



STATE OF HAWAII
ENVIRONMENTAL COUNCIL
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HERMAN TUIOLOSEGA, ACTING DIRECTOR

ENVIRONMENTAL COUNCIL MEETING MINUTES

November 21, 2013 (Thursday) from 2-4 PM

State Office Tower, Room 1500

235 South Beretania Street, Honolulu, Hawaii 96813

Members Present: Scott Glenn (Chair), Charles Prentiss (Vice-Chair), Malia Akutagawa, Mark Ambler, Koalani Kaulukukui, Azita Quon, John Richards, Iris Terashima, Glenn Teves

Members Absent: Paul Chang, Shannon Mears, Mary Steiner, Marjorie Ziegler, OEQC Director

Counsel Present: Edward Bohlen (Department of the Attorney General)

OEQC Staff Present: Herman Tuiolosega, Susan Faulk

Other Attendants: Gary Gill (Deputy Director of Environmental Health Administration), Mark Fox (Nature Conservancy), Audrey Newman (Hawaii Green Growth), Janet Ashman (Hawaii Farm Bureau Federation), Alan Takemoto (Monsanto), Sean O'Keefe (Alexander & Baldwin), Iris Iwami (BBI Hawaii), Scott Enright (Department of Agriculture), Margaret Wille (Hawaii County Council), Cynthia Rezentos, Dan Purcell, Frank Cieff, Walter Ritte.

1. Call to Order

Chair Glenn called the meeting to order at 2:14 PM with quorum of 9 members.

2. Introductions/Attendance

All present members and guests introduced themselves. Chair Glenn presented Ms. Quon with her Certificate of Commission signed by the Governor and Lieutenant Governor, and thanked her for her service on the Environmental Council (EC).

3. Approval of Minutes

- Motion made for approval of minutes by Mr. Prentiss, seconded by Ms. Kaulukukui, and the July 18, 2013 minutes were approved by all 9 (EC) members present.
- Pending amendments to page 6 (items 3, 4, 5 & 6) removing HEER branch and (item 6) removing Food & Drug Branch of the October 17, 2013 minutes, a motion was made for approval by Mr. Ambler, seconded by Mr. Teves, and the minutes were approved by all 9 EC members present.

4. Hawai'i Green Growth (HGG) Initiative Presentation by Audrey Newman

- Introduced Mark Fox (Nature Conservancy) as a member of HGG.
- INTRODUCTION: HGG is working on initiatives that may be opportunities to collaborate with the EC in the future. HGG was created to bring leaders together across the sectors of energy, food, natural resource management, and green jobs to collaborate and help Hawai'i achieve sustainability targets.

Where do we find solutions that solve more than one problem? A great example is biochar that takes out invasive species, and creates fuel and a fertilizer. On the other hand, some of the biggest obstacles to progress come from those different initiatives getting in one another's way: Energy with environmental consequences or agriculture methods that the environmental community is not comfortable with. The purpose of HGG is to bring these together.

- LOCAL ISLAND PARTNERSHIP (LISPA): HGG was started by this international group that works with islands around the world to inspire high-level leadership, large-scale commitments to conservation and sustainable livelihoods, and foster collaboration and exchange of lessons between islands.
- GLOBAL ISLAND PARTNERSHIP (GIP): The GIP is interested in talking to Hawai'i about being an example of this integrated approach to sustainability. There are about 50 active working group members who come from government, non-profit organizations, business, and academia, and about another 35 who are advisors.

The group identified 4 targets to reach by 2030:

- a. 70% clean energy which comes from our law.
- b. Double local food production for local consumption.
- c. Reverse the trend of natural resource loss, mauka to makai; triple the amount of watershed that is effectively managed; and add concrete targets for community-based marine conservation for invasive species.
- d. Increase green jobs locally.

There are 3 priorities:

- a. Support green funding and legislation.
 - b. Sustainability measures and partnership project.
 - c. International commitment: The US State Department is the founding member of the GIP and a full supporter. In the invitation and acceptance, HGG worked with the cabinet to develop a proposed commitment under the name of Aloha Plus Challenge, A Culture of Sustainability. The commitment involves 6 targets, the 4 that HGG has been working on for the last 2 years (energy, food, natural resource management, and green jobs) and 2 new ones that cabinet and partners agreed to: (1) Reduce waste by 50% and (2) smart sustainable communities. In Hawai'i, the commitment would be made jointly by the governor, 4 mayors, and the head of Hawaiian Affairs. In September 2014, the UN is holding a global meeting on sustainability in Samoa.
- FUNDING: Funding for the coordination of HGG (Ms. Newman and assistant coordinator) comes from 50 active working group members, foundations, businesses, and individuals. The biggest supporters are the Hau'oli Mau Loa Foundation and HECO, among others. Funding to achieve targets comes from federal, state, county, and private sources.

