none, all right, we're back into the Chambers with Mitchell MacCluer followed by Warren Watanabe.

MR. MacCLUER: Good morning, Chair. My name is Mitchell MacCluer. I work for a company that supplies agricultural inputs to the local farmers. We supply products to the ag, the conventional farmers as well as the organic farmers. We support all farming, we do not discriminate for one or the other. We believe that it is the right for all farmers to farm. We have...I've grown up on

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Maui. I picked pineapple, I drove a pineapple truck, I got an ag degree. I believe that that is the right of the Maui people to be farmers, to be sustainable. What has happened is currently it's not sustainable to be an organic farmer because we have so much pest pressure here, and I think what we need to look back at is we need to look back at Ireland where the potato famine was a serious issue. Millions of people died because they had no ability to stop a pest outbreak. If we decide that we do not want to have pesticides at all for any reason here on this island, what we will end up doing is we will end up isolating ourselves, we will isolate our food source. Our food sources will come from places that we have no idea what they're doing, they are non-regulated. We will end up with food from Mexico or South America which you have no idea what they're doing or how they're applying night water or any of the other manures that may be applied to their foods. If that's what you want, then I think we need to just say that's what we want. I think we need to be wise, we need to be stewards of the land, we need to be stewards of what we have as tools. None of us use penicillin when we don't have to. Pesticides are like penicillin, we use them because that is our only chance to either save the crop or save the resource which may be a tree or any other option we may have out there. We need to be wise stewards of these tools, they are tools, just like many other tools that can be used inappropriately, but what we need, what we have right now is extreme regulation by the State, by the Federal government, and we do not believe that the County Council or the County, per se, can do a better job than the Feds are currently doing or the State. And so that's my testimony. Thank you.

**VICE-CHAIR COUCH (TEMPORARY CHAIR):** Thank you. Members, any questions to the testifier? Seeing none, Warren Watanabe and then we'll go back to Molokai for, and move, finish up. We'll go to lunch after we do the, about four or five on Molokai. So anybody that needs to move their cars or anything, we'll probably recess 'til 1:30. Thank you, Mr. Watanabe.

**MR. WATANABE:** Thank you. Vice-Chair Couch and Members of the Committee, my name is Warren Watanabe, executive director of the Maui County Farm Bureau, representing commercial farm and ranch families and organizations on the island of Maui. We strongly oppose this anti-agricultural measure. And I think you noticed this morning we had a lot of our agricultural community out here, and I think it's an important issue that needs to be discussed. And you've always said, you know, where are the farmers, and so, you know, we brought them out here this morning. I have come before this body many times advocating for the needs of our commercial farms and ranches. The goal of Farm Bureau is to expand agricultural production. It doesn't matter what kind, conventional, biotech or organic, fruits, vegetables, livestock, flowers, cane or seed, because they are all important. They are part of the diversity that is needed not only to provide consumers choice but to provide the synergies needed by the industry to grow and survive in an increasingly challenging environment. This measure will regress our industry. First and foremost this is an anti-agricultural bill because it only targets agriculture. Despite its preface that speaks to the risks of pesticides, it only targets agriculture. Secondly, it proposes overly burdensome regulations that will threaten the viability of our farms and ranches. Farmers and ranchers face cost of production increases without parallel revenues, and we face significant Federal and State regulations. Several testifiers have mentioned the food safety Federal regulations, and that's only part of what we all face. For example, the threat of the little fire ant could kill our exports of flowers if the continent imposes Federal quarantines of our products.

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These are real threats in contrast to the bill before you today, duplicating regulatory structures already in place by the Federal and State governments. If there is question, focus should be on working with both agencies for implementation measures, not create another layer. As we speak of risks, are pesticides or GMOs the risks we face or food-borne illnesses that caused documented illnesses on a regular basis? The Department of Health has statistics on their website that document the need for concern in this area. This measure increases farm and ranch costs while reducing --

MS. NAKATA: Two and a half minutes.

MR. WATANABE: --revenue by reducing crop production areas. Third, the County will be facing our annual budget process, and I think, you know, we can all agree that water is the primary concern for the County that we really need to address. I have with me today 2,500 signed petitions by the people of Maui. These cards are not signed by those on Oahu, Europe or Asia, they are people of Maui.

MS. NAKATA: Three minutes.

MR. WATANABE: Volunteers pounded the pavement to get word out and obtain these signatures. We had an online petition but they represent a minority of these cards. This is the voice of the people. After my viewpoint, people I barely know stopped me on the street to support our cause. I have attached some of their comments at the back of my testimony. And finally in the Maui Island Plan the document reports on Page 4-18 and 4-19, 4.3.1, strive for at least 85 percent of locally-consumed fruits and vegetables and 30 percent of all other locally-consumed food to be grown in State. And 4.3.1.d, work with the State to regulate and monitor genetically modified organism crops to ensure the safety of all crops and label all GMO products. We understand the General Plan to be the guiding document for the County.

MS. NAKATA: Four minutes.

MR. WATANABE: Measures such as this...

VICE-CHAIR COUCH (TEMPORARY CHAIR): Can you wrap it up, Mr. Watanabe.

MR. WATANABE: Yes, thank you. Measures such as this will make it nearly impossible to reach the first and second, and the second speaks to the intent of the County on regulatory authority. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Members, any questions to the testifier? Same thing with you guys, too. Any questions to the testifier? Ms. Baisa. Chair Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Thank you, Mr. Watanabe, for being here this morning.

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MR. WATANABE: Thank you.

COUNCILMEMBER BAISA: I'm curious, did the Farm Bureau and yourself participate in the hearings on Kauai? Because this is essentially the same bill that we're talking about because we're talking about the bill that was posted, not the bill that is, you know, was posted later and amended.

MR. WATANABE: I believe our Kauai chapter of Farm Bureau did participate, yes.

COUNCILMEMBER BAISA: Okay, thank you.

MR. WATANABE: Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Members, any questions?

COUNCILMEMBER COCHRAN: Chair? Yeah. Chair?

VICE-CHAIR COUCH (TEMPORARY CHAIR): Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Watanabe, for being here. The, those cards, the 2,500 and you said they're all Maui people.

MR. WATANABE: Right, correct.

COUNCILMEMBER COCHRAN: Or Maui County as a whole.

MR. WATANABE: Correct.

COUNCILMEMBER COCHRAN: And then they're your members? Members of the Farm Bureau?

MR. WATANABE: No. Just members, people from the out, from the public, general public.

COUNCILMEMBER COCHRAN: Oh, okay.

MR. WATANABE: Yeah.

COUNCILMEMBER COCHRAN: The, and then in your testimony you have certain quotes from people. Are these members or just general...

MR. WATANABE: Some of 'em are and some of 'em are from the public.

COUNCILMEMBER COCHRAN: Oh, okay. Is there a ballpark figure of your membership right now?

MR. WATANABE: About 200.

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COUNCILMEMBER COCHRAN: Two hundred.

MR. WATANABE: Yeah.

COUNCILMEMBER COCHRAN: Okay. Thank you, Mr. Watanabe. Thank you, Chair.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Ms. Cochran. Members, any further questions of the testifier? Seeing none, Molokai, can you please bring up your next testifier.

MS. ALCON: Our next testifier is Josephine Esteban.

MS. ESTEBAN: Honorable Committee Chair Hokama, Vice-Chairman Couch, and respected County members, good morning. Oh, my name is Josephine P. Esteban. I work in Mycogen for almost 18 years, and I came here just to oppose this bill, anti-GMO/pesticides bill. This bill is, I believe that this is anti-agriculture and unfairly targets agriculture. And this bill have negative impacts of the, purely the agriculture industry, and also it affects my job, my family emotionally and economically, of course. So farmers, we all know that farmers are the backbone of one nation, so I respectfully ask for your help to support our hardworking farmers in our County, Maui County by opposing this anti-agricultural bill. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you, Ms. Esteban. Members, any questions to the testifier? Seeing none, Molokai, can you call up your next testifier, please.

MS. ALCON: Our next testifier is Rugene Arista.

MR. ARISTA: So good morning to all Members of the Council. I'm very honored to come here to testify. I'm working for Mycogen for almost five years, and I came here to oppose the bill about pesticide and GMO, because I believe that it's the State and the Federal are the ones responsible in regulating all of those things. And one thing more, our company is making extra steps to ensure that we are all safe, we are all informed about the use of pesticides, and yeah, they inform us all the needed information that all of us will be safe in the field. Thank you.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you. Can we get your name, please.

MR. ARISTA: Rugene, Rugene Arista.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Thank you.

MR. ARISTA: Okay.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Members, any questions to the testifier? Seeing none, Molokai, bring up one more testifier, and then we're going to break for lunch.

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MS. ALCON: Our next testifier is Dylan Guerrero.

MR. GUERRERO: Hello, my name is Dylan Guerrero. I'm a resident of Molokai and I represent Mycogen Seeds and Dow AgroSciences. I'm opposed to this bill placing regulations at the County level. The regulations already in place from the Federal and State government are good enough, but I also support the safe use of pesticides and soil conservation. I believe if this bill is passed, it will jeopardize my job and others also. As a company, it's free to choose to operate elsewhere if these restrictions are placed.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Is that it?

MS. ALCON: That's it.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay. Thank you. Members, any questions to the testifier? Seeing none, we'll just check real quickly with Lanai, do you have anybody there ready to testify?

MS. FERNANDEZ: The Lanai has no, the Lanai Office has no one waiting to testify.

VICE-CHAIR COUCH (TEMPORARY CHAIR): And Hana.

MS. LONO: The Hana Office has no one waiting to testify.

VICE-CHAIR COUCH (TEMPORARY CHAIR): Okay, Members and Ella in Molokai, we're going to break for lunch until 1:30, and we'll be back, and we'll get back in touch with you before that. This meeting is in recess. . . .(gavel). . .

**RECESS: 11:59 a.m.**

**RECONVENE: 1:37 p.m.**

CHAIR HOKAMA: . . .(gavel). . . The Policy Committee shall return to order. This is the continuation of our regular meeting of January 28<sup>th</sup>. This meeting is still in receiving of testimony, public testimony. I will inform the Members as well as the general public on all islands that as your Chair understands Sunshine rule as it is currently interpreted, since this meeting started with a quorum if and when if we should lose quorum the meeting is going to be adjourned. There is no continuation of testimony taken as I understand the law once we start it with a quorum. If the meeting started without a quorum to just take testimony, it is allowed to continue to do so until the end, but since we started with a quorum, if this body loses quorum we're unable to continue to conduct the business of this Committee and at that time the Chair will pound this meeting in adjournment. Any questions? Any questions for Corporation Counsel on whether the Chair's understanding of the law is incorrect? Okay, we shall proceed and take as much testimony as we can. We have a lot on Molokai and on this island. We'll start with the Chambers, Mr. Sean or



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Loa, L-o-a, please, if you're present. And after Mr. Loa we'll have a David Stoltzfus. My apologies, S-t-o-l-t-z-f-u-s. And then we'll go to Molokai.

MR. LOA: Thank you, Chair. Aloha, Council members.

CHAIR HOKAMA: Aloha.

MR. LOA: My name is Sean Loa and I'm speaking on behalf of the customers and farmers of Maui County. I'm voicing my opinion in opposition to the current GMO/pesticide bill being discussed today. As a native Hawaiian I have tremendous, I have a tremendous appreciation for the limited resources we all enjoy here on Maui. I've been a salesman for John Deere Agricultural Equipment with American Machinery for 12 years. During this time I've seen some exciting new advances in farming techniques and machine technology. Today, Maui Farmers use these improvements to be more efficient, more productive, and it has allowed them to be more sensitive to the needs of those around them. Customers of mine, including Hawaiian Commercial and Sugar Company, have been practicing these advancements for some time now. As responsible land stewards, these farmers have improved on land use techniques and use state-of-the-art equipment from the best technology has to offer. Enhancements using satellites coupled with sophisticated computers that automatically adjust spray application rates according to tractor speeds, and machine tilled on diverse terrain are being used today on Maui. Spray nozzles that turn off automatically over areas already covered is another example of the cutting-edge technology used by Maui farmers. They use spray nozzles capable of operating at multiple pressures affecting droplet sizes for various, varying wind conditions, equipment to lower application heights, and spray hoods to address drift in consideration for the neighbors around them. There are some of the techniques, these are some of the techniques and technologies already used by our farmers. It has been my experience in equipment sales that if you make machine maintenance easily accessible and easy to perform, it is more likely to get done and done more frequently. How have you made these requirements outlined in the GMO/pesticide bill easy to perform and easily accessible? There must be a better way to accomplish the goals of this bill without such costly requirements, harsh restrictions, and threats of fines and imprisonment to the farmer.

MS. YOSHIMURA: Two and a half minutes.

MR. LOA: Thank you. Are exemplifying, are you exemplifying the "good neighbor" courtesy you expected by providing farmers with tools to succeed or guidelines for failure? I understand the concern for public safety and chemical knowledge in emergency situations; however, I do not agree that this burden of public health should rest solely on the shoulders of our farmers. I challenge you as lawmakers to provide alternatives where all affected --

MS. YOSHIMURA: Three minutes.

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MR. LOA: --are heard equally, and where compromises have been generated and accepted by all affected. Please help our farmers on Maui by providing alternatives to accomplish your goals in this bill. Thank you very much for your time.

CHAIR HOKAMA: Thank you, Mr. Loa. Members, any questions on the testimony he has provided? Having none, Mr. Loa, thank you very much for your presence. David Stoltzfus, and after this gentleman we'll go to Molokai.

MR. STOLTZFUS: Good afternoon, Chair, Committee members. I'm David Stoltzfus, the site lead for Monsanto's operations here on the island of Maui. I'm speaking today in opposition of the proposed bill adding to County-level regulation for pesticide and genetically modified organisms. The bill's underlying premise is that modern agriculture is damaging to the people and the environment is false. It's built on fear and innuendo about pesticides and genetically modified organisms without any substantial claims or any substantiated claims. It also ignores the current regulating organizations and oversight that we all work up under. Monsanto farms in Maui County, and our organization has for over 40 years. We farm to develop better seeds that can be used around the world to produce more food with the limited resources that we all have. We are proud of the sustainable manner in which we farm, and we are always improving. We recognize that we farm within a growing community that, like many other areas today, is becoming more and more urbanized and less rural. We acknowledge this change and see an opportunity to educate an evolving community about agriculture in general. The County of Maui has approached us a few months ago to gain a better understanding of our farm and our operations in Maui, and we entered into a Memorandum of Understanding with the County to address any false perceptions or misunderstandings, especially those that have been permeated throughout our community. This was also done to communicate our stewardship practices, and to promote and to provide information specifically upon our pesticide use here on Maui. We are freely providing this information to the County, as we believe it is a much better way to address any concerns that the public may have. This type of interaction is what is needed, not draconian measures like this bill proposes and the legislation that is based on fears and lies. Monsanto's farming practices include the use of pesticides to control weeds and insects. The growing of seed is no different than the growing of feed or food in this regard. Our pesticide applicators go through extensive training and exams to be certified and maintain that certification. This is achieved to ensure the safety of our applicators, our employees, and the safety of our neighbors and the environment.

MS. YOSHIMURA: Two and a half minutes.

