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GOVERNOR OF HAWAII



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STATE OF HAWAII  
ENVIRONMENTAL COUNCIL  
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MARY STEINER  
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GLENN TEVES  
MARJORIE ZIEGLER  
OEQC DIRECTOR, EX-OFFICIO

## ENVIRONMENTAL COUNCIL MEETING MINUTES

**January 16, 2014 (Thursday) from 2-4 PM**

**State Office Tower, Room 702  
235 South Beretania Street, Honolulu, Hawai'i 96813**

**Members Present:** Scott Glenn (Chair), Charles Prentiss (Vice-Chair), Mark Ambler, Paul Chang, Koalani Kaulukukui, Azita Quon, John Richards, and Glenn Teves

**Members Absent:** Malia Akutagawa, Mary Steiner, Iris Terashima, Marjorie Ziegler

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

**OEQC Staff Present:** Herman Tuiolosega and Susan Faulk

**Other Attendants:** Janet Ashman (Hawai'i Farm Bureau Federation), Barry Brennan (University of Hawai'i [UH] College of Tropical Agriculture and Human Resources), Alan Gottlieb (Hawai'i Cattlemen's Council), Iris Iwami (BBI Hawai'i), John McHugh (Governor's Advisory Committee on Pesticides), Sean O'Keefe (Alexander & Baldwin), Dr. Kirsten Oleson (UH), Dr. Regina Ostergaard-Klem (Hawai'i Pacific University [HPU]), Dan Purcell (public), and Margaret Wille (Hawai'i County Council).

### 1. Call to Order

Chair Glenn called the meeting to order at 2:12 PM with quorum of 8 members.

### 2. Introductions/Attendance

All present members and guests introduced themselves.

### 3. Approval of Minutes

Pending amendment to page 4, a motion was made for approval of the December 19, 2013 meeting minutes by Mr. Chang, seconded by Mr. Ambler, and the minutes were approved by all 8 Environmental Council (EC) members present. There was no opposition or abstention.

### 4. Chair's Report

- Request at 12/19/13 meeting for review of Board attendance requirements. Hawai'i Revised Statutes (HRS) 92-15.5, states that there are 2 criteria for being automatically removed from a council:
  - a. Missing 3 consecutive meetings; and
  - b. Meetings were not able to meet because of a lack of quorum due to the member's absence.

The criteria do not apply to ex-officio members, and the Chair has the discretion to decide whether or not an absence is excusable.

- Chair Glenn attended the Hawai'i Green Growth Initiative workshop. The HGGI is pulling together efforts at the state and county levels with different agencies, businesses, and non-profits. They are working on 10-15 key indicators to help guide decision makers on whether Hawai'i is becoming more sustainable.

Questions/Comments:

- a. *Do they have something attainable online or any initial report on sustainability?*  
They do have the Hawai'i Green Growth Initiative website, and are working with the State Data Council and the Governor's Office. The recently appointed Big Island Sustainability Coordinator was also present at this workshop.
- b. *If I wanted to inquire about that, is there a person to contact?*  
Yes, Jacqueline Thiel, the State Sustainability Coordinator.

## 5. OEQC Director's Report

- December was a slow month with minimal staff. OEQC conducted EIS analyses and a few consultations.
- A budget hearing last week went smoothly for OEQC's supplemental budget request to complete the database.
- DHHL expressed interest in updating their exemption list and was given the Exemption Committee's contact numbers. They also expressed interest in future training.
- Procurement of electronic equipment for the office has been a slow process through the DOH.

Questions/Comments:

*Is DHHL exempt from the subdivision process, even on the county level?*

They are not exempt from Chapter 343 from a court ruling. The counties do not want to issue permits to them and a meeting was recommended with the counties to either work this out or go through the Legislature to get statutes set up with their development process. DHHL is actually exempt from all subdivision processes at the county level, but want to go back to the county as they do not want the liability; therein lays the problem. There is no system for the developer and DHHL is also limited due to a staffing shortage.

## 6. Standing Committee Reports

- a. **Exemption Committee:** Mr. Prentiss volunteered as the Chair at the last meeting on December 19, 2013. There may be possible changes to the exemption lists for DLNR and DHHL which will be addressed when the committee receives it.
- b. **Legislative Committee:** At the last EC meeting, the Legislative Committee was tasked with setting up an informational briefing with the Legislature. Chair Glenn called Senator Gabbard's office which deferred at that time due to their workload, but were open to this at a later point.

