SB 2506
RELATING TO PESTICIDES

Senate Committee on
Agriculture and Environmental Planning

Public Hearing - February 18, 1992
2:00 pm, Room 305, SOT

By
John T. Harrison, Environmental Center
Jacquelin Miller, Environmental Center

SB 2506 would restrict the authority for implementation of regulations for pesticide application to State level government agencies for the purpose of achieving consistency of regulation statewide.

Our statement on this measure does not constitute an institutional position of the University of Hawaii.

There is a lot to be said for uniformity of regulatory practices as a desirable management goal. Ancillary benefits include efficiency of implementation, less confusion within the regulated community, and concomitant simplification of enforcement.

However, generalizing regulatory protocols presents a dilemma in accommodating site-specific variation in the characteristics and sensitivities of the environment to be regulated. Recognizing this variability, the federal government generally has adopted a regulatory philosophy which establishes standard criteria for minimal compliance by all localities but does not infringe upon the right of the states or other political entities to adopt and enforce more stringent standards (c.f., the Clean Air Act, Clean Water Act, etc.).

Our concern with this bill is that in preempting regional authority below the state line agency level, the state will be pressured to adopt regulations which may be inappropriately stringent for certain localities in order to meet the verifiable management controls needed in more sensitive areas. Potential problems which might arise are exemplified by concerns raised during last year's legislature regarding roadside spraying of
herbicides for highway margin maintenance. The report of the Task Force appointed to consider the issue is in preparation, but it is appropriate to note that in deliberating the problem, the task force contacted 9 states and 17 counties dealing with similar problems, and the overwhelming conclusion reached was that regulatory flexibility was necessary to achieve a reasonable integrated vegetation management program. In particular, the survey pointed out the need for regionally based site-specific evaluation of environmental and geographical conditions of perceived problem areas, as well as growth requirements and life cycles of problematic species.

Compliance with the federal regulatory philosophy in this instance may be achieved by inserting the phrase,

"less restrictive than those adopted under this chapter pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended"

following line 11. This preserves the counties' option to address specific regulatory needs in such a way as to permit a more generally appropriate level of regulation statewide.