- **GENUINE PROGRESS INDICATORS (GPI):** Sustainability measures project and statewide partnership. Hawai'i has a new statewide sustainability coordinator based out of DLNR, who is also chair of the measures project and co-chair of the state's data council project. HGG is working on measures, and the GPI is a great example of an integrated approach to measures that can provide certain building blocks for a high-level dashboard that will be tracked at the state level.
- **PUBLIC COMMENT:** Mr. Ritte commented that many times Hawai'i's initiatives are on the backs of the indigenous peoples. It happens all over the world, so he sees no difference that it will not happen here in Hawai'i. Example: Watersheds. There is a lack of input from Hawaiians as brand new ideas come in, putting the whole system out of balance. Worldwide corporations make changes, including environmental corporations coming to Hawai'i.

Ms. Newman reassured Mr. Ritte that GIP was created by indigenous people across the Pacific. The presidents who signed on are also traditional leaders in their societies with deep roots and strong respect for culture and indigenous rights. Internationally, business is not yet involved so it comes out of the community, nonprofit, and mid-level government people who are working in the community and need to get their leadership engaged. HGG wants the elected Chief Executive of OHA to be involved for indigenous/cultural concerns.

5. Chair's Report

- Letter of resignation received from EC member, David Atkin, which creates an opening to be recruited for the council.
- Member terms expiring on 06/30/2014 include Malia Akutagawa, Iris Terashima, and Shannon Mears. For re-nominations, please let the Chair know as soon as possible.
- Chair Glenn participated in a Water Reclamation Workshop. Some recommendations will probably be put together to the legislature for adopting a water conservation code, but this is still in the preliminary stage.

6. OEQC Director's Report

Chair Glenn reported no confirmation of an OEQC director during the special session. There is currently no acting director. The position is open. Resumes can be forwarded to Gary Gill, Deputy Director of the Environmental Health Administration, and the Governor's Office.

7. Standing Committee Reports

a. *Exemption Committee*

The committee chair resigned and there have been no committee meetings. The current committee members were asked if anyone were interested in being the chair and they agreed to think on it and respond to Chair Glenn later. There are no pending exemption lists at the moment, though the committee understands that DLNR may submit one soon.

b. *Legislative Committee*

The committee has not met, and given the new OEQC situation, their approach will need to be revised. The committee chair was not in attendance so the report will wait until the next EC meeting.

c. Rules Committee

One member resigned and with no OEQC director, there are officially only 3 members left. Two members would be needed for quorum. Given the importance of the Rules, the committee would like more members. Chair Glenn opened it up to EC members to join the committee, if interested. There will be a meeting for next week Tuesday, 11/26/13, to talk about supplemental EISs.

d. Annual Report Committee

- Chair Glenn reported that Professor Ostergaard-Klem and Professor Oleson were not able to make it to the meeting today. They are still working on the three components of the GPI (environmental, social, and economic indicators). They have updated the environmental portion through 2012, prepared the social indicators, and are now currently working on the economic components.
- Marjorie and the graphic designer are starting on the layout next week.
- Mary is still updating the bios. Please e-mail her with your information ASAP.
- In the near future, we will also be talking more to Audrey Newman (HGG) about how the GPI fits in with the HGG Initiative.

e. Information & Outreach (I&O) Committee

- Committee Chair Ambler reported that funding for sampling was the combination of money from DOH, DOA, and USGS. Sampling (including glyphosate) would be done of surface water, ground water, and sediment.
- Some examples of sampling costs include \$750 per sample for glyphosate residue in soybeans (per USDA). Another example includes soil food sampling for \$220/sample for a minimum of 3 samples.
- Suggestion made to meet with the Legislative Committee next month regarding the recommendations and how to disseminate the information, whether directly to the governor's office or some other route.
- Suggestion made to vote on each motion, with subsequent vote on all as a package.
- Suggestion made to put the Legislative Committee on Facebook to discuss dissemination of information.
- Recommendation of MOTION 9 that EC recommends to the legislature and agencies that additional resources be provided for monitoring, enforcement, and education of pesticide use.

f. Pesticide Recommendations Discussion Continued

During the October 17, 2013 EC meeting:

MOTION 1: Voted in favor by all EC members present

MOTION 2: Voted in favor by all EC members present.

