SCR 161 AND SR 139
REQUESTING AN ENVIRONMENTAL IMPACT STUDY
ON ROADSIDE SPRAYING TO ASSESS THE EFFECTS OF ROADSIDE SPRAYING
OF HUMAN HEALTH AND THE ENVIRONMENT, AND TO EVALUATE
ALTERNATIVE METHODS OF CONTROLLING ROADSIDE PLANT GROWTH

Statement for
Senate Committee on
Agriculture and Environmental Protection
Public Hearing - April 16, 1991

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SCR 161 and SR 139 would require the Department of Land and Natural
Resources (DLNR) to conduct an environmental impact study on roadside
pesticide and herbicide spraying to assess health and environmental effects
and to evaluate alternative methods of controlling roadside plant growth.

Our statement on this resolution does not represent an institutional
position of the University of Hawaii.

There is justifiable concern over the safe management of roadside weeds
which must be controlled to assure that roads and road shoulders are kept in
a safe, useable condition. However, the removal of these weeds also
presents a management dilemma. Physical removal with tractor-mounted mowers
and weed whackers is a labor intensive solution. Spraying herbicides and
pesticides is less labor intensive, but potentially more harmful to
pedestrians, the laborers who apply these chemicals, and the environment.

Although we concur with the intent of SCR 161 and SR 139, we do not
agree with the administrative approach being suggested. From the
administrative point of view and compliance with HRS 343, the EIS rules
provides that:
"A list of classes of actions shall be drawn up which, because they will probably have minimal or no significant effect on the environment, shall generally be exempted from the preparation of an environmental assessment".

However, an exception is made that:

"All exemptions under the classes in these sections are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment".

Exemption under this section of the law is not automatic but must be specifically defined in a formal request to the Environmental Council. Neither our records nor those of OEQC show the spraying of herbicides for road maintenance as being listed on the Department of Transportation’s exemption list. That is not to say that it might not be eligible for listing, only that unless a formal request for its inclusion as an exempt action under a specific Class of actions is made, (probably Class 1 or Class 4) and the request reviewed and concurred with by the Environmental Council, the DOT can not spray without first submitting an Environmental Assessment in accordance with HRS 343 and the Administrative rules. Therefore, if the use of herbicides for road maintenance is not an exempt action, an EA is required and this resolution should be to direct DOT to comply with HRS 343. If, the action is exempt, it seems apparent from the concerns raised that the appropriateness of the exemption should be reviewed by the Environmental Council in accordance with HRS 343 and the rules.

In either case, given the concerns expressed in the "whereas" clauses of this resolution and considering the reports of indiscriminate spraying, and the potential for impacts to human health and the environment including contamination of both surface and groundwaters, some action is warranted. We would urge that the Departments of Health and Agriculture be requested to undertake a full review of the issue, including specifically the concerns identified in the whereas clauses and cited in the title of this resolution and that they prepare a report of their findings for the 1992 legislature. Furthermore, we urge that copies of this report be provided to OEQC for public review and to the Environmental Council for use in their review and decision making on any proposed exempt actions related to the use of herbicides for roadside weed control.