MR. STOLTZFUS: We go through this effort both because it's the right thing to do, and also because it is the law, with severe penalties backing it up. The Pesticide Branch of the Hawaii Department of Agriculture is responsible for carrying out training and enforcement of the Hawaii State Statutes that govern sale and use of pesticides within the State. They do this very effectively. Monsanto applicators receive frequent visits from the HDOA throughout the year, their enforcement inspectors --

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MS. YOSHIMURA: Three minutes.

MR. STOLTZFUS: --and ensure that we are following these practices. I want to again emphasize the highly regulated environment the farmers work under. The additional requirements outlined in this bill, founded on fear and with no basis in science, provide benefit to no one, but will cost everyone. Thank you.

CHAIR HOKAMA: Thank you. Members, any questions for the testifier? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And, Mr. Chair, maybe it's a question to you first. Are you going to have some folks from Monsanto and from other organizations as resource when we get into discussion?

CHAIR HOKAMA: If and when we do reach the next phase of this process, the Chair will be bringing in resource people.

VICE-CHAIR COUCH: Okay, then I can ask then. That's fine.

CHAIR HOKAMA: Okay, thank you. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you for being here. So in your last, well second to last paragraph about frequent visits from HDOA enforcement inspectors, what is frequent?

MR. STOLTZFUS: The frequency varies with the HDOA enforcement inspectors. I would guesstimate over the last year, it's been five or six times that we have received visits either for auditing or spot checking our applicators and the processes that we use. Again, we're open and transparent with our pesticide use and our farming practices, and we welcome these visits because it ensures that we are doing the best and using our products safely.

COUNCILMEMBER COCHRAN: Okay. I was told it was complaint driven only. And, Chair, one follow-up? In regards to your sentence the growing of seed is no different from growing of feed or food, the seed you're referring to is the seed like here in Kihei?

MR. STOLTZFUS: Yeah.

COUNCILMEMBER COCHRAN: That's the seed, per se, that you're referring to?

MR. STOLTZFUS: Correct. The work that we do here is developing and growing seed.

COUNCILMEMBER COCHRAN: And that seed is termed a food item or a registered pesticide? The seed is exactly what?

MR. STOLTZFUS: I'm sorry, what's the question?

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COUNCILMEMBER COCHRAN: Is the seed a registered pesticide? Is that what it's defined as?

MR. STOLTZFUS: No.

COUNCILMEMBER COCHRAN: What's it defined as then?

MR. STOLTZFUS: It is defined as seed. What we are doing is developing new corn varieties, new corn hybrids, and so that is growing seed that will then be planted elsewhere by farmers around the world. And what I meant by that growing seed is no different than growing food or feed is that the same pesticides can be used for all crops and are labeled for use on all crops, and in most cases very similar quantities can and will be used.

COUNCILMEMBER COCHRAN: Right. Thank you.

MR. STOLTZFUS: Thank you.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR HOKAMA: Yes, Mr. Couch.

VICE-CHAIR COUCH: Thank you. Since he brought it up, the question was it's been stated that you use profuse amounts or massive quantities of pesticide. How much pesticide say a month do you use?

MR. STOLTZFUS: Councilman Couch, I can't answer that question right now, I don't have the specifics in front of me, but it is what is required and what would be necessary to grow a crop of corn for seed. And that isn't any different than a corn farmer would normally use in those manners.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR HOKAMA: Okay, any other questions for the testifier, Members? Having none, thank you very much for your presence --

MR. STOLTZFUS: Thank you.

CHAIR HOKAMA: --this afternoon. We'll go to Molokai. Ms. Alcon, our next Molokai testifier, please.

MS. ALCON: Our next testifier is Samson Kaahanui.

MR. KAAHANUI: Aloha, everybody.

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CHAIR HOKAMA: Aloha.

MR. KAAHANUI: My name is Samson Kaahanui. I'm a native Hawaiian and I'm a resident of Molokai. And I work for Mycogen Seeds, it's a great company to work for, and we practice safety every day at work. And I consider it a blessing to have a job with this company. And I oppose this bill. Thank you.

CHAIR HOKAMA: Okay, thank you. Any questions for the testifier, Members? Having none, thank you very much. Next person.

MS. ALCON: The next testifier is Leo Ramos.

CHAIR HOKAMA: Thank you.

MR. RAMOS: Hi, good afternoon.

CHAIR HOKAMA: Hi.

MR. RAMOS: My name is Leo Ramos, a resident of Molokai, and I'm here to testify that I oppose the proposed bill, because I work in the corn field and it may affect my work and I don't want to lose my job. And the Federal and State government has already strict regulations on pesticides and GMO regulations. Thank you.

CHAIR HOKAMA: Okay, thank you very much for your comments. Any questions for the gentleman? Having none, thank you. Molokai, your next testifier, please.

MS. ALCON: Our next testifier is Ivan Kawamae.

MR. KAWAMAE: Aloha.

CHAIR HOKAMA: Aloha.

MR. KAWAMAE: My name is Ivan Kawamae, resident of Molokai, and I work for Mycogen Seeds. I oppose item PIA-58.

CHAIR HOKAMA: Okay, are you done with your testimony?

MR. KAWAMAE: Yes.

CHAIR HOKAMA: Okay, well thank you very much. Any questions for the gentleman, Members? Having none, thank you for being patient and we appreciate your testimony this afternoon. Ella, Molokai, please, next one.

MS. ALCON: Our next testifier is Joseph Kahe'e.

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CHAIR HOKAMA: Thank you.

MR. KAHE`E: Hi, my name is Joseph Kahe`e V. I was born and raised on Molokai. I work for DOW AgroSciences, Mycogen Seeds, Molokai, and I'm here to testify against this bill. I just came for say that we follow all State and government regulations, and we use precautions on how to protect ourselves while applying pesticides, and at my job they train us to protect ourselves. And we share it with our families when we go home so we know how to protect ourselves from pesticides, too. And that is all, thank you.

CHAIR HOKAMA: Okay, well thank you very much for your testimony. Any questions for the gentleman, Members? Mr. Kahe`e, thank you very much for your testimony. Ella, bring us our last one for this time, Molokai, please.

MS. ALCON: Our next testifier is George Kahinu IV.

CHAIR HOKAMA: Okay, thank you very much.

MR. KAHINU: Oh, I'm George Kahinu. I work for Mycogen Seeds, and I oppose the law. Thank you. Aloha.

CHAIR HOKAMA: Aloha. Thank you for your comments. Any questions for the gentleman? Having none, thank you. Molokai, we'll return to you shortly. We'll come back to the Chambers and we'll ask Janet Ashman for your thoughts, please, and following Ms. Ashman we'll ask Lloyd Fischel, F-i-s-c-h-e-l, to speak next.

MS. ASHMAN: Good afternoon, Chair Hokama and Members of the Committee.

CHAIR HOKAMA: Can you adjust the mic so we can hear you well. Thank you.

MS. ASHMAN: Thank you. I wasn't sure if I should touch it. My name is Janet Ashman, I'm a Maui resident, and I have spent the last 25 years of my life helping farmers and ranchers in Hawaii. I oppose this measure. My area of expertise is the Federal and State environmental laws and regulations relating to agriculture. I help farmers with those often convoluted and difficult to understand laws. Although small farmers usually have the least resources to deal with these laws, even larger farmers can become overwhelmed by the sheer number and complexity. I am here because since this bill was introduced, several Maui farmers have told me that they are ready to give up. This is the straw that broke the camel's back they've told me. Thank you for considering my reasons for opposing this bill. The bill is nearly identical to a Kauai bill that was not based on science or evidence, but on fear and conjecture. The concerns there were about the West Side of Kauai. Why are we taking a Kauai bill and trying to apply it on Maui? I want to explain for those who think that farmers on Maui are testing pesticides. That is what is done at the EPA level, not here in Hawaii. Before a pesticide is allowed to be sold or used, it has to go through, undergo approximately ten years of review and testing, experimenting. EPA has a staff

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of about 700 and a budget of about \$170 million. They assess the pesticide for safety even for the most sensitive populations including pregnant women and children. Their budget...in order to register a pesticide, each pesticide separately normally takes about 20 to 30 million dollars to get to that point and 10 years of review. I paid attention to what happened on Kauai and it was very disturbing to me. This very same bill tore that community apart and took months of intense time and effort and money only to result in a big expensive lawsuit. We can't let this happen here, this isn't the way to do things, this is not us against them. I think we're going about resolving this in a backwards manner. It's the cart before the horse. Shouldn't lawmakers first determine whether there is a valid problem and if a new law might be necessary?

MS. YOSHIMURA: Two and a half minutes.

MS. ASHMAN: We could then determine whether this is a local or Statewide issue, and what agency would have the best expertise and resources to address the problem. For example, if there are valid concerns about pesticide use, those concerns could be identified and taken to the State Advisory Committee on Pesticides, a group of Governor-appointed and Senate-confirmed experts in pesticide matters that can assess the concerns and make recommendations for new laws and regulations if they're warranted. Kauai farmers were not asked to participate in --

MS. YOSHIMURA: Three minutes.

MS. ASHMAN: --resolving community concerns or helping to draft the bill that would significantly affect their livelihoods. Maui farmers have also not been consulted on this bill. I want to say that pesticides are so greatly misunderstood by the public. Why are we making the assumption that RUPs, restricted-use pesticides and other pesticides are necessarily bad and that they must be further regulated? Pesticides serve a purpose and can be used safely. Among other things RUPs are used to control termites that would otherwise quickly destroy our homes. They're used to disinfect our drinking water and wastewater. Other pesticides are used by conservation groups to protect our watershed from destructive invasive species. Furthermore, pesticides were used on Maui and elsewhere to control insects and rodents that spread fatal diseases. RUPs have been demonized on Kauai without justifications. These pesticides are regularly used in greater quantities by non-farmers, even on Maui. Why is Maui --

MS. YOSHIMURA: Four minutes.

MS. ASHMAN: --County targeting farmers?

CHAIR HOKAMA: You're going to need...

MS. ASHMAN: I hope you read my testimony. I submitted it. Thank you. I'm sorry, I should have --

CHAIR HOKAMA: No.

MS. ASHMAN: --talked a lot faster.

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CHAIR HOKAMA: Okay.

MS. ASHMAN: Thanks very much for the opportunity.

CHAIR HOKAMA: So we're just going to confirm, you did submit written testimony --

MS. ASHMAN: I did.

CHAIR HOKAMA: --Ms. Ashman?

MS. ASHMAN: Thank you.

CHAIR HOKAMA: Okay, thank you. Members, any questions for the testimony that she shared with you this afternoon?

COUNCILMEMBER COCHRAN: Chair?

UNIDENTIFIED SPEAKER: Considering the level of...

CHAIR HOKAMA: No, you're not to ask questions.

UNIDENTIFIED SPEAKER: Oh, I'm sorry.

CHAIR HOKAMA: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Ms. Ashman. The, I just want a little more elaboration on you said because of this or you spoke to some, several farmers and they would just give up. Can you elaborate on . . . *(inaudible)* . . .

MS. ASHMAN: Yes. I mean certainly this is not the only burden that farmers have. I think everybody understands that farming is one of the most difficult careers you can choose, especially in Hawaii where you have--I think it was explained earlier--transportation costs, water costs, electricity costs, feed costs. I mean we are really working at a disadvantage here. And one thing I want to point out is that if you place a law on farmers on Maui that is not similar to ones on the rest of the State, farmers in the rest of the State you're going to be putting Maui farmers at a disadvantage compared to Oahu farmers, for example. So yes, there are many second and third generation farmers who are struggling now, and if they had to deal with the burden of this law they would decide to go out of business because it's just too hard and they're not making enough of a profit.

COUNCILMEMBER COCHRAN: Okay. I kind of wanted more detail but, you know, I can reach out and work more with --



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MS. ASHMAN: I'd be happy to answer any questions you have.

COUNCILMEMBER COCHRAN: --but thank you, Chair. I'll...don't want to get into anymore now.  
Thank you.

CHAIR HOKAMA: Okay, thank you. Any other questions for the testifier on what she provided?  
Having none, thank you very much, Ms. Ashman.

MS. ASHMAN: Thank you. Lloyd Fischel, please. Okay, if there's no Lloyd Fischel we'll ask Karen  
Chun to come share her testimony

MS. CHUN: Good afternoon.

CHAIR HOKAMA: Good afternoon.

MS. CHUN: Thank you so much for hearing this. I have three things to do which I'm trying to get  
through in three minutes, and that is to give you our petition, to talk about my personal  
experiences with Department of Ag when we got pesticide overspray and why we need  
disclosure because that doesn't work, and then the last thing is to talk about changes to this bill  
that I see would make it simple and answer all the problems that people have brought up. The  
first thing is we had 686 Maui County members sign a petition saying they do want disclosure of  
GMOs and pesticide use. We had a total of 1,428 sign altogether, and I printed it really small  
because unlike the Farm Bureau, A&B, and Monsanto, I didn't have a lot of money nor did I  
have a lot of people going around and gathering signatures. So I'll give this to the Clerk.

CHAIR HOKAMA: Yeah, give it to the Staff. We'll take that. Thank you.

MS. CHUN: And I knew that you wanted it broken out by Maui County so I had that, too.

CHAIR HOKAMA: Good. Thank you very much.

MS. CHUN: Then in June, HC&S was using their tractor to outrigger spray and it's similar to the  
previous testifier, it rolled down the mountain and it caused my neighbors and me to not only  
smell the pesticides but to actually taste them in the back of our throat. So we called Department  
of Health, they said they don't care about it, that I have to call Department of Ag. Apparently we  
have half a person doing testing. He not only has to do the response to complaints but also the,  
what you call, where you give them their license to spray. Okay, that was in June, it took until  
November 25<sup>th</sup> for me to get the results of the samples from within my home, and I'm just going  
to read them because there's no explanation of them. It's not clear that all of these were sprayed  
by HC&S on that date, it could have been some of 'em were sprayed by the County.

MS. YOSHIMURA: Two and a half minutes.

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MS. CHUN: Okay. So we have dicamba, diuron, 2,4-D, pendimethalin, ametryn which is banned in Europe, and hexazinone which is a liver damager. The case is ongoing, the process is slow. This is not a regulatory bill, this is a disclosure bill. I would have liked to have been notified promptly.

MS. YOSHIMURA: Three minutes.

MS. CHUN: Last thing. Let's just make an app for the County where the farmer goes, he writes the name, the date, the place, what he's applying, and that's notification, that's reporting, that's the whole thing in one. It takes five minutes to the farmer, it takes no money, it's easy, and I volunteer to do it for free. I'll make it for you. Thank you.

CHAIR HOKAMA: Thank you, Ms. Chun. Are you done, Karen? Okay. Any questions for Ms. Chun on the testimony she has provided, Members? Okay, having none, Ms. Chun, thank you very much for your testimony this afternoon.

MS. CHUN: Thank you, Council.

CHAIR HOKAMA: Tom Blackburn-Rodriguez.

