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SB 1064 RELATING TO PESTICIDES

Statement for Senate Committee on
Health and Agriculture
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SB 1064 proposes transfer of pesticide monitoring responsibility from the Dept. of Agriculture to the Dept. of Health, changes in maximum allowable civil penalties and other alterations in pesticide regulation and monitoring. This review of the bill is not a statement of University policy.

This bill is an attempt to rectify shortcomings in the pesticide enforcement and monitoring system of the state. In our opinion, the need to improve the system is real, but the provisions of SB 1064 do not address the fundamental problems facing pesticide enforcement and monitoring in Hawaii.

Specifically, this bill carries no provision for commitment of resources, when funding and manpower shortages present a much greater obstacle to adequate pesticide oversight than does conflict of interest. Current resource commitments in this area leave manpower substantially below what would be required for adequate enforcement on Oahu alone. Oversight on neighbor islands is alarmingly close to nonexistent.

Greater emphasis on resource allocation is needed to adequately address this problem, but resource provisions are not included in SB 1064. Beyond this, there are technical problems involved in the transfer of pesticide oversight to the Dept. of Health. Since a cooperative enforcement agreement currently exists between the Dept. of Agriculture and the EPA, and because there is no guarantee that EPA will approve the Dept. of Health as the pesticide oversight agency, the state could be left in the embarrassing position of having pesticide monitoring and enforcement duties transferred to DOH while not being able to secure EPA approval for transfer of the cooperative enforcement agreement. Further, while stiffening fines and expanding record keeping requirements are powerful steps towards more stringent enforcement, such steps are largely symbolic in the absence of resource commitments adequate to ensure compliance and enforcement. Similarly,

it is difficult to establish that conflict of interest is impeding adequate oversight when manpower and budgets limitations alone preclude adequate oversight. If resource commitments cannot be increased, it may be desirable to reduce emphasis on comprehensive monitoring and turn instead to a strategy of concentrating existing resources on targeted problem areas.

Pesticide monitoring and enforcement is an important problem, and one worthy of immediate attention. However, our experience in this area would indicate that magnitude and emphasis of resource commitments are concerns which override administrative placement considerations at this time.