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CHARLES PRENTISS  
JOSEPH SHACAT  
KOALANI KAULUKUKUI  
JOHN RICHARDS  
MARY STEINER  
GLENN TEVES  
JESSICA WOOLEY, OEQC DIRECTOR

## ENVIRONMENTAL COUNCIL MEETING MINUTES

**March 19, 2015, Thursday  
1:00 PM – 3:00 PM**

**State Office Tower Building  
235 S. Beretania Street, Room 1500  
Honolulu, Hawaii 96813**

**Members Present:** Mark Ambler (Chair), Scott Glenn (Vice-Chair), Charles Prentiss, John Richards, Joseph Shacat, Mary Steiner, Glenn Teves, Jessica Wooley  
**Members Absent:** Koalani Kaulukukui, Marjorie Ziegler  
**Counsel Present:** Edward Bohlen (Department of the Attorney General)  
**OEQC Staff:** Linda Hijirida, Leslie Segundo  
**Members of the Public:** Dan Purcell, Nancy McPherson (DHHL), Tanya Rubenstein (DLNR), Dan Quinn (DLNR), Pua Aiu (DLNR)

### 1. Called to Order

EC Chair Mark Ambler called the meeting to order at 1:12 pm with a quorum of 8 members.

### 2. Introductions/Attendance

All present, introduced themselves.

### 3. Decision Making on Minutes from February 19, 2015

- Change on page 5, 6.d. Rules – instead of, "...find out if the Environmental Council is even interested,..."; it should read, "... find out if the Governor's Office is even interested..." Minutes were revised.
- A motion was made by Glenn Teves and seconded by Mary Steiner to approve the February 19, 2015 minutes as revised. The minutes were passed by the 8 EC members present.

### 4. Chairs Report

- Present HCR 47 - Requesting the Department of Agriculture to convene a task force to document and collect data identifying economic, environmental, and regulatory consequences of crop degradation caused by invasive and endangered species in Hawaii.**
  - HCR 47 was deferred.
  - Vice-Chair is working on a bill for next year. This started on Kaua'i to protect the water birds; it had nothing to do with invasive species.
- DECISION MAKING ON COUNCIL POSITION ON HCR 47.**
  - Defer along with HCR 47 until next year or anytime it resurfaces.
- Present SB 1037 - Requires the Department of Agriculture to establish a mandatory disclosure program for pesticide use by all persons or entities under certain circumstances. Increases the pesticide use revolving fund balance ceiling to \$500,000.**

- Chair Ambler added this to the agenda because he couldn't find a directive on whether the EC supports or opposes this. The bill would develop a standardized reporting form administered by the Dept. of Agriculture (DOA). All farms that cultivate any crops have to disclose the use of all pesticides every month, then submit this form to DOA. DOA then has to post it on line.
- EC members expressed concern: if a farmer uses over-the-counter types of pesticides, like Combat, does he have to report that? What is the goal of this bill?
- A motion was made by John Richards to support this bill. Scott Glenn seconded it, but amended the motion to send comments.
- EC members expressed additional concerns. This sounds like a buffer bill, how do you deal with areas with high populations, like schools and keep the pesticides out of there? The number one user of pesticides is the County; how much have they applied?
- EC members agreed that with more data, you can make better decisions. They also agreed that the size of the revolving fund should be increased.
- EC members questioned the monthly reports. What is DOA going to do with the data? What is workable; quarterly, annually, or twice a year?
- **Public Comment**
  - Dan Purcell – He's grateful to see the EC make comments on something this legislative session.
  - Nancy McPherson expressed concern about the proximity of some homestead communities close to agricultural areas where there are, potentially, high levels of pesticides. She's interested in seeing this data when it becomes available online.
  - Deputy Attorney General Edward Bohlen – Asked if we can use zip codes to define area. Suggested ways to define area included: TMKs, voting districts, aquifers, or something with a recognized State line.

**d. DECISION MAKING ON COUNCIL POSITION ON SB 1037**

- John Richards amended his motion: the EC will comment on this bill, support the intent of raising the revolving fund balance to \$500,000 and the need to gather data on the total pesticide use in general areas of the State of Hawai'i. Seconded by Scott Glenn. The motion was passed by the 8 EC members present. Chair Ambler said he will make some comments.

**5. OEQC Director's Report**

- Report by OEQC Director, Jessica Wooley
  - Exemption Letters – we are getting a lot of responses back
  - The Environmental Notice – staff is working on projects and comments
  - At the Legislature – OEQC has been commenting on 8 bills. Although 6 are not moving forward.
  - Hawaii Green Growth – a lot of the bills OEQC commented on were supported by HGG, they had a successful Dashboard release.
  - Pesticides – we are getting callswith concerns about public health impact, this continues to be an issue.
- Discussion followed regarding the Annual Report. It is not on the website. OEQC is waiting for approval from the Governor. It also has not been distributed to legislators, for the same reason. Edits were made to include previous Council Members who served in 2014. Director Wooley suggested we do a press release to celebrate that accomplishment.
- **Public Comment**
  - Dan Purcell asked about the status of the Environmental Health (Deputy) Director's and the OEQC Director's appointments.
  - Director Wooley responded that she has been working with DOH Director Pressler; who has taken a real interest in environmental issues; such as climate change. The Director and Deputy Director of Health have a Senate hearing coming up soon. As for the OEQC

Director's position, it's up to the Governor, and he first is working on filling all his empty cabinet positions.