Questions/Comments:

*Can this go through another avenue?*

Senator Gabbard's office did, in fact, recommend Senator Nishihara who will be contacted soon.

- c. **Rules Committee:** The Rules Committee has not met. Shannon Mears resigned from the Council at the end of December after accepting a position with the Public Utilities Commission, who believed it presented as a conflict of interest with the EC. The Rules Committee is now down to two members and needs more; discussion to be held next month.

Questions/Comments:

A suggestion was made to contact Senator Josh Green, Senate District 3, regarding the informational meetings.

- d. **Annual Report Committee:** HRS 341-6 directs the EC to prepare an Annual Report yearly, due January 31<sup>st</sup>, on the progress of State, County and Federal agencies towards Hawai'i's environmental health. Last year, we introduced the Genuine Progress Indicator (GPI) as a new idea. This year, we're continuing that discussion.

EC Questions/Comments:

- China is projected to increase their GDP by 7% each year for the next 10 years which may exceed the US in the year 2022. A researcher in China has applied the model of GPI to a location in China.
- *On page 105, at the bottom of the first paragraph, you talk about higher education. Is this Hawai'i data from 2009? What do you take into consideration?*  
The GPI basically uses public data of people over age 25 with a college degree. High on our priority list is finding what would be that specific value for living in Hawai'i, especially since we have all these conditions here such as do our graduates stay here or do they go to the mainland?
- *Can we reference Gary Gill's quote of the molasses spill being one of the worst environmental disasters in Hawai'i just to put some kind of reasoning behind that statement as we're quantifying everything in this report?*  
Yes.
- *For air pollution, why is it not applicable?*  
Yes, air pollution is basically human caused, so damages from this are negligible in Hawai'i. Volcano air pollution is to be considered from its costs, but is not a deduction from our GPI.
- *You say your measurement is in area change and loss of wetlands?*  
Yes, farmlands, forests, and wetlands are the three we have. We actually found a slight gain in forest/wetland areas in the years between 2000 to 2005 from the NOAA CPAP data. The area changes in biochemical measuring. It does not have any sort of indexing to fragmentation or development around the wetland. The way we could capture that is with valuation studies where we would have a value that is dependent on its actual ability to function as a healthy wetland. If it can't, its value may be zero. If it can, it would be a certain value of services that that wetland provides. One way to look at that is to look at both the quantity and quality of the wetlands. The same goes for all the other environmental indicators. It is very hard to get to the quality aspect of it, but it's a good place to start.

The difference in numbers was that it was counted different ways, and the increase may have been an artifact of the method and not the actual number of what is out there. With wetland mitigation, they can develop on wetland and then give to another area which may not be a wetland in the real sense. It might be just vacant land that could be a potential wetland. In that respect, you would actually be losing wetland which has happened on Moloka'i a few times.

With Kawai Nui Marsh, the Corps of Engineers came in and created the wetland because they had to replace the land that they used for the dyke. They had to dig wells that provided the water, but then half the wells dug did not produce water, so now they're trying to figure out what to do about that.

- *Is the recommendation to house the GPI somewhere else or to keep the exercise within our Annual Report for the next few years?*  
We would continue to provide a platform for it, and continue to refine it, but eventually we'll move on to other issues of public concern and that hopefully continue to do cutting edge research, providing cutting edge points of view, and let the appropriate agencies take responsibility for these things. The goal to use the GPI to assess policies would be for anyone including our legislators, governor, county councils, etc.
- *This applies mostly to Oahu, but is the measure of traffic jams part of the GPI?*  
Yes, the cost of commuting is currently averaging 25.5 minutes, focused mostly on Oahu. We take the 25.5 minutes and times it by 250 days a year, and then we take the average wage rate for Hawai'i and that is how we get the dollar value into it, but it doesn't talk really about congestion as that may be even higher. One challenge is not double counting due to multiple influences and to isolate the primary variable.