MOTION 3: Discussed briefly, but no vote taken.

MOTION 4: Discussed briefly, but no vote taken.

MOTIONS 5, 6, 7, and 8: Tabled until the next meeting.

Discussion of motions continued:

MOTION 3

The Environmental Council recommends HDOH conduct an investigation into the extent of the aquatic or other impacts of pesticide off-site migration in the State of Hawai'i. Recommend that HDOA fund the investigation using the pesticide use revolving fund.

COMMENTS:

- DOH: There are 2 things that the DOH is currently doing.
 1. Responding to the legislative resolution asking for a data investigation on atrazine in Hawai'i. The report is nearly done and data goes back 30-40 years including more recent data.
 2. Putting together funding from 3 different locations (DOH/DOA/USGS) to do sampling, beginning in a few weeks through into January. We are targeting 35 locations statewide, looking for a broad range of locations to give us a snapshot of off-site pesticide contamination in the environment including big and small independent agricultural farms, urban and conservation areas, stream water that goes through a farm, soil testing, and various land uses to see what is out there of every pesticide that you can imagine or that has ever been applied.
- EC: No comments.
- PUBLIC: No comments.

VOTE ON REVISED MOTION:

Motion made by Ms. Terashima and seconded by Ms. Akutagawa.

The Environmental Council recommends HDOH conduct an investigation into the extent of aquatic or other impacts of pesticide off-site migration in the State of Hawai'i.

There were no further EC or public comments.

All members present were in favor of MOTION 3 as revised. Five EC members were not present for this vote. None opposed. None abstained.

MOTION 4

The Environmental Council recommends HDOH to follow its investigation with site specific regulation following the EHE and EHMP program at sources with identified exceedances.

MOTION AMENDMENT:

Motion by Ms. Terashima and seconded by Mr. Teves to amend MOTION 4 to read as ***The Environmental Council recommends HDOH to follow its investigation with site specific corrective actions.***

COMMENTS:

- PUBLIC: Question on imposing a corrective action on a site based on off-site data. Wouldn't there be need for corresponding site data? or correlation between all?
- DOH: Depending on what we find, what our data points are, and how they are collected, they may have regional implications as opposed to site specific implications. That's just something that we can't anticipate until we see the data, so we are not going after a site if we don't have data.
- ENVIRONMENTAL COUNCIL:
 - Mr. Teves stated this might be part of a two-step process to identify and do more studies for that area so it may encompass that.
 - Ms. Terashima felt the intent was to possibly make it specific to some kind of conceptual model as opposed to try and go after everything.
 - Mr. Prentiss felt that the motion needed to be more descriptive.

- COUNSEL: Suggestion made for, “The EC recommends HDOH to follow its investigation into the extent of the aquatic or other impacts of pesticide off-site migration in the State of Hawai‘i and implement corrective actions.”

VOTE ON AMENDED MOTION 4:

Motion made by Chair Glenn and seconded by Ms. Terashima.

The EC recommends HDOH to follow its investigation into the extent of the aquatic or other impacts of pesticide off-site migration in the State of Hawai‘i and implement corrective actions.

There were no further EC or public comments.

All members present were in favor of MOTION 4 as amended. Five EC members were not present for this vote. None opposed. None abstained.

VOTE TO APPROVE MOTION 4:

Motion made by Ms. Terashima and seconded by Mr. Teves.

There were no further EC or public comments.

All members present were in favor of approving MOTION 4. Five EC members were not present for this vote. None opposed. None abstained.

MOTION 5

The Environmental Council recommends HDOA make available to the HDOH any restricted use pesticide information it may not already publish to support the regulatory efforts.

COMMENTS:

- ENVIRONMENTAL COUNCIL: As suggested by Mr. Bohlen, amend motion to read as, “The EC recommends HDOA and HDOH coordinate information and efforts on restricted use pesticides.”
- PUBLIC: No comments.

VOTE ON AMENDED MOTION 5:

Motion made by Ms. Akutagawa and seconded by Mr. Ambler to amend MOTION 5.