- Mary Steiner asked about the OEQC Director's appointment and new EC members. Director Wooley had notified Lorrin Kim (from OPPPD) to let him know appointments for the EC is a priority. So far, we have not heard of any new appointments.

## **6. Standing Subcommittee Reports**

### **a. Information/Outreach**

Subcommittee Chair Mark Ambler reported they did not meet. The Facebook "Likes" are up to 486 and no "Comments" were posted.

### **b. Exemption**

Subcommittee Chair Charles Prentiss reported they reviewed exemption lists and proposed revisions from different departments.

- DLNR – submitted a 16 page revision of their exemption list. The committee reviewed it in their February meeting and requested 12 different changes. DLNR made the changes and the committee reviewed their revised list earlier today. The Exemption Committee approves the revised DLNR exemption list dated February 2, 2015 and recommends that the Environmental Council publish the list with a 30-day comment period.
- Honolulu Fire Department – they had some changes to their Exemption Class #10. The Exemption Committee approves the revised Honolulu Fire Department exemption list and recommends that the Environmental Council publish the list with a 30-day comment period.
- Kauai Transportation Agency – they submitted a revised list. Committee reviewed it and had no objections. The Exemption Committee approved the revised Kauai Transportation Agency exemption list and recommends that the Environmental Council publish the list with a 30-day comment period.
- Procedures after the exemption list is published in the Environmental Notice: the public has 30 days to comment to the agency and the EC, the EC reviews the comments, the agency responds to the comments, revisions can be made, and the EC can make a decision to approve or not.
- A couple EC members wanted to review the exemption list before recommending it for publication.
- Discussion was put on hold until the Decision Making on the agenda.
- **Public Comment**
  - Dan Purcell expressed concern that this list has not been published. He sent an email to Deputy Attorney General raising concerns about the proper detail in noticing of the agenda items.
  - Chair Ambler thanked Ted Bohlen for attending these meetings and appreciates his support.
  - Ted Bohlen stated, it is the EC decision whether to follow the committee's recommendations or to review the matter themselves, individually.
  - EC decided not to pass the exemption list without first reviewing it.

### **c. Legislative**

Subcommittee Chair Mark Ambler – met and discussed some OEQC bills and how to quickly respond to those bills.

### **d. Rules**

Subcommittee Chair Scott Glenn – nothing to report.

### **e. Annual Report**

Subcommittee Chair Scott Glenn – nothing to report.

## **7. DECISION MAKING ON EXEMPTION LIST(S) AS PRESENTED BY EXEMPTION SUBCOMMITTEE**

- Charles Prentiss made a motion: The EC requests that the proposed DLNR exemption list dated February 2, 2015 be published in the Environmental Notice with the required 30-day comment period.
- DLNR was invited to comment on the proceedings: DLNR staff said they are anxious to proceed and would like to see the public comments. Plus, their consultant is available only till the end of June.
- Given concerns, in particular, about the EC's ability to make quorum in April and anytime beyond June 30, members decided to resolve the issue today after a break.

**Break: Took a 10 minute break to make copies of DLNR Exemption List**

**Meeting called back to order at 2:33 pm**

- Charles Prentiss summarized the changes made on DLNR's exemption list (see attached list).
- There's still the motion on the table requesting the EC to publish the list, direct any discussion to that motion. An Exemption committee member recognized that DLNR had staff at the committee meetings and they were very responsive to the comments by the committee and did address them. We're seeing a consolidation of their 9 lists.
- **Public Comments**
  - Dan Purcell – had issues not having copies of the exemption lists, inadequate agenda and minutes, and the public not being able to comment on the list before they are published.
  - Nancy McPherson – the work this Council does is excellent and the work that DLNR's been doing is excellent. Looking forward to seeing this process move forward and hope that things will go well with us (DHHL) and things will go well with DLNR.
- Council comment - Mary Steiner – hope we can stay professional, really upset when she heard people calling people names. And she called the question.
- The motion to publish DLNR's exemption list for public review for 30-days was passed by the 8 EC members present.
- A recommendation made to create a link so EC members can view these type of documents before the meeting.

**8. OTHER DECISION MAKING AS PRESENTED BY SUBCOMMITTEES**

Nothing to report.

**9. Correspondence Received**

EC recived 3 emails

- Robert Parsons asking about membership on the EC. Chair Ambler forwarded him details on how to apply.
- Comments regarding the Dairy on Kauai, OEQC will forward this to the agency.
- Comments regarding HART and how it goes over some traditional cultural practice area. OEQC will forward this to the agency.

**10. New Business**

- DHHL – Nancy McPherson reported that they submitted their proposed draft. They are hoping it can be put on the agenda. It might be helpful to bring the division staff to the meeting. She's watching DLNR's process, to see how it's done.
- Chair Ambler asked that Charles Prentis put DHHL's list on their next agenda.
- Mr. Prentiss replied that he just received it yesterday and it will be on their next agenda.

**11. Schedule April 2015 Meeting**

There is a conflict in scheduling the next meeting. Chair Ambler will contact everyone later to set a date.

**12. Meeting was adjourned at 3:01 pm**