PUBLIC Questions/Comments:

- *How does one deal with the 20/50 sustainability and how does that come in following economic, environmental, and sociocultural wellbeing to your sense of place? If someone legitimate said it was contrary to their wellbeing, how does that play out with biotech companies wanting no controversy or challenge to what they do? How can I bring that down to the county level and have a discussion?*  
One of the overarching thrusts of the GPI is to create an adjustment to GDP. It's looking at the big picture and taking these different phenomena occurring now not necessarily in dollar values. You have economic information, and then other information of cultural, social, environmental that are not in dollars, it's in some other unit, but people tend to do a mental math and monetize the nonmonetary things in their own mind. One of the values of GPI is offering a way to do that by valuation studies that tie a monetary number to it to get a more realistic sense, and it's not about the actual number, it's the trend.
- *How does one educate or inform people when on the council making decisions? How do I put that down to the level of evaluating?*  
There is a formal definition for everything that you're talking about. We can try and give you examples of other places where it's hard to go out and do those studies.
- *Is there a baseline logic document to this that states the values?*  
In terms of the dollar values that we use, it's in the technical report. You can go through and cite all the different reports that they used to come up with the values of water or wetlands, etc.
- *Hawai'i has some of the highest rates of erosion in the world which ties in to future productivity. Can we capture that? Our land is overvalued and agriculture land should not be valued, but just be a resource for future productivity.*
- *What are the impacts of drug addiction on productivity in the community and the future costs of maintaining these individuals on state/federal welfare and social programs? It also intersects with homelessness and is difficult to separate out. There is also the cost of incarceration and different alternatives to deal with this problem.*  
There is one section on the personal cost of a crime that has been inflicted upon. We noted particular details about Hawai'i such as which population is being incarcerated, with the same idea about homelessness. Currently, it doesn't capture the issue so we are starting to write what we call the "Island Style" GPI.

- *In terms of the concept of avoidance of cost, I don't know to what extent you have that, but that is one of the social issues. If we spend now and do something, what are the costs that we're avoiding?*  
What you're talking about is called the “defensive expenditure.” If there were no crime, you wouldn’t have to buy locks, but there is crime, so now you have to spend money on locks and you’d rather not have to spend money on locks.
- A glossary would be nice of the terms that have specific meanings, and a figure or roadmap of how you go about looking at something.
- The Governor’s Office is very interested in this report, including legislative members and the State Sustainability Coordinator, Jackie Thiel. This is a baseline and is the first time pulling all three factors together (environmental, economic, and social). There is more work to be done and hopefully next year’s report we can take the baseline and present the Island Style.

Mr. Teves made a motion for a vote on approval of the Annual Report. Mr. Ambler seconded the motion. A vote was taken and all 8 EC members present were in favor of the Annual Report. There was no opposition and no abstention.

- e. **Information & Outreach (I&O) Committee:** No voting was done today (January 16, 2014) due to the lack of quorum. Mr. Ambler attended the invasive species meeting at the Capitol which covered updates for the last 3 years on invasive species control. Also discussed were budget requirements and current issues such as the fire ants. A video on fire ants was posted to the Facebook site, created by the HISC (Hawaiian Invasive Species Council). A discussion was held on coping with the issue, lack of funding and staffing, and updating the review process of permits to control pests. HISC will be contacted for more information.

EC/PUBLIC Comments on Monsanto (GMO & Pesticide Regulations):

- Pesticides aren’t being used according to the label, and other things in the formulations may be more dangerous than glyphosate, such as surfactants.
- There is no training for home users of pesticides. The exam to be able to spray pesticides is not competency based and bound to make people fail. A request was made to distribute the Monsanto comments for public review, specifically to Hector Valenzuela, Ph.D., Crop Specialist. There was notification of Senate Bill 2140, the glyphosate moratorium.
- Everyone who sprays pesticides should have a license.
- Labeling is not adhered to, even in food production.
- Education is lacking. The Farm Bureau has done good training.
- The existing laws are not being enforced. The term “under the direct supervision of the certified applicator” is defined in the State Pesticide Regulations and in federal regulations. Unless otherwise prescribed by the label, the pesticide shall be considered to be applied under the direct supervision of the certified applicator if it is applied by a competent person acting under the instruction and control of a certified applicator who is available if and when needed, including having written instructions for the person to follow. Companies will be cited for employees applying pesticides without the level of supervision by a certified applicator required by law.  
Even if the certified applicator is physically on site, they have to be available by phone or in person, and are legally liable. Comments will be solicited from Hector Valenzuela, Ph.D. and Michael Kawate, Ph.D., Pesticide Registration Specialist.