The EC recommends HDOA and HDOH coordinate information and efforts on restricted use pesticides.

There were no further EC or public comments.

All members present were in favor of MOTION 5 as amended. Five EC members were not present for this vote. None opposed. None abstained.

VOTE TO APPROVE MOTION 5:

Motion made by Ms. Akutagawa and seconded by Mr. Teves.

There were no further EC or public comments.

All members present were in favor of approving MOTION 5. Five EC members were not present for this vote. None opposed. None abstained.

MOTION 6

The Environmental Council recommends HDOH implement an annual food pesticide residue sampling program which includes glyphosate and infant food product sampling. Recommend the HDOA fully fund the sampling program using pesticide use revolving fund.

Motion 6 tabled until the December meeting due to lack of time.

Comments from Mr. Richards: The Information & Outreach Committee and the Environmental Council need to help find a way for agencies to put out more solid information to the public in order to break through the distrust that has built up.

8. Investigative Committee Report – EC Budget

Committee Chair not present.

9. Public Testimony

Alan Takemoto, Monsanto

Glyphosate has been tested heavily and rigorously, and is one of the safest products out there in the field and used widely throughout the world. Offered to answer any specific questions or concerns.

Janet Ashman, Hawai'i Farm Bureau Federation

Hawai'i imports 80-90% of its food, and the public and leadership agree that the goal should be 100% self-sustainability because we only have about one week's worth of food if all shipments stop. Farmers face numerous factors in Hawai'i such as the area, cost of imports, weather, labor costs, land costs, water, electricity, etc., on top of pesticide regulation which is very complicated. The HFBF is hoping that there will not be more unfounded and unnecessary layers of regulations that don't help anybody, they don't protect the public, they don't help agriculture, and they don't provide more food on the table. Proceed cautiously by getting the facts and more data before you make any decisions. Once recommendations are out on the Facebook page, the public takes this as fact, so be accurate.

Sean O'Keefe, Alexander & Baldwin

- Suggest reconsidering the recommendation of HDOA to make an unreasonable adverse effect determination on the use of glyphosate, atrazine, and 2,4-D (MOTION 2). Suggest speaking with HDOA on adverse impact determinations to collect sufficient information to meet the regulatory of making that adverse effects determination.
- The Pesticide Advisory Committee is a very good resource due to the expertise in that group. They are appointed by the governor for that specific reason and provide an advisory capacity to the DOA to help them make the difficult decisions in terms of how they regulate pesticides.
- There are labs that do glyphosate testing, and there are labs certified to do residue studies of glyphosate and other pesticides. The cost of certified labs may be significantly higher than other labs, so you need to be specific of what you're asking for and make sure they are certified to do the type of testing that is required for residue studies.

Question: Do you think because they are more expensive that we should not have it done? No, every pesticide used on a food crop has a tolerance, which means a certain amount of residue is allowed to be on the crop/food product. If it's above that, it's a problem. There is a testing program. One should not exclude a particular pesticide

based on cost, it should be comprehensive. That is part of the regulatory framework for pesticides and it all works together; every piece of it is important.

Iris Iwami, BBI Hawai'i

Question to the EC about the implementation of MOTION 1. Suggest a dialogue with the DOA on raising revenue and how it will be done as a practical matter.

Scott Enright, Deputy Director, DOA

There is a need to dialogue with the DOA.

Cynthia Rezentes, Public

Advised the EC to speak with members of the Pesticide Advisory Council to understand the rationale of why the rules were set up the way they were.

Janet Ashman, Hawai'i Farm Bureau Federation

Requested a review of MOTIONS 1 & 2 in order for the DOA and Pesticide Advisory Committee to weigh in with more information.

Chair Glenn: The EC will be considering each of these motions individually, and will then reconsider them as a package, so will be revisiting MOTIONS 1 & 2.

Mr. Ambler: MOTION 1 comes straight out of the Hawai'i Administrative Rules so the verbiage was taken from the rules.

Margaret Wille, Hawai'i County Council

Commented that these recommendations are a floor, not a ceiling.

10. Correspondence Received

No correspondence received.

11. New Business

- Next meeting date: Thursday, December 19, 2013 at OEQC, 2-4 PM.
- Possible speakers: Advisory Committee on Pesticides
Department of Agriculture
Scott Enright, Deputy Director

12. Adjournment

The Chair thanked everybody for attending and adjourned the meeting at 4:09 PM.