MR. BLACKBURN-RODRIGUEZ: Thank you, Mr. Chairman and Members of the Council. My name is Tom Blackburn-Rodriguez, and I am testifying as an individual. My family has been on Hawaii since 1870, and I always like to say that I am a father of three wonderful boys. Thank you for the opportunity to testify on the legislation before you today, PIA-58. First of all, I would like to thank Councilmember Elle Cochran for introducing this bill that is providing the opportunity for an earnest and full public debate on this issue. It's an important issue and it's what we do in a democracy, so mahalo to Councilmember Cochran. I would also like to express my appreciation to the Chair for his determination and the Vice-Chair to have a civil, fair, calm, and reasoned debate on how we move forward to address public concerns and ensure that we do not harm or do harm to our farmers. No matter how passionate we may feel, at the end of the day, we all live on small islands and we are all neighbors. And a little truth in advertising, my father's family, my mother's family were farmers. My father's family began farming in Pennsylvania before the American Revolution, and my mother's family farmed in Mexico and continued to farm after they immigrated to the United States. I am not a farmer. The work is too hard and I didn't want to do it. While the public debate is welcome and the issues involved deserve the strong bright light of truth, in my view the proposed legislation represents government overreach and is an intrusion to an area already regulated and monitored by the EPA, the US Department of Agriculture, and others. In addition, the reporting requirements in the proposed legislation are in my view overly burdensome on our farmers and add another layer of cost to a critical sector of our economy and may have unintended effects of driving small farmers out of business. The proposed legislation targets farmers and ignores the myriad of other uses of pesticides in Maui County. In addition, I would respectfully recommend that a thorough cost analysis be done on the ten-year cost to ramp up County staffing, issue regulations, train farmers

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on the new laws, and enforce the law. Such a cost analysis may be helpful in clarifying the impact of the legislation before any action --

MS. YOSHIMURA: Two and a half minutes.

MR. BLACKBURN-RODRIGUEZ: --is taken by the Committee. Thank you. Finally, it is no secret that our farmers need help. They exist on thin profit margins and they are always struggling with the cost of production. As we continue to slowly emerge from the worst recession, I say slowly emerge from the worst recession since the Great Depression and although you wouldn't know it today, from one of the worst droughts in Maui's history, I question whether this is the right time to impose new and duplicate regulations on our farmers. For these reasons --

MS. YOSHIMURA: Three minutes.

MR. BLACKBURN-RODRIGUEZ: --I have stated, I am opposed to the legislation before you and respectfully ask that it ultimately be voted down in Committee. Mahalo.

CHAIR HOKAMA: Thank you for your testimony. Members, any questions for Mr. Blackburn-Rodriguez on testimony presented this afternoon? Having none, we thank you for your time and testimony to us.

MR. BLACKBURN-RODRIGUEZ: Thank you, Mr. Chairman.

CHAIR HOKAMA: We'll go to Molokai. Ms. Alcon, next testifier, please.

MS. ALCON: Our next testifier is Keoni Tapaoan.

CHAIR HOKAMA: Thank you.

MR. TAPAOAN: Howzit. My name is Keoni Tapaoan, I'm from Molokai, and I was born and raised over here. I work for Mycogen Seeds, and I really, I oppose this bill. Aloha. Have a good day.

CHAIR HOKAMA: Okay, thank you very much for your testimony. Any questions for the gentleman, Members? Having none, thank you. Next person please, Ms. Alcon.

MS. ALCON: Our next testifier is Herman Puaoi, Jr.

MR. PUAOI: Aloha. . . .*(spoke in Hawaiian)*. . . Herman Puaoi . . .*(spoke in Hawaiian)*. . . Mahalo. I'll read translated in English now. Hi, my name is Herman Puaoi, Jr. I am a Hawaiian homesteader here on Maui. I am an employee to Mycogen, and I oppose this bill 'cause I love my job and this job supports my family. Aloha. Thank you.

CHAIR HOKAMA: Okay, thank you very much for your thoughts. Any questions for the gentleman? Having none, thank you. Molokai, next person, please.

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MS. ALCON: Our next testifier is Pierriden Perez.

MR. PEREZ: Aloha and good afternoon, Chairman and Council members. My name is Pierriden Perez and I am testifying for myself. I'm against this bill. I have been a resident of Molokai for the past almost two years now and I work for Mycogen as a plant biologist or field biologist, but before that I was a resident of Honolulu. I went to UH Manoa and received an advanced degree in plant biology after which I moved to Molokai for a job. I strongly oppose this bill because it is unfair and discriminatory to farmers and people working in agriculture. I believe that the basis of this bill is to protect the land from harm and the people from harm, but let me just give you an example which is a big issue back in Honolulu. Back in 2008 where in Pearl City the, there were like 17 students feeling sick and this was pointed to malathion bean fields by one of the residents in that area. And also if you remember this past month on Kauai also a school issue wherein the students, maybe a dozen of them fell sick and this was pointed to an actual resident next to the school who was, who sprayed his lawn with malathion, also a pesticide. Now I believe that farmers are among the most knowledgeable people when it comes to agriculture, and our pesticide applicators are trained and licensed to apply these regulated-use pesticides. We don't want to sacrifice our job, you know, just to be reckless and to apply pesticides when it's not supposed to be. And I think we should be given due credit with regards to our ability to handle these situations ourselves. And so as my last statement, I really strongly oppose this bill because it is unfair and . . . *(inaudible)*. . . --

MS. YOSHIMURA: Two and a half minutes.

MR. PEREZ: --people who work in agriculture and to farmers. Thank you.

CHAIR HOKAMA: Thank you, Mr. Perez. Any questions for the gentleman, Members? Having none, thank you, Mr. Perez. We're going to ask Hana Office, is there anyone wishing to provide testimony, Ms. Lono?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR HOKAMA: Thank you. Ms. Fernandez, anyone on Lanai?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR HOKAMA: Okay, thank you very much. We'll return to Chambers and then return to Molokai. We'll ask Alex Franco if you're present, if you would come down, share testimony, and after Mr. Franco it'll be Paul Singleton.

MR. FRANCO: Aloha, Chair and Members of the Council. My name is Alex Franco. I'm president of the Hawaii Cattlemen's Council. We are a Statewide umbrella organization comprised of four county cattlemen's associations with 135 members. I also manage a small beef processing plant here on Maui called the Maui Cattle Company. We are opposed to this bill related to pesticides

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and genetically modified organisms as it will have a negative effect on the majority of agriculture here on Maui. In November of 2013, the Hawaii Cattlemen's Council adopted a freedom to farm resolution and it ends by stating, finally be it resolved the Hawaii's Cattlemen's Council pledge a policy of indivisibility and commits to working with all Hawaii producers, residents, elected public officials, and regulatory bodies to promote and foster a vibrant and sustainable Hawaii agriculture in an atmosphere of positive coexistence for the benefit of the current and future generations. Agriculture here on Maui is made up of bona fide farmers small and large, organic and conventional, who produce food for Hawaii's residents. They are engaged in our island's economy, our children and grandchildren attend schools in our community, we abide its laws, purchase goods and services from small businesses here on the island, we pay taxes and are a large employer here on Maui. New farmers as well as farms which have been established for generations have based their business on good agricultural practices which have been regulated, inspected and approved by State and Federal agencies who now may be in violation if this bill passes with penalties not less than \$10,000 or not more than \$25,000 per day per violation, hardly a way to increase local food security or encourage the next generation of farmers. Farming is an evolving practice. Whether organic or conventional, successful, sustainable practices provides information that will transition operations toward improving practices which allows us to reach across our differences and over time improve Hawaii's agriculture. We need to identify what part of the State pesticide laws are working and what is not working and lobby our State Senators and representatives to appropriate the needed funds to make sure we have an adequate pesticide --

MS. YOSHIMURA: Two and a half minutes.

MR. FRANCO: --inspection program. This is far more efficient than creating a duplication of this at the County level. As we look at local food movement, we have addressed the budgets of families who are not able to afford organic products, instead they're budget driven and may, make up to a large portion of the State's population. When...excuse me.

MS. YOSHIMURA: Three minutes.

MR. FRANCO: Can I continue?

CHAIR HOKAMA: Yeah, you can. You have one minute to conclude.

MR. FRANCO: When economical, they do buy local fruits and vegetables as it gives them more value when products are fresher and provide for a longer shelf life. This bill will increase costs by reducing the amount of good quality cultivatable acres with its proposed buffer zones, spreading cost over fewer acres. There is no doubt that this causes farmers to go, will cause farmers to go out of business, stopping expansion and reducing critical mass which will add incremental cost to farmers who do remain in business. This bill also unfairly targets farmers who used restricted-use pesticides which includes most of the larger farms here on Maui. As it states, no pesticides of any kind may be used in these proposed buffer zones. This includes non-restricted

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pesticides, yet neighbors whether they be farmers, homeowners or public roadway crews are allowed --

MS. YOSHIMURA: Four minutes.

MR. FRANCO: --to use such pesticides in these same areas. I appreciate...

CHAIR HOKAMA: Mr. Franco, can you wrap up? Can you conclude in a sentence?

MR. FRANCO: Thank you very much.

CHAIR HOKAMA: Okay, thank you very much. Members, any questions for the gentleman on his testimony?

MR. FRANCO: Thank you.

CHAIR HOKAMA: Having none, thank you very much, Mr. Franco, for being here. Paul Singleton, please, and after Mr. Singleton we have Howard Hanzawa. Okay, Mr. Singleton.

MR. SINGLETON: Good afternoon. My name is Paul Singleton. I was a research scientist with the University of Hawaii for 30 years. I've been farming for 16 years Upcountry. We grow fancy lettuces for the Maui and Oahu markets, and two families own this farm. We employ three other families on our farm, most of them sugar, sorry, pineapple workers who were let go when Maui Pine went out of business. We are in serious competition on our farm with Oahu, with the Big Island, with California, with Arizona, and with Mexico even. Everything that we do is driven to try to stay in a business and make enough money to pay our employees well. We spend about, we invest about 75 to 80 thousand dollars for each person that we employ on our farm. We use modern methods, and this is the way that modern agriculture is going. The old days of the farmer in the field with the hoe are long gone if you want to stay in business. We are also certified Food Safe, and I would encourage the Council and the rest of the State to really look at food safety as probably a lot more important than the pesticides because that's so highly regulated. There are no Federal regulations for food safety at the farm right now, and as Geoff Haines said, you can read in the newspaper about deaths from food safety, that's called listeria on the melons, it's called rat lung disease, there's no deaths but the ladies were in a coma on the Big Island. They poisoned themselves with contamination. And then of course we had the famous spinach contamination on the organic spinach in California. People died, liver, sorry, liver and kidney failure for that. So I encourage you to think about looking at these things that are real problems rather than the pesticides. I'd like to address some specific issues on the bill that we haven't heard here before, and I'd like to thank Mr. Achitoff for bringing this up. His legal mind looked at this bill and said this is a bill about Monsanto, and I agree with him there. But then he said well it's not about small farmers, they're not going to be affected, the orchid farmer, the vegetable, they're not going to be affected. And Paul doesn't know about agriculture and he's very, very wrong about that. We are going to get sucked into this. Our farm, we are not, we have no licenses to spray pesticides, we don't spray restricted-use pesticides, we don't want to, it's just

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too much trouble. And modern pesticides are so effective and so non-toxic that we can control our pests right now with this, but I have to tell you that when things are not restricted now, they can become restricted later.

MS. YOSHIMURA: Two and a half minutes.

MR. SINGLETON: New problems that come along can create a need for pesticides, restricted-use pesticides. If the little fire ant comes to our farm, we'll be using restricted pesticides or we will not be in business, so it's a moving language. I think that the Council needs to look at the language on your bill. And one of the big problems is is your threshold to trigger all this compliance is a five pound limit of the product, not the active ingredient. The Federal level is all active ingredient, the supply.

MS. YOSHIMURA: Three minutes.

MR. SINGLETON: So here we're applying products that aren't active that have no effect and you then trigger this, and pesticides come in 10 percent active ingredient, 20 percent, 30 percent, the same pesticide. You're not addressing other people who apply pesticides, and I bring into an issue, the biggest agricultural industry in the State of Hawaii is not Monsanto, it's the landscape industry and the hotels and the condos of this State, very intensely managed, lots of use of inputs on that land in fragile ecosystems. And are we going to have them the moment they have to notify everybody in the room? A hundred people up in the hotel, are they going to have to put a tag on their room everyday of what they did? I don't think so. But you've not included these people so it is a target at Monsanto. Very, very toxic pesticides are used for fumigation. Nobody notified me when my neighbor fumigated their house, and in fact some organic pesticides have, are much more toxic than some pesticides that are required restricted use, diazinon is one.

MS. YOSHIMURA: Four minutes.

MR. SINGLETON: So with that I would like to encourage you to one, do one other thing and that is go read the article from *The New York Times* about Greggor Ilagan, the council member on the Big Island. This is a young man who said I do not understand this, I need to understand. Not just listen to everybody, I gotta listen, I need to understand, and it's an article, a very inspiring article about his adventure in struggling to understand the technology. He made a decision to vote against that bill on the Big Island. He got threats after that but he made an honest, passionate effort to understand, and I would encourage everybody to do that. Thank you very much.

CHAIR HOKAMA: Thank you, Mr. Singleton. Any questions for the gentleman? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Thank you, Mr. Singleton. It didn't look like you were reading off of some testimony but do you have that in writing at all or some of that information?

MR. SINGLETON: I did. I turned one in.

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VICE-CHAIR COUCH: Oh, got you. Okay.

MR. SINGLETON: Unfortunately I did it late last night, it's a little bit...

VICE-CHAIR COUCH: It's in the pile. Okay, thank you.

MR. SINGLETON: It's basically similar, you'll get it.

CHAIR HOKAMA: Okay, thank you.

MR. SINGLETON: Anything else?

CHAIR HOKAMA: Any other questions for Mr. Singleton? Thank you very much for your testimony this afternoon.

MR. SINGLETON: Thank you.

CHAIR HOKAMA: Howard Hanzawa. Okay, we'll move on. Molokai, your next testifier, please.

MS. ALCON: Our next testifier is Gina Buehner.

CHAIR HOKAMA: Okay, thank you.

MS. BUEHNER: Hello. My name is Gina Buehner and I am a resident of Molokai. I work for Mycogen Seeds and I've worked for DOW AgroSciences for over 15 years. I am a mother, a consumer, and a concerned citizen. In order for us to register a new pesticide for DOW AgroSciences or for Monsanto or any of the other companies, we go through rigorous studies over a period of years at a significant cost to bring that new technology to market. To ensure the safety of that pesticide we use something called NOEL which is no observable effect level, and then we take that level and we multiple it by 1,000 just to make sure that there aren't any adverse effects to the public because we are part of the public as well. Our internal requirements are even more stringent to ensure the safety of our employees. Combining GMO crops with an integrated pest management system is responsible farming. We already come under Federal, State, and like I said, our internal company requirements for pesticide usage to ensure their safe usage. I just want to get across the fact that many people have the impression that these big multinational companies want to be the only solution, but the truth is with 7 billion people on this planet, we want to be part of the overall solution. Targeting farmers is not the answer. Organic, GMO, and conventional farmers need to work together to feed our growing world, and ongoing research is necessary to reduce the input cost and to increase our food supply so that we have a safe, sustainable food supply for everyone. Thank you very much. I very much oppose PIA-58. Thank you.