- *What are the alternatives as we are moving towards stronger poisons? What are we doing in other areas for alternatives, especially given that markets are going more organic?*

In Hawai'i, we have a 12-month season with higher levels of constant impact as compared to Iowa with a 3-month season or Mississippi with a 9-month season.

Dow Chemical is applying some pesticides 240 days out of the year, but one problem is that there is no access to these studies. State Senator Josh Green has a bill now to put a 5-year moratorium on glyphosate use to evaluate the impact.

#### EC/PUBLIC Comments on Pesticide Licensing:

- Everyone who is spraying restricted pesticides should get a license. Companies will have to implement an educational program to make sure their workers who are spraying restricted pesticides have a license. The Department of Agriculture (DOA) enforces the rules.
- HIOSH is not involved as the worker protection standard is covered by an EPA or DOA program, and provides the same protections for pesticides for farm/agricultural workers that OSHA regulations would provide to employees who handle other types of hazardous chemicals. There are different levels of training on pesticides for farm workers, handlers/applicators, and for people who will be mixing. There is a level of training that is required to get a license, and we shouldn't assume that because someone doesn't have a license, they have no training.
- The EC needs to focus on finding the people that have the information (both sides) and to get the information across to those affected to rebuild trust as there is a lot of misinformation out there. If you outlaw glyphosate, there are all kinds of things that people are still going to keep using. We need to think about finding solutions, not put up barriers.
- Most of the sprayers are not college graduates, and we're not going to let them work in the field because they can't pass a test that was designed to make them fail. The fact that the test is not designed to test for functional knowledge, is that brought up anywhere? The EPA brought it up with the DOA, but nothing happened.
- We always have to come back to the question, "What is our role and what can we contribute to the discussion?" We have recommendations which we'll continue to wrap up in the next month or shortly after that so we can contribute to the conversations that are going on at the Legislature. We need to have the verbiage for the term "precautionary principle" from the I&O as it is a big principle and needs to be exactly what we're talking about.

## 7. Public Testimony

Janet Ashman: The pesticide inspectors work under the Pesticide Branch and not only respond to all complaints, but also perform regular inspections of all district use pesticide certified applicators for all islands which are periodic and ongoing.

Alan Gottlieb: DOA inspection personnel are one of the strictest of the state. They make regular routine inspections unannounced and are very thorough. It is true that there aren't enough inspectors, but the ones that are out there are working their tails off.

Barry Brennan: The reason the test is difficult is to reduce the number of certified applicators because there aren't enough inspectors. The inspector would then be able to see the people who are licensed and can see them more often.

Janet Ashman: There is a bill now, in the House and Senate, asking for 3 new positions in the Pesticide Branch. The DOA is actually putting in for 8 new positions for the Pesticide Branch which addresses exactly what you're talking about.

Barry Brennan: I'd say it addresses enforcement, but not education.

Sean O'Keefe: We don't view the DOA as an adversary. The inspector's objective is to insure the safe use of pesticides and makes that happen through education or fines. The people who want to be responsible use these chemicals responsibly.

John McHugh: The problem is that our legislators, our politicians, the people who give out the money, do not hold food production as a core value. One-percent (1%) of the population grows food for the other 99% and a lot of other folks are trying to tell the farmers how to farm. In the United States, we don't follow the precautionary principle as a rule as they do in Europe.

Margaret Wille: In terms of the precautionary principle, act cautiously. Bill 113 said everyone can keep doing what they're doing, but let's look at things before we allow more. The legislators are, this session, really trying to work on what is food sustainability. In my district, we have a lot wanting to go more organic and looking at more alternatives. What can we do so that there's more trust and that people are safe? Even with all the testing, everyone here is getting sick and we feel like we are the test. How do we deal with these fears and try to help people trust the information not just from Monsanto's article, but who's growing the most food? Everyone on the island is a stakeholder as they all eat and require sustenance.

## **8. Correspondence Received**

Monsanto – GMO and Pesticide Regulation (12/19/13)

## **9. New Business**

- Request for amendment to page 5 of the 12/19/13 minutes made. Mr. Teves moved to amend the minutes and Mr. Ambler seconded the motion. There was no discussion and the motion passed with all 8 EC members present. There was no opposition or abstention.
- Next meeting date: Thursday, February 20, 2014 at OEQC, 2-4 PM.

## **10. Adjournment**

The Chair thanked everybody for attending and adjourned the meeting at 4:02 PM.