CHAIR HOKAMA: Thank you. Any questions for the lady on her testimony? Molokai, we do have a question. Ms. Cochran.



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COUNCILMEMBER COCHRAN: Thank you. And thank you, Ms. Buehner, for being there. Can you hear me?

MS. BUEHNER: Yes.

COUNCILMEMBER COCHRAN: Okay, good. Thank you. You said that you folks are very scrutinized when you register a pesticide? Did you hear...

MS. BUEHNER: Would you please repeat that.

COUNCILMEMBER COCHRAN: Sorry? Sorry, what did she say?

CHAIR HOKAMA: Repeat the question, please, Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, you said in your testimony that you're highly scrutinized or go through rigorous, you know, scrutiny when you register a pesticide.

MS. BUEHNER: Yes, ma'am.

COUNCILMEMBER COCHRAN: Yes. And so what you, the seed, is that considered that? A pesticide?

MS. BUEHNER: It depends on what the seed is if it is considered a pesticide. If there is a pesticide built into the seed, then it is also comes under EPA to ensure that that is safe prior to availability for sale. Yes.

COUNCILMEMBER COCHRAN: And that is what you're growing?

MS. BUEHNER: No, that is not what I said.

COUNCILMEMBER COCHRAN: No, but I'm asking.

MS. BUEHNER: We do grow some seeds that does have insecticide in it, that's true, Bt. But Bt is also available to the organic farmer to spray on his crops.

COUNCILMEMBER COCHRAN: Right. Okay, all right. Well thank you for your comments.

MS. BUEHNER: Alrighty.

CHAIR HOKAMA: Any other questions for the testifier, Members? Having none, thank you very much for your testimony this afternoon. Ella, Ms. Alcon, next Molokai person.

MS. ALCON: Our next testifier is Jorge Hernandez Camacho.

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CHAIR HOKAMA: Okay, thank you.

MR. HERNANDEZ CAMACHO: Hi, everybody. My name is Jorge Hernandez. I am a new hire for Mycogen in Molokai. I have expertise in management projects, safety improvement. Now I am learning and understanding all the process in the area to do the best practices for safety, health, and environment care. I oppose the bill because the US regulatory structure is very strong and correctly positioned [sic] with the State of Hawaii and Federal government. . . .(inaudible). . .

CHAIR HOKAMA: Okay. Are you done, sir?

MR. HERNANDEZ CAMACHO: Yeah.

MS. ALCON: Yes.

CHAIR HOKAMA: Okay. Any questions for Mr. Fernandez [sic], Members? Okay, no questions, so thank you very much for your testimony. Next person please, Ms. Alcon.

MS. ALCON: Our next testifier is Christina Schonely.

MS. SCHONELY: Hi, my name is Christina Schonely. I'm a native Hawaiian resident of Molokai and I work for Mycogen Seeds where we practice safety every day. I love my job and I strongly oppose the proposed bill. Thank you.

CHAIR HOKAMA: Okay, thank you very much for your testimony. Any questions for the lady, Members? Having none, one more please, Ms. Alcon.

MS. ALCON: Our next testifier is Jill Coombs.

MS. COOMBS: Hi, my name is Jill Coombs. I'm a Molokai resident. I'm a wife, I'm a mother of a beautiful and perfect little girl, and...sorry, I'm pregnant with our second child now. I am also an employee of Mycogen Seeds here on Molokai, and for basically all of my career here I've been either pregnant or nursing. This job provides for me and for my growing family, and they've been incredibly supportive of my role as an employee, but more importantly they've been supportive of my role as a mother. To me Mycogen is more than just a company that I work for, it's a group of my friends, my family members, my neighbors, people from my community, the people I go to church with, the parents of my kids' friends, and I know firsthand that we use pesticides in a completely safe and responsible manner, only according to the label and everything that is already mandated and overseen by USDA and EPA. As a biologist I had several years of training and experience on both sides of the GMO debate. I truly believe that what I am doing with my work on drought resistance and efficient use of nitrogen is good. Thanks. And I can tell you that my field trials are sprayed as responsibly as possible by trained and licensed professionals. I can only speak for myself personally but I walk my fields for

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several hours a day with this little one in my belly, and I am confident that we are not in harm's way and that neither are any of you. Thank you for listening.

CHAIR HOKAMA: Thank you for your testimony. Any questions for Ms. Coombs, Members? Having none, thank you very much for your testimony this afternoon. And we shall return to Molokai shortly. Char O'Brien, and after Ms. O'Brien, Brian Lehmann.

MS. O'BRIEN: Mr. Chair, Council members, thank you for hearing me. My background is in soil science. I come from the Midwest, and before I moved to Hawaii, I worked for 13 years in the dairy cattle industry. I worked with hundreds of farmers, with some of the largest universities, research farms, and bull studs in the country. So when I started hearing about...

CHAIR HOKAMA: Ms. O'Brien, I'm sorry to interrupt --

MS. O'BRIEN: Yeah, sure.

CHAIR HOKAMA: --but I would please ask you to state for the record your name. Thank you.

MS. O'BRIEN: Oh, I said Charlotte O'Brien, didn't I?

CHAIR HOKAMA: Oh, thank you.

MS. O'BRIEN: Charlotte O'Brien, yeah. Sorry. So when I started hearing about dairy farms in the Midwest that are starting to have very high incidences of cattle abortion and infertility, I started to take an interest and I started to research, and what I found is that there is a pathogen, an unknown pathogen, it is not a bacteria, it is not a virus. It reproduces in a Petri dish unlike viruses but it's about the size of a virus. So when they find cattle that have spontaneously aborted, they find this pathogen in the mycelium that caused the abortion. They find the same pathogen in the soil that is used, that's been used with high instances of Roundup and GMO crops. So they found this new pathogen in the soil, they find it in the crops themselves. It also causes what they call sudden death syndrome in soybeans, and it causes Goss's wilt in corn. So I'm very concerned that we now have a new pathogen, and I would really hope that we do not start bringing new pathogens to Hawaii, to Maui in particular. So that's why I came to testify today. I also have, I'd like to end with a story. I know a lot of people that work at Mana Foods, and I, sorry to use an anecdote but they tell me that one of the head people from Monsanto shops regularly at Mana Foods. And when he shops there he says is this organic? I want to be certain to buy organic food. And I think that's, it concerns me that he's not feeling good enough about his own products to eat his own food that he has to go and eat organics to be certain that he's not eating GMO food. I just think that's a little bit odd. Thank you.

CHAIR HOKAMA: Thank you, Ms. O'Brien. Any questions for the lady on her testimony, Members?

MS. O'BRIEN: Sorry.

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CHAIR HOKAMA: Having none, Ms. O'Brien, thank you very much for your testimony. Brian Lehmann, please. And after Mr. Lehmann we have a Bruce Douglas.

MR. LEHMANN: Good afternoon, Committee members. I'm Brian Lehmann. I live on Maui. I support the proposed bill. I kind of forgot about pesticides for a while, I've been eating organic food for so long. I'm basically concerned about GMOs, especially the ones with the insecticide inside the crop. That cries out for disclosure because of pollen drift. And I've seen an amended bill online that better addresses GMO disclosure in terms of what kind of GMO it is, so I would support that. But what I've been learning about pesticides lately is quite startling in terms of potential acute and chronic health effects. A recent study shows effects can even be transgenerational and cumulative and continue perhaps even with no exposure subsequent to the ancestral one. I've e-mailed you a link about the study. It's really a paradigm shift in terms of understanding human epigenetics. It's not just one gene, one protein as biotechnologists and others have relied upon, but how so called junk DNA actually controls gene expression. So we need to be concerned not only about how GMOs might influence our DNA, but how pesticide exposure might determine metabolic, physiological, behavioral, and other health outcomes for generations to come. Buffer zones are the least we can do. Disclosure is also needed going forward, especially if the crop is not yet deregulated. It's all the more reason for disclosure even if they say it's proprietary information. And just couple final points about the bill since this topic can tend to get esoteric, perhaps reported in the media but not --

MS. YOSHIMURA: Two and a half minutes.

MR. LEHMANN: --front page. I urge any environmental and public health impact study be truly community based, perhaps soliciting input from private citizens. Second, regarding buffer zones in Subsection C-2, it probably refers to dwellings owned by the commercial entity but it's not quite clear to me, so that needs clarification in my opinion if that is --

MS. YOSHIMURA: Three minutes.

MR. LEHMANN: -- indeed the intent. Thank you for the opportunity to testify.

CHAIR HOKAMA: Thank you, Mr. Lehmann. Members, any questions for the gentleman on testimony he has shared with the Committee?

COUNCILMEMBER COCHRAN: Yeah, Chair.

CHAIR HOKAMA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And thank you, Mr. Lehmann, for being here. The last comment you made in regard to buffer zones. Just a little clarification, you're saying as in the notifications and to whom that goes to? Can you just explain a little more what you meant by that last comment about the, your addition you'd like to see with buffer zones?

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MR. LEHMANN: Well when, as I recall when I read the Subsection C-2 and it was describing distances for buffer zones in certain areas, it wasn't quite clear. It was talking about dwellings owned by the landowner so I kind of had to assume that that was referring to dwellings that were on the commercial property and not landowners in general. So I mean I don't have the wording here right in front of me, but it's Subsection C-2 if you want to take a look at it.

COUNCILMEMBER COCHRAN: Okay, thank you. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. Any other questions for the gentleman? Mr. Lehmann, thank you very much for your presence. Bruce Douglas? Okay, we'll go to Molokai. Ms. Alcon, next Molokai person, please.

MS. ALCON: Our next testifier is Cynthia McCutcheon.

MS. McCUTCHEON: Hi, aloha. My name is Cynthia McCutcheon. I am a resident here on Molokai. This is my home and I love this place. This is really hard for me but I know how important it is that I speak, and thank you for hearing me. Thank you for hearing my testimony today. I strongly oppose this bill only because I feel that this bill is flawed. I feel that the farmers are being targeted, and I know that pesticides are adequately regulated by the Federal and State governments. I'm afraid of what kind of impact this bill would have on the agriculture business being that this is how we support my family. I've, it's hard to find a job here. I've been laid off twice before in, I've been working in the hotel business and I thought that this would be stable. So that's all that I have to say, thank you for hearing my testimony today. Mahalo.

CHAIR HOKAMA: Thank you, Ms. McCutcheon. Any questions for the lady on her testimony, Members? Having none, thank you very much. Ms. Alcon, next Molokai testifier.

MS. ALCON: Our next testifier is Salina Victorino.

MS. VICTORINO: Aloha.

CHAIR HOKAMA: Hi.

MS. VICTORINO: Good afternoon, Council members. My name is Salina Victorino. I'm a keiki o ka aina on Molokai, born and raised. I oppose this bill. For one thing, I know I'm an environmental health and safety officer for Mycogen Seeds. I'm the one that train our employees before they head out to the fields, so it's my responsibility to make sure that our employees are safe before they enter any fields on the restrictive pesticide use. Basically I love my job, I love the company we work for, and I stand strong on my opposition of this bill. Mahalo.

CHAIR HOKAMA: Thank you, Ms. Victorino. Any questions for the testifier, Members? Having none, thank you very much for sharing your thoughts. Next, Ms. Alcon.

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MS. ALCON: Our next testifier is Susan Poaha.

MS. POAHA: Honorable Committee Chair Hokama, Vice-Chair Couch, and respected Council members, aloha. My name is Susan Poaha, born and raised on the island of Molokai. I'm a single parent and raised two daughters who are now adults. My oldest daughter had seizures while in elementary school and was put on medication. My youngest daughter since birth has respiratory problems to this day and deadly asthma, and it's not from pesticides or GMOs, it's from mother nature. It's from the genetics that their father and I pass on to them. Simple. I work for Monsanto, Molokai and I'm very proud to be part of this company. Talk about safety, Monsanto is the place to work. We all use pesticides at home and work to kill insects. Monsanto always stresses the importance of safety at work and reminds us about home safety as well. Monsanto gives back to the community on Molokai, especially jobs. Our jobs help to turn the economy here. We are the largest private employer. Please understand the importance of our employment and employer. Here on Molokai it is hard to find jobs with livable wages. Please do not pass this proposed bill. Thank you.

CHAIR HOKAMA: Thank you, Ms. Poaha. Questions for the testifier, Members? Having none, thank you very much for your comments this afternoon. One more, Ella, and then we'll come back to Maui.

MS. ALCON: Our next testifier is Mark Ballocanag.

MR. BALLOCANAG: Good afternoon, Council members. My name is Mark Ballocanag. I work for Mycogen Seeds of Molokai. At Mycogen we follow all State and government regulations and precautions on how to protect ourselves and our coworkers on applying pesticide. And I testify against this bill, so thank you for your time.

CHAIR HOKAMA: Thank you very much for your testimony. Any questions for the gentleman? Having none, thank you very much. We shall return to Molokai. Tamara Paltin. After Ms. Paltin, Oriana Kalama.

MS. PALTIN: Good afternoon, Council members. Thank you for the opportunity to testify here today. My name is Tamara Paltin. I'm a County worker and I wanted to start off my testimony with an excerpt from the Countywide Policy Plan. The needs of each individual, the needs of the whole community, and the needs of our natural and cultural assets will be brought into balance to reflect the high value we place on both our natural environment and our people. That being said, I wanted to say that I support agriculture and I also support the intent of this bill. Although it's not perfect like how some of the other people said it doesn't address golf courses and things like that, I believe that that's the purpose for this discussion, and I have strong faith in all of the Council members here that they're smart enough and listen enough to fix the bill in such a way that it works for all of us. I'm 100 percent behind transparency and accountability, and I think that we have the right to know what types of pesticides and things are being used no matter how safely they're applied or in accordance with State and Federal laws. Earlier testifier said that this was a solution without a problem and so I'd like to thank Councilmember Cochran for

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addressing it before in their perspective it even becomes a problem, because if we wait 'til the point where even one child is affected by it as a problem, it's too late. I mean we all know how fast the bureaucratic lawmaking process works, so we don't want to wait until it becomes a problem to address it. And I don't think there's a problem with adding another layer of protection. Just a personal story about State, Federal, and County laws. I work near a beach and, you know, construction has best management practices. I've been sharing with some Members how those best management practices are not working.

MS. YOSHIMURA: Two and a half minutes.

MS. PALTIN: Been in contact with the State, Federal, and County agencies and yet the water quality at DT Flemings is still a problem, especially with these recent rains. So I think, you know, if it's a problem or a fear, there's no downside to getting everybody onboard to address the fears or the problems. That's it.

CHAIR HOKAMA: Okay, thank you very much, Ms. Paltin. Any questions on Ms. Paltin's testimony, Members? Having none, thank you very much for being here. Oriana Kalama, please, and after Ms. Kalama, Lauryn Rego.

MS. KALAMA: Aloha, County Council and Chair. My name is Oriana Kalama, and I'm the president and founder of a Maui grassroots organization, we're Ocean Defender. I thought we would be discussing the revised version of the bill so I'm quite disappointed that we're wasting this time, in my opinion. So I would like to speak on behalf of myself, my children and our 200,000 supporters. We are the largest Hawaii-based environmental organization on social media today. We are in favor of communication of this bill. Our oceans are sick. Everything that happens on land has an effect in the ocean, and every single problem the ocean is facing originates on land. Our oceans are very sick right now, I don't have to go on it. Radiation, ocean pollution, acidification, I mean it goes on. Yeah. So these problems are caused by us and our lack of concern, respect, and involvement. We have become the largest polluters of this planet and this has to change, yeah, shame on us. I'm here because I'm extremely concerned about the negative effects of pesticides, fertilizers, herbicides, and chemicals in our ocean waters. I am concerned about the products we know about and currently use, but most importantly I am concerned about the ones we don't know about and were being applied without our knowledge. This information, what we're using is vital for our health and our reefs, you know, vital for the health of our reefs and our oceans. I have recently testified in favor of Bill 2491 because I believe that not only we have the right to know what's being used on our land and going in our oceans, but these companies have the obligation to tell us what they are using on our land. Was there ever an Environmental Impact Study performed before all these biotech companies invaded our island 17 years ago? Thousands of people of Kauai are suffering from defects of unwanted chemicals inflicted upon them by these companies. The reefs in Kauai are dying. Do you want that to happen here on Maui? The reefs of the North Shore of Kauai are home for the fastest growing reef epidemic on this planet. Entire coral colonies are dying within a month of being infected. These are 400-year-old coral colonies home for endemic species of tropical reef fish and the foundation for our food supply on an island. We have been working with marine

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biologist Terry Lilley in documenting this reef epidemic and we have reasons to believe that there could be a direct correlation between this disease and the use of products made by the biotech companies.

MS. YOSHIMURA: Two and a half minutes.

MS. KALAMA: We have just spent \$30,000 on laboratory tests, TestAmerica, \$30,000 to find chemicals that were present there. Let me tell you, chromium, nickel, yeah, we found dioxin and arsenic in the river. So chromium and nickel in case you don't know, those are fertilizers, those are found in fertilizers, so we're killing the ocean and the reefs with this fertilizers. Right. So for those people who said here that we're not seeing any effects --

MS. YOSHIMURA: Three minutes.

MS. KALAMA: --it's wrong. All these turtles with giant tumors, what do you think is causing that? What is causing the algae overgrowing the reef and killing our reef? What you think is causing that? It's fertilizers and pesticides, you guys. C'mon, we gotta wake up. Get a mask and snorkel and go take a look at the reef because we're not only killing our land and our people, we're destroying our ocean, and as an islander I am really concerned, really concerned. So mahalo.

CHAIR HOKAMA: Thank you very much for your testimony.

MS. KALAMA: You're welcome.

CHAIR HOKAMA: Is there any questions for Ms. Kalama on what she shared with the Committee, Members? Having none, Ms. Kalama, thank you very much for your thoughts this afternoon. Lauryn Rego, please.

MS. REGO: Aloha, Council. My name is Lauryn Rego and I support the bill as amended. In my interpretation, this was never intended to be an anti-farming bill as I've heard it thrown around today. I can tell you with certainty the supporters of this bill are not against farming and are some of the most active consumers of locally grown products. Concerned with the idea that 90 percent of our food is imported, I recently organized an eat local challenge with hundreds of participants to eat nothing but Hawaii-grown food for a week. It was eye opening to see how difficult that really is, and a way to draw attention to our food security issues while casting light on local farms and local products that our fertile island has to offer. I frequent farmer's markets, I choose local in the grocery store, I support restaurants that serve locally grown products. I don't want to hurt farmers, I love farmers. That being said, what Monsanto is doing is not farming. I have read their PR campaigns with their we're just family farmers like everyone else spin. The truth is this, they are the world's largest manufacturer of weed-killing chemicals, and the corn that they grow here, this is not feeding the world, this is not feeding anyone. It never ends up as an ear of corn on someone's plate. The fields of corn that they grow here are a big open-air laboratory for their experiments. They are developing new strains of seeds that are able



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to withstand more and more of the chemicals that they sell, and in doing so they are using more of those chemicals than they use anywhere else. Although a Midwest corn farmer may spray to 8 to 10 times a year, these chemical seed operations spray 200-plus days a year. One of my concerns with the amount of pesticides being used by these companies comes back to our local food security. There is a renaissance happening in Hawaii, a return to the culture that once included a very sophisticated model of sustainable farming. It seems pretty obvious that the continuous spraying of the same land over and over again with more and more death and cancer causing chemicals is not a viable long-term plan for the limited farmland of Maui County. I understand that this bill is modeled after Bill 2491 on Kauai which affected the business practices of five companies, four of those were huge chemical corporations and the fifth was Kauai Coffee, the largest coffee farm in the United States. I've not obtained a list of how many companies this bill will affect, but I am assuming that those using 5 pounds or 15 gallons of restricted-use pesticides a year are not small-scale farms. I believe that the public has a right to know when and where these restricted chemicals are being sprayed and in what combination. I also believe it is common sense that mandatory buffer zones exist between these sprayings --

MS. YOSHIMURA: Three minutes.

MS. REGO: --and homes, schools, and other sensitive areas. Please give this bill a chance.

CHAIR HOKAMA: Are you done?

MS. REGO: I am done.

CHAIR HOKAMA: Okay, thank you very much.

MS. REGO: Thank you.

CHAIR HOKAMA: Members, any questions for the, our testifier on what she presented to you? Thank you very much. Molokai, your next testifier, please.

MS. ALCON: Our next testifier is Ray Foster.

MR. FOSTER: Good afternoon, Council members, and thank you for hearing my testimony in opposition to PIA-58. My name is Ray Foster, I'm a resident of Molokai and I work for Monsanto. My coworkers and I use pesticides correctly and in safety for ourselves, our community, and our island. I have farmed in Hawaii for nearly all of my working life. My children grew up on farms, and I have wonderful, healthy grandchildren. Agricultural employees around the nation work safely to put food on your table and the clothing on your back. We do the same every day for millions of people around the world and it's not easy. This legislation is prejudicial to me and my coworkers. Please kill this legislation today. Thank you.

CHAIR HOKAMA: Thank you, Mr. Foster. Any questions for the gentleman, Members? Having none, thank you, Mr. Foster. Ms. Alcon, the next Molokai testifier.

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MS. ALCON: Our next testifier is Dawn Bicoy.

MS. BICOY: Aloha, Committee Chair Hokama, Vice-Chair Couch, and respected Council members. Thank you for hearing my testimony in opposition of PIA-58. My name is Dawn Bicoy, and I've been employed with Monsanto Molokai for over 13 years. My family has five generations on Molokai, the first of which immigrated here over 110 years ago to work in this great opportunity we know as Hawaii agriculture. This agricultural legacy continues on Molokai due in large part to the seed industry. Our sector is the largest private employer, currently employing approximately 11 percent of our Molokai's workforce, with livable wages. I'm here not to talk about the specifics of the bill, I'm here today to address what this bill implies. It implies that farmers don't care about their environment or their land. It implies that the seed industry and our genetically engineered plants are harming our neighbors, our families, our own children. It implies that the future of science and scientific consensus is now unsound and foolish. It implies that our own government and the thousands of experts, independent and those employed at the EPA, FDA, and USDA who review these GMOs and pesticides aren't expert enough. But these implications aren't facts, and they won't help clothe, fuel, or feed the world. You know in spite of repeated warnings given by those who support this bill, people are living longer, healthier lives. Every year life expectancy increases globally. If these implied woes and the degradation of public health and environment is growing catastrophically worse, what accounts for our increasing longevity? We are living longer, healthier lives. Isn't this our goal? So the entire conversation deserves honest discussion, it warrants access to factual information, and merits a greater perspective. There is inherent risk in rejecting new technologies and establishing public policy that inhibits innovation. When public policy discriminates against the use of products or technologies that have been repeatedly proven beneficial to the greater populace by scientific consensus, our community, our State --

MS. YOSHIMURA: Two and a half minutes.

MS. BICOY: --and our society suffers a great loss. Our neighbors, friends and families on Kauai are deeply divided by this issue. We can't afford to let the same thing happen here on Molokai, and throughout Maui County. If there really is a clear objective then let's identify it and work towards achieving it together. I respectfully ask that your decisions are based on facts and evidence. Please don't overlook the voices of those who work and produce agriculture --

MS. YOSHIMURA: Three minutes.

MS. BICOY: --and will suffer the consequences of any anti-agriculture bill. For these reasons I ask that you please do not pass this bill. Much aloha for your time.

CHAIR HOKAMA: Thank you, Ms. Bicoy. Members, any questions for the testifier? Having none, thank you very much. Next person, Molokai.

MS. ALCON: Our next testifier is Piilani Augustiro.

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MS. AUGUSTIRO: Hi, my name is Piilani Augustiro and I'm a proud resident of Molokai, and I'm very blessed to call this place my home. I'm also an employee of Monsanto. Since becoming an employee, reading and learning about what we do here as a company has been one of my priorities. It has given me more knowledge that has helped me to build my testimony of what we do and why I continue to be a proud employee. For many years now we have been faced with much opposition. There has been times that we as employees have found ourselves on the frontline trying our best to defend our job, our livelihood, and our dignity. Agriculture continues to be one of the biggest industries in the nation. It has already been hit with so many regulations. The creation of a County agency would not only duplicate the Department of Ag's efforts but cause confusion for any farmer. Most chemical applications and registrations are already established through Federal laws and regulations. Facts show that pesticides and genetically engineered crops play a positive role in agriculture. Farmers need these tools to protect their crops from destructive pests, weeds, and diseases, and to prevent the spread of diseases to kill invasive species in significant areas. Farmers, like all licensed users of pesticides have a tremendous incentive to abide by the numerous State and Federal laws governing responsible pesticide usage. I feel like this bill ignores the voices of the farmers. As a member of this community, as an employee of Monsanto, as the mother who feels blessed and proud to call this place my home and raise my children, I am here today to respectfully ask that your decision is based on facts and evidence. For these reasons I ask that you do not pass this bill. Mahalo.

CHAIR HOKAMA: Thank you very much for your testimony. Members, questions for the testifier? Having none, thank you very much. We shall return to Molokai. Hana, is there anyone, Ms. Lono, that would like to give testimony?

MS. LONO: The Hana Office has no one waiting to testify.

CHAIR HOKAMA: Thank you. Ms. Fernandez, anyone Lanai?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR HOKAMA: Thank you. In the Chambers, Nomi Carmona, and after her, Robert T. Martin.

MS. CARMONA: Aloha, Chair. Thank you for having this hearing. Maui County Council, my name is Nomi Carmona, I'm the president of Hawaii political nonprofit Babes Against Biotech. We have 13,000 members Statewide. We focus on GMO and pesticide policy, and we have about 22,000 subscribers on chapters on all the islands except for Molokai and Lanai, and we support our local farmers very much so and direct our members to purchase from non-GMO local farmers because GMOs have actually been banned or highly regulated in 30 countries and most of the European Union due to environmental and health risks. So experimental pesticide permits, I want to clarify, have been issued for Hawaii, so they are experimenting with pesticides and that's an option for Maui as well. It's the lack of transparency in this industry that's causing increasing concern for Hawaii residents. Right now the biotechnology industry is dominated by chemical companies which engineer the crops to either resist or contain the pesticide that they

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conveniently manufacture. There is no scientific consensus on the safety of GMO crops, and there is actually an open letter refuting the claims of the biotechnology industry by several very reputable and high level scientists from across the world. So the precautionary principal alone though should be enough to mandate pesticide disclosure and open-air genetic experimentation disclosure, and buffer zones for toxic synthetic chemicals, as well as implied impact research. So the disclosure of pesticides is acutely critical for our medical professionals for traceability. Kauai pediatricians had banded together to urge the council to pass similar legislation due to the alarming rise in birth defects and the need to eliminate or identify the source of those birth defects. So I will provide for you a copy of a legal petition that we have with a number of medical professionals and nurses and doctors urging you to please pass this legislation. The American Academy of Pediatrics released an official statement in 2013 stating that pesticide exposure can cause preterm birth, neural, behavioral and cognitive effects, asthma, low birth rate and congenital abnormalities. So those recommendations are to limit exposure and for those in the medical community to advocate for legislation like this to protect our citizens. Furthermore, the American College of Obstetrician and Gynecologists, ACOG, in October of 2013 stated that pesticide exposure could cause altered semen quality, prostate cancer, and sterility in males. And in women can cause early puberty, alterations in menstruation, fertility, menopause, and birth defects for their offspring. So I'll provide you a copy for that. The Hawaii State Teacher's Association --

MS. YOSHIMURA: Two and a half minutes.

MS. CARMONA: --had to get a restraining order against the chemical, one of the chemical companies for spraying next to the school, so it actually is a problem. And the chemical industry has very high level executives now in the EPA, FDA, and USDA. So, Justice Clarence Thomas is a former Monsanto attorney. He did not recuse himself from a GMO alfalfa deregulation case, and now the majority of our livestock has access to GMO alfalfa or Bt alfalfa in a lot of cases which has the pesticide engineered into the actual food and has been found by...

MS. YOSHIMURA: Three minutes.

MS. CARMONA: May I have one more minute, please? Thank you. By Sherbrooke Gynecology Hospital in Canada to be contained in the blood of 93 percent of pregnant women and 80 percent of their umbilical blood. So this does not break down in the system as companies have suggested. Incidentally, all the industry research which is available in the United States is paid for by the industry since the patent restrictions that they have require permission for those companies. So all of the foreign research and independent research from other places completely conflicts with the research they're standing on. The FDA and the USDA are approving, the USDA is approving GMO crops for human consumption with 90-day studies performed by the companies which stand to benefit from their approvals. Consistent failure to regulate pesticides at the State level is evidenced in the blatant lack of knowledge by the Department of Agriculture not even knowing well how many pesticides are being sprayed. And we have 7 of 72 pesticide misuse exposure cases that still have not been responded to from 2011 and 2012 from one person. That's for Kauai alone.

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MS. YOSHIMURA: Four minutes.

MS. CARMONA: Statewide....thank you very much for having us and please pass this legislation and protect our constituents. Aloha.

CHAIR HOKAMA: Thank you, Ms. Carmona. Any...boy, you speak fast.

MS. CARMONA: I testify a lot.

CHAIR HOKAMA: Good experience. Is there any questions for the lady on the testimony that she shared with you this afternoon, Members?

COUNCILMEMBER GUZMAN: Chair? Is that testimony in writing?

CHAIR HOKAMA: Let me ask the lady.

MS. CARMONA: I actually work full time in the Legislature on these issues so we're slammed, but I will submit to you later today my testimony in writing on behalf of Babes Against Biotech.

COUNCILMEMBER GUZMAN: Okay, thank you.

CHAIR HOKAMA: Okay, we would appreciate that.

MS. CARMONA: Yeah, absolutely. I have over 700 studies I'd really like for you to read. Thank you.

CHAIR HOKAMA: We'll consider it. Any other questions, Members, for Ms. Carmona? If not, Ms. Carmona, thank you for your presence. Robert T. Martin, and after Mr. Martin a Michael J. Murphy.

MR. MARTIN: Mr. Chairman, Council members, thank you for taking your time to hear me. My name is Bob Martin. I have a plant nursery in Paia and I wish to testify against the pending bill as it stands as it attempts to cover too much ground while being too vague and potentially ineffective. Pesticide drift and genetically modified crops are different and complicated subjects that require separate consideration. They should not be considered and further confused by inclusion in a single bill. While GMO concerns deserve attention, I will deal entirely with the pesticide drift because of my training and experience in this area, and the possible...and the provable seriousness of this problem. Three attached newspaper commentaries, starting in 1984, discuss Maui's problems with pesticide drift and from weed killers and herbicides adversely affecting crops and plants. Those are three attachments in here. As one trained in plant pathology, I limit my observations to plants even though I recognize possible toxicity to humans from chemical drift. In attempts to call attention to this problem, I have testified at annual public hearings held by the Department of Agriculture before the DOA discontinued these hearings after 1989. And I have attachments 4 to 11 on those hearings and that testimony. Based on the failure of the DOA

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to identify the cause of many plant problems that are obviously caused by chemical drift, and the heavy losses that diversified agriculture has endured as a result of this damage, many people, including myself, believe that the DOA is covering up this problem on the behalf of special interests. Passed in an earlier era, the State already has many very good laws that cover the situation. I give examples of that. It is obvious that these laws are not enforced. Efforts through the current State administration --

MS. YOSHIMURA: Two and a half minutes.

MR. MARTIN: --and the Environmental Protection Agency have been unproductive, and I give examples of that. Without commenting on the GMO situation, I can recognize a very serious problem from chemical drift for the people of Maui. I commend Councilmember Elle Cochran for recognizing the problem and offering this bill as a serious attempt to address it. Hopefully the attached material will be of use in furthering her efforts to eventually succeed in one form or another.

MS. YOSHIMURA: Three minutes.

MR. MARTIN: Thank you very much.

CHAIR HOKAMA: Thank you. Any questions, Members, for Mr. Martin? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And thank you, Mr. Martin, for being here. I appreciate. And your opening comment in regards to the combination of the two issues, I completely agree that perhaps, you know, we as a body can definitely separate that out, but that's for further discussion. But I just wanted to get a little bit more elaboration as to your firsthand I guess experience from I guess chemical or pesticide drift of losses.

MR. MARTIN: I'm sorry, start over again on that.

COUNCILMEMBER COCHRAN: Oh, sorry. I wanted to...can you hear me? Yeah. I wanted to get a little more elaboration upon your comment in regards to chemical or pesticide drift and the heavy loss in crops or, you know, your merchandise.

MR. MARTIN: Is this in losses or? Again, I'm hard of hearing.

COUNCILMEMBER COCHRAN: Yeah, in losses. I mean you have firsthand accounts of this occurring, is that correct?

MR. MARTIN: I have seen a 300-acre tomato, I mean 300-acre passion fruit farm in Maui Lani go under as a result of chemical drift. It appears that chemical drift was ametryn vapors from weed control chemicals. I've seen a tomato grower that at times supplied one-third of Hawaii's tomatoes who was a excellent farmer who was going to produce still more tomatoes go out of business because of chemical drift. I have seen many of the small farmers in Omaopio and Kihei

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go out. And I came over to Maui in 1964 to sell chemicals and fertilizers to agriculture on Maui. These people were all my customers. I was out in the field, I saw what was happening, I was selling chemicals to the plantations and the farmers. I have had some overall now 60 years of experience in agricultural chemicals including work that I did in early 1950s on chemical drift, methods of controlling chemical drift. So I've been with the problem just about from the start.

COUNCILMEMBER COCHRAN: Okay, thank you. Thank you for your firsthand accounts. Thank you, sir.

MR. MARTIN: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR HOKAMA: Okay. Michael J. Murphy, please.

MR. MURPHY: Good afternoon, Maui County Council. My name is Michael Murphy. I'm well known for my films which focus typically on geoengineering and also on genetically modified foods. We've heard a lot of data here today, much of which is correct. I have had the opportunity to travel around the world and screen my film, even spoke and screened my film at the European Union, and as many of us know Europe, many of the countries there have taken additional steps to ensure that their citizens are safe. And they have voted for GMO food labeling and similar bills such as this. I really want to reach out and commend Elle Cochran for stepping up and taking what I would assume to be a difficult position, because as Council members I'm sure that you have many things to consider, some of which is the prosperity of the corporations here on Maui but also the citizens and their health and their safety on Maui. But I think we must ask a question, which is most important? And again, you know, we recognize that you have a lot of different things to consider when looking at legislation, but what is most important? And before we ask that question I think another thing to go on, we've heard a lot of testimony from a bunch of farmers and we certainly, I think those of us that are in support of this bill, we want to see you thrive as well as farmers on Maui. A thing to consider, pesticides are new. They are not something that were around when our ancestors were vibrant, when our ancestors were prosperous in their crops. Why do we need them today? There are different techniques that can be used in, that have been used for generations which can be as effective and not harm the citizens. So looking back into Europe, what is most important? Is it prosperity or is it the health of the citizens? Let's get one thing straight, big ag, pesticide use, they are not for the small farmer, they are for profitability. Corporations do not thrive without money. Let's take the power back on Maui, let's be an example here --

MS. YOSHIMURA: Two and a half minutes.

MR. MURPHY: --in the United States. Let's be an example here to the nation to stand up, consider the risks, consider alternatives, and move forward with legislation so that we can protect something that is not based on data from the big ag companies. Now I've heard a lot of people address facts about testing with EPA, Department of Ag. I think it's very clear --

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MS. YOSHIMURA: Three minutes.

MR. MURPHY: --in today's government and corporate society we are at a time where we have seen unprecedented political and corporate corruption. Let's take a stand here, let's be an example, not the experiment. Thank you very much.

CHAIR HOKAMA: Thank you, Mr. Murphy. Members, any questions for Mr. Murphy? Okay, no, no questions. Mr. Murphy, we thank you for your testimony --

MR. MURPHY: Thank you very much.

CHAIR HOKAMA: --this afternoon. Okay. I think the Committee needs a break 'cause Staff needs a break also, so we'll return at 3:30. So we'll stand in recess 'til 3:30. . . .(gavel). . .

**RECESS: 3:16 p.m.**

**RECONVENE: 3:37 p.m.**

CHAIR HOKAMA: . . .(gavel). . . This meeting shall return to order. We shall continue to receive testimony from the public on Item 58 before the Committee. As an announcement, the Chair will make that this meeting shall conclude at 4:30 on the dot. If we do not complete all testimony, the Chair will be recommending a date to the Committee members when we shall meet again for a recessed meeting until we either conclude the testimony portion or people choose not to exercise their option of providing verbal comment to the Committee. As I stated earlier, we shall continue to receive written testimony on the item nonetheless. But for today for Molokai's interest, we understand there's many of you still wishing to give testimony. We have commitments from the Members 'til 4:30 and then at which time if we have not completed our job for the day, we shall consider a recess and the Chair will announce the proposed recessed meeting date, time, and place. Okay. So at this time we'll continue. Molokai, bring your next testifier forward, please.

MS. ALCON: Our next testifier is Joan Lasua.

CHAIR HOKAMA: Thank you.

MS. LASUA: First I want to thank the Committee for taking the time to hear what the Molokai community has to say about this important issue. My name is Joan Lasua and I live on Hawaiian homestead land in Kalamaula, Molokai, and have worked in agriculture on Molokai for over 30 years. I managed Hikiola, our local farm supply cooperative for 10 years, and have spent the last 20-plus years in the corn seed industry working for Monsanto. I'm very concerned about this current GMO/pesticide bill being considered by your Committee. This bill is anti-agriculture and was presented without any discussion with the very industry it is targeting. Another layer of County regulations will not make the use of pesticides any safer. The Hawaii



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Department of Ag and the United States Department of Ag have very comprehensive programs in place that monitor the use of chemicals. My years of experience in ag have shown me that those agencies are very thorough in their oversight of pesticide usage by farmers as well as the sales of restricted-use chemicals by vendors. This bill being considered will hurt the farming community in Maui County and have serious negative impact on Molokai's economy should the seed companies leave our island. I respectfully request you uphold the wishes of the Molokai community and oppose this bill. Thank you for your consideration.

CHAIR HOKAMA: Thank you very much for your testimony. Any questions, Committee members, to, for the testifier? Having none, thank you very much. Next testifier, Ms. Alcon.

MS. ALCON: Our next testifier is Melissa Poepoe.

MS. POEPOE: No mind me, I nervous.

CHAIR HOKAMA: Take your time.

MS. POEPOE: Aloha. My name is Melissa Poepoe. Before I go any further I would like to thank you for taking the time to let me read my testimony and letting my voice be heard. I was born on Oahu and raised on Molokai. I'm a single parent of two daughters. Since I was a little girl I've been living off of welfare. My parents were unable to find good jobs here on our small island, so now I'm still getting assistance from the government but back in December of 2006, I secured my first job as an adult. I became an employee of Monsanto Molokai. For me it was a life-changing experience because my job kept me busy and out of trouble, and I was able to better support my two daughters as well as myself. Back then I didn't realize how important my job was until I was terminated. I tried looking for other jobs but wasn't successful. Then I finally reapplied at Monsanto and was hired again on November 4, 2013. During the two years I've been out of work I realized that I took my job for granted. Now my job is a priority for me and it's once again supporting my family and I. If the bill is passed I'm pretty sure myself and a lot more workers along with their families will be affected full on. I feel like the activists and whoever else that's trying to shut down all these big seed companies are not even educated on all the so-called issues that they're protesting. If my job/Monsanto wasn't a safe place to work, I would not be here. I especially would not want to expose my family to anything that would affect their health. That's why I'm proud to work for this company, and people should be more educated with what we do as farmers. I know for a fact that a lot of the protestors out there don't even have the facts about our company, it's all hearsay. So please do the right thing and throw the bill out. Thank you.

CHAIR HOKAMA: Thank you for your testimony. Any questions for the testifier, Members? Okay, having none, thank you, Ms. Poepoe. Next, Ms. Alcon.

MS. ALCON: Our next testifier is Patti Guay.

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MS. GUAY: Hi, my name is Patti Guay and I'm an employee of Molokai or Molokai Monsanto. I've been a resident of Molokai for 13 years and I appreciate the opportunity to voice my opposition to PIA-58. I have submitted written testimony but would like to voice, again, several issues that I believe are discriminatory about this bill. The restricted-use pesticide that we use here at Monsanto and also is used by very many other business sectors but yet agriculture is being attacked by this bill. It will affect many other companies, not just the seed companies, and I believe we rely on agriculture in the State as a major income for many families. GMOs are also being attacked because of the lack of understanding, yet if everybody recalls, GMOs saved the papaya industry on the Big Island, and there may be other items that get affected by viruses or insects that can be saved by GMOs in the future, and we shouldn't get rid of them just because we don't understand them. Thank you for hearing my testimony today, and I strongly oppose this bill.

CHAIR HOKAMA: Okay, thank you very much for your testimony. We're going to return to the Chambers at this time. We'll ask Jasmine Kilborn if you are present for your testimony, please. Jasmine Kilborn? Okay, we'll go to the next one, Brian Murphy. Brian Murphy? Christine Andrews.

MS. ANDREWS: Hi, my name is Christine Andrews, I'm a local attorney. For the last two years I've specialized on clean \_\_\_\_\_ and clean air issues. I became involved in clean air back in November of 2011 when my daughters were sick and I was sick. I believe that the cause of the sickness was respiratory illness from emissions at the HC&S Puunene Mill. I complained to our local Department of Health representative on Maui, enforcement officers on, in Honolulu, they denied my claim. It took two years, I was able to uncover documents that verify that the claims were actually, it was verified that HC&S for 37 days did not properly operate the pollution controls at HC&S Puunene Mill. They're meant to be checked every eight hours for proper functioning, it was inoperable for 37 days. Made my children sick. There were several people that complained. I did not get this evidence until November of 2013. I submitted it to the EPA, they have opened an investigation, and right now the mill is shut down. I just bring that up because we cannot trust our local enforcement officers. There is not a branch of the USDA or an enforcement officer from the EPA here in Hawaii at all. Every time the EPA would come, the mill would shut down. I have evidence of that as well. So those are the, that's the main concern that I have is that our enforcement mechanism here is not sufficient. I have a number of documents that I submitted with my written testimony. I wanted to just reiterate some of the statements that were made. This is from Pesticides in the Air. It's a petition to the EPA to protect children from pesticide drift. It was submitted to the EPA docket by Earthjustice and Farmworker Justice, and I'm so glad to have so many farmworkers here and I hope that they can hear what's said, because the agribusiness companies and the exposure to pesticides is a Farmworker Justice issue as well. Okay. So I have, in 2009 the EPA tried to draft labeling restrictions for pesticides that would help address the question of pesticide drift. Based on that and I've submitted all these documents from the docket, they suggested that there be additional labeling restrictions. That was, has not advanced any farther probably under industry pressure, but I want to give you some evidence that was submitted as references in the Earthjustice and the Farmworker Justice submission.

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MS. NAKATA: Two and a half minutes.

MS. ANDREWS: There was...and I've added all these documents in submission this afternoon to my testimony. There was a 1993 study from the National Academies of Sciences reviewing pesticides in the diets of infants and children. There's a National Institute for Health research study on the impacts of residential proximity to agricultural pesticide applications and childhood acute lymphoblastic leukemia. There's a study from the American Journal of Epidemiology linking --

MS. NAKATA: Three minutes.

MS. ANDREWS: --Parkinson's disease--may I have one more minute?--linking Parkinson's disease to residential exposure to maneb and paraquat from agricultural applications in the Central Valley of California. There is a General Accounting Office Report to Congressional Requesters dealing with pesticides and the improvements needed to ensure the safety of farmworkers and their children. There's a study from Environmental Health Perspectives dealing with health outcomes in farmworker populations exposed to pesticides. There's a study from the Washington Aerial Spray Drift Study dealing with an assessment of off-target organophosphorus insecticide atmospheric movement by plant surface volatilization. There's a study from environmental working group Every Breath You Take, Airborne Pesticides in the San Joaquin Valley. A study from 2008 from the Pesticide Action Network, Air Monitoring in Hastings, Florida, and it's October 1<sup>st</sup> to December 6<sup>th</sup> of 2007. And a report by the Farm Worker Pesticide Project, Poisons on the Wind.

MS. NAKATA: Four minutes.

MS. ANDREWS: So thank you for your time. I hope you can review the data that shows that there actually is a real causal link by these very substantive research studies dealing with pesticide exposures from agricultural drift. Thank you.

CHAIR HOKAMA: Thank you, Ms. Andrews. Members, any questions for Ms. Andrews on testimony she has shared with you this afternoon? Having none, we thank you for your testimony. Eddy Garcia.

MR. GARCIA: Hello, Council members. My name is Eddy Garcia. I run a sustainable farm program out on Hana Highway. We teach the benefits of bioremediation of soil. We use no pesticides, no chemicals, no fertilizers whatsoever. We have a 100 percent closed-grid system that we educate people with. I did not come prepared so I kind of just wrote notes on some of the things that I've heard said around here today. One of them in particular was Mr. Haines' comment on that there is no definitive proof of chemical pesticide residues left in soil in Hawaii which is absolutely ridiculous. I can show you six different studies on Molokai where heptachlor is a major issue on Molokai, and cucumbers grown in the Homestead fields on Molokai were actually have to be taken to Johnston's Atoll as toxic waste. So it's really heavy. You can look into...and okay so

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let's start out with Monsanto's track record. Roundup, Agent Orange, PCBs, a study on PCBs shows that PCBs are in the world right now worldwide. We are at 100 percent saturation. What that means is that every fetus that has ever come out in this day and age and umbilical cords show PCBs in 'em, literally. That's a chemical that was created by Monsanto in the 1930s I believe. Heptachlor, in the 1980s there was a huge outbreak here in Hawaii because Haleakala Dairy was actually feeding pineapple tops contaminated with heptachlor for the mealybug to the dairy industry. Women were coming down with heptachlor poisoning. Some of the women that I know in particular on Molokai who have been a part of that study still have heptachlor in their system 30 years later in their breast tissue. I'm not a scientist on the level of the carcinogen but I've been told it's a No. 10 on the carcinogen level. That is not Monsanto's project, the heptachlor, but my point that I'm trying to prove is that these chemicals do leave residue behind. And what this bill is about, I do support it to make that clear as well, although I do feel like it needs some amendments to it, it does not cover Roundup. The State right now uses Roundup completely illegal with Federal regulation. If you guys are familiar with Hawaii, we sit on a lens of water. We're basically a permeable piece of volcanic rock. People talk about a drift zone, how come it has never been mentioned our water table zone? If you test our water table right now, you'll see that many of these chemicals I've mentioned, atrazine, heptachlor, methyl iodide, several of these things are found in our water table and you can check that out, it's pretty common knowledge.

MS. NAKATA: Two and a half minutes.

MR. GARCIA: Two and a half minutes, okay. So it doesn't even look I'd have, begin the time to even sit some of these things I wanted to talk about, but we're not allowed to bring earthworms into Hawaii because of soil pathogens. Monsanto is allowed to grow soil pathogens here. Are you kidding me? This bill is about disclosure and transparency. I say as a responsibility to all of us that we do need to be transparent and they do need to disclose what they're putting around our grandchildren and our children and it's pretty obvious to me.

MS. NAKATA: Three minutes.

MR. GARCIA: So I'm just going to leave it at that. Thank you. Appreciate it.

CHAIR HOKAMA: Thank you, Mr. Garcia. Any questions for Mr. Garcia, Members? Okay, thank you. Rita Ryan.

MS. RYAN: Hi, my name is Rita Ryan. I'm from Makawao. I'm a private citizen. I'd like to thank the County Council and especially Councilmember Cochran for listening to the public on this bill. I am in favor of the amended version of this bill. I have great compassion for the people who have testified in opposition to this bill today, people who have jobs in big GMO companies. I'm very fortunate that I am here of my own accord. My employer has not given me the day off to come and testify. My job is not riding on the outcome of this bill. But I don't think theirs is either because this is not about putting people out of jobs or hurting people, this about helping people and keeping the people of Maui healthy. I live in a government of the people, by the people, and

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for the people, not a government of the corporation, by the corporation, and for the corporation. What I'm asking for in this bill is an application of the precautionary principle, and what that is is when there's a high risk you proceed with caution. How can we be cautious in this matter? Disclosure, transparency and disclosure. We're not asking people to lose their jobs. We're not asking Monsanto to close their doors, yet. We are Maui residents, we are not lab rats. We do not accept being the victims of Monsanto's next experiment. We live in a time when the public demands disclosure and transparency from their government and from enterprises. We see things like WikiLeaks, Edward Snowden, and the NSA, people no longer will stand by on the sidelines and watch government or big corporations do things in private, in secret against the will of the people. Please approve this bill for the health of the residents of Maui, for the health of the aina, and for the health of planet Earth. Thank you.

CHAIR HOKAMA: Thank you for your testimony. Any questions for Ms. Ryan, Members? Having none, thank you very much for your testimony. We'll move to Molokai. Ms. Alcon, next, please.

MS. ALCON: Our next testifier is Derrick Thielk.

MR. THIELK: Aloha, Council members. I'd like to thank you for giving me the opportunity to speak about the impacts this bill will have on farmers. I am born and raised in Hawaii and have spent the last 14 years working in agriculture. Prior to that I worked 10 years in the landscape and nursery industry. I have held a pesticide applicator's license and know how the use of pesticides are heavily regulated at the State and Federal level. All farmers whether they grow organic, conventional or biotech crops have the knowledge and expertise to use pesticides safely and responsibly in order to protect their crops from insects, weeds, and diseases. The further regulations in this bill at the County level will cost the County taxpayers much money to regulate, taking money away from programs and people that could really utilize those funds. I believe this bill unfairly targets agriculture. There are many other industries besides agriculture that use the same products as farmers. Even the State and County use pesticides to control weeds, insects, and invasive species, yet they are excluded from the penalties in this bill. Farmers were not contacted when this bill was drawn so their voices and concerns were not taken into consideration. Many farmers are afraid of the negative impact this bill will have on their operations. I humbly ask that you do not pass this bill. Please look at this bill closely and consider the impact this will have on farmers and our future options to buy local. Thank you.

CHAIR HOKAMA: Okay, thank you very much. We're going to ask you to please state your name for the record, please.

MR. THIELK: My name is Derrick Thielk.

CHAIR HOKAMA: Okay, thank you very much, Derrick. Any questions for the testifier, Members? Having none, thank you. And next testifier, Ms. Alcon.

MS. ALCON: Our next testifier is Miles Luuloa.

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MR. LUULOA: Good afternoon, honorable Committee Chair Hokama, Vice-Chair Couch, and respected Council members. I want to thank you for letting me speak my testimony. My name is Miles Luuloa and I'm a resident of Molokai. I'm so proud to call my Monsanto as my place of employment and I am very grateful for what the company has does, has been doing. I love what I do here. Having keikis of my own, I will never do things that I know would be inappropriate and wrong knowing that it will hurt not only my own but other keikis as well. I also love that Monsanto provides opportunities for the world and its farmers with the possibility of improving their crops and yields that provides them with the produce that they need for their people and livestock. Working for Monsanto I also have the chance to reach out to the community with Monsanto's many community supporting events. Working for Monsanto also gives me a chance to support my own family financially and medically. Along with what I've said, we are already following Federal and State regulations so I would like to ask you to oppose this bill. Thank you.

CHAIR HOKAMA: Okay, thank you very much. Any questions for Mr. Luuloa? Having none, thank you very much for your testimony. Okay, one more, Ms. Alcon, and then we'll come back to Chambers.

MS. ALCON: Our next testifier is Blaze Juario.

MR. JUARIO: Aloha, Council members. My name is Blaze Juario. I'm a resident of Molokai and I am 27 years old. I have worked for Monsanto for the past six years. I am here today because I oppose the bill relating to pesticides and GMO. The County doesn't need to further regulate pesticide use and GMOs because they are already regulated on the State and Federal levels. By passing this proposed bill would waste thousands if not millions of taxpayers' money, money that could be used elsewhere in a much more productive manner. In addition, in passing this bill would force the seed industries to file lawsuits against the County as they did on Kauai. Let's learn from this and not make the same mistakes. I know supporters of this bill would say pesticides and GMOs are not safe for the community and the environment. Well I can say I believe in the work that I do here on Molokai for my company and that we as a company are making a difference for farmers and people around the world, increasing yields percentage and GMOs, and that GMOs are no different than non-GMO food. I can also say that our spray applicators are trained and follow State and Federal laws and take the necessary actions to limit any risks of exposure not only to the community but themselves as well. I humbly ask when you cast your vote you base your decision on scientific evidence and not emotional fears. Thank you for your time.

CHAIR HOKAMA: Thank you, Mr. Juario. Any questions for the gentleman, Members? Seeing none, thank you very much. We shall return to Molokai shortly. Pamela Tumpap. Pamela Tumpap? And after Ms. Tumpap, Melissa Panzani...Panzarini, I'm sorry.

MS. TUMPAP: Aloha, Chair Hokama and Members of the Council's Policy and Intergovernmental Affairs Committee. I'm Pamela Tumpap, president of the Maui Chamber of Commerce, and I'm proud to be with you today and thank you for taking up this matter. We have submitted written

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testimony and I won't go through all of that because it was rather lengthy but I just wanted to share a few points. As I listened to what's been said today, there's been some concern about obviously this bill seems very targeted towards bigger businesses, bigger farmers, but yet I talked to many of the middle-size and smaller farmers, and everybody I've talked to keeps saying one thing, this is a tool that we need in our toolbox. Pesticides are something that we have to have access and availability to, and this is an area that is already very well regulated by the Federal government and the State government. So as I said in my testimony, we view this as unnecessary regulation, and the Chamber always stands and opposes unnecessary regulation on businesses. It's being pushed forward without clear intent and without advance discussion with Maui County's agricultural industry. And I think this is a good case where maybe we should have had a working group before putting together this bill, because I think and I'm so glad to hear and Councilwoman Elle Cochran said today, it's a work in progress and she's listening and taking into account what's being said. Because the industry and the farm industry definitely wants to have a say in how this works, and when we get to the part of the bill that starts criminalizing farmers for any misnotification or misapplication, then I have a huge issue. In addition, at the Chamber as is detailed in our written testimony, we have heaped on so much regulation that I ask you to think about for those who are in business, if all these requirements were put on your business, would you be able to meet these mandates? And again, many of the people I work with sit in an office all day but farmers do not. At my household we know something about farming, we don't farm for a living but we work on nursery and landscape areas and it's really tough, and we're up against a lot of different pests. And we all look for organic methods wherever we can find them and are happy to do so, but this bill doesn't present any new methods or suggestions other than --

MS. NAKATA: Two and a half minutes.

MS. TUMPAP: --heaping on additional unnecessary regulation while trying to open things up to the public for the sense of letting them know, but we haven't solved any problems here. And we ask that we start bringing the industry together to look at ways for better and winning solutions, because we all talk about creating a sustainable Maui and having sustainable food sources here. And I'm glad to see Gary Hooser here because we sat on a sustainability taskforce for three years, and local food --

MS. NAKATA: Three minutes.

MS. TUMPAP: --sustainability was what was important. And we all know we only have five to seven days' worth of food on island, so we need to get to winning solutions which includes definitely organic methods and other things but it also includes having pesticides in our toolbox. Thank you for the opportunity to testify.

CHAIR HOKAMA: Thank you. Any questions for the lady on her testimony, Members? Having none, thank you for your comments.

MS. TUMPAP: Thank you. Aloha.

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CHAIR HOKAMA: Melissa Panzarini. I believe that is the right way to say it.

MS. PANZARINI: Yeah, you got the second...Panzarini, thank you. I'm Melissa Panzarini. I support the amended bill and most of all disclosure, mandatory disclosure of pesticides and GMOs. Let us have at least the information so we can have a chance to limit ourselves to exposure by knowing what is being sprayed and where. Unfortunately the issue with that, today's weather is a great example of Maui, we had gusts up to 50 miles an hour today, well that was the forecast I don't know if it reached that, but with those strong gusts of wind which are prevalent on our island, we don't know where everything is going or blowing. Also rain, 'cause the rain we had today, it leaks into our water systems, the water table, and the ocean as well. I'm an avid water girl, I love to surf, dive, windsurf, kite, and I spend a lot of time kiting the outer reefs and unfortunately on the bad days down by the treatment plant. It's very sad enjoying a beautiful day in the ocean and all of sudden a turtle pops up and you're like tumors, disfigures. I've been seeing more and more of them over the last couple years, and I don't know if that correlates. And that's the thing is we don't know. We need factual unbiased information, local environmental, public health, and impact studies that is paramount to protect our people, wildlife, and resources. So much damage has already been done. Much of it will be, affect the generations to come, and we cannot change the past but we can influence the future so please pass this bill. Also in regards to Charlotte O'Brien's testimony, I had the opportunity to speak with a third generation farmer from the Midwest at the Hyatt a couple weeks ago that was attending the Winfield conference. He also told me that he only eats organic food but he wanted to keep his job. Thank you.

CHAIR HOKAMA: Thank you. Any questions for the lady? Mr. Couch.

VICE-CHAIR COUCH: Did we get her name?

CHAIR HOKAMA: Her name is...if I said it right it's Melissa...

MS. PANZARINI: Melissa Panzarini.

CHAIR HOKAMA: Panzarini.

MS. PANZARINI: Thank you.

CHAIR HOKAMA: Any other questions for the lady? Having none, thank you very much for your testimony. Tom Woolf. Tom Woolf? Ember B-e-h-r-e-n-d-t.

MS. BEHRENDT: Behrendt.

CHAIR HOKAMA: Behrendt, you're next.



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MS. BEHRENDT: Aloha, Council Chair and Council members. Thank you for this opportunity. My name is Sara Ember Behrendt, and I am here to support very strongly the amended version of this bill. There is a new improved and updated version and I am actually wondering why that is not what we are presented with in this hearing. So I think as we all know that these bills they are a work in progress and as they go along there are revisions that are made, so there are definitely things to address in the details but overall the solid intention of this bill is, it's been a long time coming. It's been more than a decade that we've been guinea pigs in Maui County, and our water table, the environment, the air have been accumulating these pesticides for a long time. Ninety percent of the atrazine used in the US is used in our backyards. It's used in Maui County. That's staggering. The tons of chemicals that are sprayed by Monsanto and other members of the big five in our islands is a monumental amount continuing to accumulate and it's time that it stops. This is exploitation by big corporations that do not have a heart. There is no heart, there is no soul in Monsanto. It is a for-profit organization that has grown and grown through the exploitation of individuals, communities, environments for, you know, nearly 100 years, and it's time that we now call on accountability. We need accountability in our government, we need accountability --

MS. NAKATA: Two and a half minutes.

MS. BEHRENDT: --from those that are poisoning our environment. These issues about farmers being affected, I truly, I know that what we're talking about in these details are that we need to only look at these large quantities of spraying and require that they disclose. I don't see how disclosure could harm Monsanto in any way directly other than bad press because --

MS. NAKATA: Three minutes.

MS. BEHRENDT: --people don't want to associate that with food. So, you know, the writing is on the wall. What's happening to children is, it's so painful to hear about, so I'm submitting copies of this book, *The Generation in Jeopardy* that tell about our keiki are at risk and it's showing so many of the issues worldwide that have been the result of these pesticides in the environment. They're in, they're affecting the children's brains, neurological disorders, and a vast number of neurological disorders and cancers, leukemias and things that we have to protect our children. So your choice is to support the large corporation in their continued marketing campaign or to support life and health and the most innocent of our communities. Thank you.

CHAIR HOKAMA: Thank you for your testimony. Members, any questions to the lady on her testimony this afternoon? Having none, thank you very much for sharing your thoughts with us. Molokai, it's your turn and then we'll come back to Chambers. Who's your next testifier, please.

MS. ALCON: Our next testifier is Joshua Hunziker.

CHAIR HOKAMA: Okay, thank you.

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MR. HUNZIKER: Honorable Committee Chair Hokama, Vice-Chair Couch, and respected Council members, my name is Joshua Hunziker and I'm an employee of Monsanto company located on the beautiful island of Molokai and I oppose this bill. I would like to start this testimony by thanking the Committee for their hard work and dedication to the Committee and governments of Maui County in general. The proposed pesticide/GMO bill is at its base level an anti-agriculture bill that is unfairly targeting farmers and businesses in Maui County. This bill is in itself dangerous to the people of Maui County and it is not enforceable by the County at this time. Taxpayer money would be required to establish this bill which is redundant to regulations already set forth by the Federal and State governments. I would like to first focus on one part of the proposed bill, the environmental impact and public safety studies that will need to be performed for each of the restricted-use pesticides...should tell the Council that this law is an attempt to cripple agriculture in the State of Hawaii. There is a reason that those pesticides are restricted use, and that is those studies have already been undertaken long before the products become commercially available. Who is going to pay for these studies and their oversight? Why are these studies needed since they've already been done and the information from them available as public knowledge? The second part of this bill that I would like to focus on is the underlying fact that this bill is an attempt to ban the use of GMO crops in Maui County. Why do GMO crops need to have disclosure of their growing locations? How will that part of the bill make people safer? Have GMO crops been proven to be unsafe? If so, what study proves this? GMO rainbow papaya saved the papaya industry in this State and it's consumed by thousands of people daily in Hawaii. GMO corn and soybeans have been used for over a decade, consumed by millions of people yearly and have never been shown to cause negative effects. The simple fact is that GMO crops allow farmers to produce enough food to even attempt to feed the world. If the proponents of this bill had their way, then GMO crops would not exist and we would be using more pesticides, producing less food and all with a rapidly growing population. Lastly I would like the Council to recognize the fact that it is usually not a good idea for County government --

MS. NAKATA: Two and a half minutes.

MR. HUNZIKER: --to hurt residents and the businesses of the County that they represent. This bill is an overinflated attempt to severely limit GMO production in Maui County, that's plainly evident. I would also like this Council to recognize the fact that there's absolutely no proof that GMO crops grown in the Maui County hurt people. There are probably thousands of people consuming them at this very moment, and no studies have proved that they will have ill effects from consuming them. Overall this bill is an attempt --

MS. NAKATA: Three minutes.

MR. HUNZIKER: --of the anti-GMO protest movement to make it impossible for farmers and businesses to produce these crops which add jobs and add to the livelihood of many of Maui County's residents. This bill will do little to add to the safety of the people of Maui County since it's never been proven that they're in danger. I would like to thank the Committee for its

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consideration of this bill which if passed will ultimately hurt the farmers and businesses of Maui County. Thank you for your consideration.

CHAIR HOKAMA: Thank you very much for your testimony. Any questions for Mr. Hunziker on his comments, Members? Having none, thank you very much. Ella, next Molokai testifier.

MS. ALCON: Our next testifier is Kawehi Horner.

MR. HORNER: Honorable Committee Chair Hokama, Vice-Chair Couch, and respected Council members, aloha. I have only the truth to share in what I know is. I have been working here at Monsanto for nearly four years now and before that an employee of Coffees of Hawaii for seven years. There are so many truths to tell of my work experience that cause me to know things are certain. We can go on to think or believe something to be true, but to know something is right makes everything else worth my time and efforts. My name is Kawehi Horner, I am for Monsanto and all and any other farming here in our country, our County of Maui. We at Monsanto are always in compliance and have been greatly and well trained to work with and around pesticides that seem to be scaring most people nowadays. We strive for safety and make it our everyday goal to improve not only our workplace but for our community also. Every morning we have safety briefings to know where spraying will occur. Our applicators have proper protective equipment and follow mixing and usage rules. GMOs have been around for many years in our cotton of clothing, our food, et cetera, and have no record or incidences of any illnesses or disease. Feed the world is a famous saying we hear but truth be told it is a fact. For the amount of people in this world and the way populations are increasing, penalizing a method of growing that is efficient, healthy, and proven to be a helpful tool to support the world is unnecessary and discriminatory. Many local farmers will be affected by this also if the County will control the amount used for pesticides and sprays. Organic is not efficient enough. While working at Coffees they weren't always able to supply us with what needed. With the limit on usage, bugs will take over and cause a huge loss in the farming business and local growers trying to sustain themselves. I know that while we work in compliance with pesticides, these very same items are sold on the shelves under other names that people take into their homes and are applied directly in households. These would be applications that could be used out of compliance without a second thought. I know some of these same pesticides are used at schools and other places and could cause more of a danger than our trained applicators and farmers using these things properly. These are the truths that cause me to know and highly favor Monsanto's farming techniques. Because of this I stand behind them in all that they do, and I hope that our Maui County will see the importance of farming and sustaining agriculture without being discriminatory to farmers who use and operate within the limits of the label and the law.

MS. NAKATA: Two and a half minutes.

MR. HORNER: Don't pass the bill. Aloha. I thank you.

CHAIR HOKAMA: Thank you, Mr. Horner. Any questions for the testifier, Members? Having none, last one, Ella, for this cycle.

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MS. ALCON: Our next testifier is Jesse Ah Yee.

MR. AH YEE: Aloha and thank you for allowing me this opportunity. My name is Jesse Ah Yee, I've worked for Monsanto for ten years. I have worked in different companies and have never seen a company that puts so much effort in safety. And I am here to oppose this bill, and like you to know that through Monsanto I've raised most of my girls on getting them educated. I have one more girl, her name is Mary, and I hope to see her graduate through the help with Monsanto. Thank you for letting me have this, and I oppose this bill.

CHAIR HOKAMA: Okay, thank you very much for your comments this afternoon. Any questions for Mr. Ah Yee on his testimony, Members? Okay, having none, thank you very much. Molokai, we shall return. Next we'll have Gary Hooser, and following Mr. Hooser, John Fitzpatrick.

MR. HOOSER: Good afternoon, Council Chair, Council members. My name is Gary Hooser. I'm a member of the Kauai County Council, a former State Senator, and former director of the Office of Environmental Quality Control for the State here speaking on my own behalf. And I applaud the Council and Councilmember Cochran in particular for embracing this issue. It's an issue that's not going to go away, in my opinion, and I'm not here to tell you what decisions to make, I'm just here to share some experiences that we had on Kauai. As most of you are aware, we went through a similar measure and passed this bill into law recently, and I've learned personally a whole lot and I'd like to talk a little bit about that. The, first of all, I think it's important to put this in perspective, this is simply disclosure, this is simply the right to know and don't spray next to schools, hospitals, and homes. We're not asking for in our bill on Kauai, and when I say, talk about the bill, I'm going to talk about my Kauai experience, okay, 'cause that what I know. But we're not asking for trade secrets, we're not asking for formulas, we're not asking for anything except what are you spraying in our neighborhood and please don't do it next to schools, hospitals, homes, and other sensitive areas. And I'm here to acknowledge one size does not fit all. The Kauai experience may not work on Maui in terms of the threshold and other elements of the bill. But I am here to talk about what I've learned and it starts just as a Council member like yourself, it starts with asking questions, and that's how I started with this bill. And what I found was just like I'm hearing today a lot of misinformation and a whole lot of misinformation. We heard the same thing on Kauai, we heard that this is going to affect small farmers, that's absolutely not true. On Kauai 98 percent of these pesticides are used by five companies, not one small farmer is impacted by our bill. We've heard that it's going to cost jobs, that's absolutely not true. That was a threat that the companies made, their employees said similar testimony, but we passed the bill and since then no jobs have been lost. Kauai Coffee and others have said they intend to comply with the bill, they're not going to be laying people off. And we hear things like pesticides are safe, that's obviously not true either. These if you read the labels on these restricted-use pesticides, some of these labels are 100 pages long. They have page after page after page of warning. I have with me today and I'll send this via e-mail, it's been mentioned earlier the American Academy of Pediatrics. I also have a report from the Cancer Clinicians Journal, and it says clearly pesticides --

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MS. NAKATA: Two and a half minutes.

MR. HOOSER: --people that live and work around pesticides, especially children have higher rates of certain forms of cancers and illnesses. You know the companies would tell me to my face we use the same pesticides every other farmer uses, that is absolutely not true. Monsanto uses 20 different restricted-use pesticides. They purchased over seven tons of these pesticides in the past 12 months. No small farmer uses this amount at all. They'll say that this is public information, it's not public information. They'll say that it's highly regulated.

MS. NAKATA: Three minutes.

MR. HOOSER: I've spoken to the Department of Agriculture, I've got copies of their inspection logs, it is not highly regulated. They're barely inspected at all. Department of Agriculture is woefully unfunded and they don't do their inspections. It takes ten, two years to close cases. They'll say they don't experiment, I've got copies of two experimental use permits just on Kauai. I'm sure they're experimenting with pesticides here. They talk about, they won't tell you when you ask them how much Roundup are you spraying. Roundup is supposed to be safe according to the chemical companies, they won't tell you that. They'll say that it's duplicative, there is no disclosure laws, there are no buffer zone laws, it's not duplicative. And yes they are trying to sue the County of Kauai, they filed suit. Okay, these companies are suing our community for the right to spray poisons next to schools. Okay. And that's the kind of companies we're dealing with. We're not dealing with small farms, we're not dealing with feeding the world, we're dealing with corporations, very large corporations dumping tons and tons of toxic chemicals into our environment.

MS. NAKATA: Four minutes.

MR. HOOSER: Thank you very much. I'm available to answer questions if needed.

CHAIR HOKAMA: Okay, thank you very much for your comments this afternoon, Mr. Hooser. Members, questions for the gentleman on testimony? Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you for being here.

MR. HOOSER: Thank you.

COUNCILMEMBER CRIVELLO: In relation to your experience with the Kauai ordinance, in your processing or your efforts to put this bill before your Council, would you have an estimated cost for planning and implementation of the ordinance where it involves enforcers and the County's oversight of the ordinance?

MR. HOOSER: The cost, the question is what would be the estimated cost of the County's oversight. My estimate of cost would be less than \$200,000 a year. The onus, the way the bill's written is for the companies to comply. The County really has to do very little. We're asking companies

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don't spray next to so many feet from schools and don't, and disclose, and it's up to them to be proactive in that. And the penalties are stiff and we expect them to comply.

COUNCILMEMBER CRIVELLO: Thank you.

MR. HOOSER: Sure.

CHAIR HOKAMA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Hooser, for coming over from Kauai. I appreciate that a lot. And thank you for the recognition but it does stem from learning, trying to learn from what you folks have done and are going through currently. I just wanted you to elaborate 'cause you weren't able to really give more detail but it was in regards to you mentioned these commercial entities, agriculture entities are not highly regulated. So the whole not...'cause I've been hearing a lot of testimony today that yes, yes, yes they are regulated, but can elaborate more on what you meant by not or your findings?

MR. HOOSER: Yes. On Kauai the EPA or any Federal agency I don't know has ever come to do any inspections in our county, number one. And the companies when I'd ask them about the regulation they would say things like we're inspected by the Department of Ag, the State Department of Ag on a regular basis, and so I requested the documents from the Department of Agriculture, the inspection logs. And I found out that they may be inspected 3 or 4 times a year, and they're spraying 240-250 times a year. And so they're very rarely inspected at all. And then the logs will show 43 percent of these inspections are redacted because of violations. And we would ask, we had the Department of Ag and I encourage you to do so at a Council meeting and ask them the question, do you find evidence of pesticide drift and the Department of Ag said yes we do. And we said what do you do then? And they said well we take a swab and we send it out for a test. And we say is the community then notified, when do you notify the community? They said no we don't notify the community that there's possible pesticide drift until the tests are confirmed. And then we'd ask well how long does it take the test to be confirmed and we were told two to three years. Okay. That's the kind of protection. And it's not, you know, banging on the Department of Ag, you know, they're under resourced, but they're just not in a position to do their job. And then I asked then do you notify the public and I'm told only when the public requests to be notified. And it is a sad state of affairs. And again, there are people in my community getting sick, there are doctors who believe that we have ten times the rate of congenital heart defects in newborns. These are doctors that have been delivering babies for ten years and they admit, they say we're not scientists, we don't know what's causing it, we know we're surrounded by these big fields, this is in Waimea, Kauai Veterans Memorial Hospital, we're surrounded by these fields, they spray every day, there's GMOs, we don't know, but we know there's a problem, a health problem in our community. And when we ask what's being sprayed by these companies, they won't tell us. Okay, and I believe that's plenty of reason to pass a law requiring disclosure and asking them not to spray next to schools, hospitals, homes, and other sensitive areas.

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COUNCILMEMBER COCHRAN: Thank you very much. Thank you for your efforts.

MR. HOOSER: Thank you. Thank you.

CHAIR HOKAMA: Is there any other questions? People, this is not one sports arena. Last warning. Now it's 4:30 so I'm going to recess this meeting. Okay, we're at 4:30, Members. As I promised us all, the requirements of commitment you had to give on your time for today. The Chair is willing to meet at Friday, 9:00 to 12:00 p.m. in these Chambers to continue the, taking the, those that have signed up for testimony for today. Any questions to the Chair?

UNIDENTIFIED SPEAKER: Can you stay 'til to 7:00 'cause I think there's only 15 more people that . . .(inaudible) . . .

CHAIR HOKAMA: Okay, and as part of the requirements, if you have already given testimony on this item, you may not resign up for re-testimony unless there is a new posted meeting. Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And so does that mean the portion of public testimony is kept open and thereby people can continue to sign up 'til Friday?

CHAIR HOKAMA: They can --

COUNCILMEMBER COCHRAN: Okay, I was just...is that . . .(inaudible) . . .

CHAIR HOKAMA: --as long as they haven't spoken already.

COUNCILMEMBER COCHRAN: Right, right, right. If people have not testified thus far?

CHAIR HOKAMA: Yeah, yeah.

COUNCILMEMBER COCHRAN: Okay.

CHAIR HOKAMA: And then that means that this meeting will just continue to --

COUNCILMEMBER COCHRAN: On...right.

CHAIR HOKAMA: --go as long as it takes, but I going tell you now, once budget starts I'm going to stop meeting once Budget Session starts. Yeah, but you can sign up on Friday prior to the start of the 9 o'clock meeting.

COUNCILMEMBER COCHRAN: Okay. Thank you for that clarification, Chair.

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES  
Council of the County of Maui

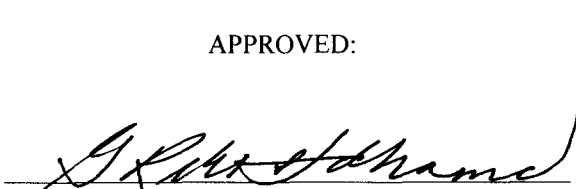
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CHAIR HOKAMA: Okay, Molokai, any questions for the Chair regarding the recessed meeting? Okay. We'll contact the District Offices, let them know that it's Friday, 9:00 a.m., the continuation of testimony. This meeting is recessed. . . .(gavel). . .

**RECESS:** 4:32 p.m.

APPROVED:



G. RIKI HOKAMA, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:140128:ds

Transcribed by: Daniel Schoenbeck



POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES  
Council of the County of Maui

January 28, 2014

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CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 18<sup>th</sup> day of February, 2014, in Kula, Hawaii

A handwritten signature in cursive script, reading "Daniel Schoenbeck", is written over a horizontal line.

Daniel Schoenbeck