

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
HONOLULU, HAWAII

REPORT TO THE TWENTY-FOURTH LEGISLATURE, 2007 REGULAR SESSION

PESTICIDES DISPOSAL ASSISTANCE PROGRAM

IN RESPONSE TO SENATE CONCURRENT RESOLUTION 159, S.D. 1, H.D. 1
REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN
AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM

January 2007

FINDINGS AND RECOMMENDATIONS OF THE PESTICIDES ADVISORY COMMITTEE IN RESPONSE TO SENATE CONCURRENT RESOLUTION 159, S.D. 1 H.D. 1, REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM

Report to the Twenty-Fourth Legislature

Background

The Twenty-Third Legislature, 2006 Session passed Senate Concurrent Resolution No. 159, S.D. 1, H.D. 1 which,

1. Requests the Department of Agriculture to establish a disposal program to provide an available, affordable, and environmentally accessible mechanism by which any farmer in the state can properly dispose of unwanted or unusable pesticides;
2. Requests the Department of Agriculture to secure adequate funding, including federal or state sources to support this urgently-needed environmental stewardship effort;
3. Requests that the Pesticides Advisory Committee study the establishment of the proposed disposal program in consultation with a representative from each county, and a representative from the pesticide industry; and
4. Requests the Pesticides Advisory Committee to submit a report of its findings and recommendations to the Legislature no later than 20 days prior to the convening of the Regular Session of 2007.

In response to this resolution, the Department sent letters on July 26, 2006 to the Mayors of each county and to the designated industry contact, requesting them to designate a representative to participate in discussions of a pesticides disposal assistance program. Kauai, Honolulu, Maui and the pesticide industry designated representatives.

Duly noticed meetings of the Pesticides Advisory Committee were called to discuss the pesticide waste disposal program on August 24, September 28, and November 28, 2006. At the August 24 meeting the overall plan to develop the report was discussed. At the September 28 meeting, a survey document was developed. At the November 28 meeting, the recommended program framework and legislative report were reviewed.

This report includes documents such as suggested bid specifications that are draft working documents that provide a framework for a pesticide disposal assistance program that will be available, affordable, and environmentally acceptable for the community.

Recommended Pesticide Disposal Program for Hawaii

The following are the recommended parameters for an unwanted pesticides program for Hawaii.

Who is eligible? Businesses, such as farmers, pest control operators, nurseries, and landscapers may participate in this program.

What is the cost? In this pilot program, there is no cost for participants with less than 200 pounds of unwanted pesticides. Additional quantities of unwanted pesticides may be accepted, but the participant must make arrangements to pay for waste in excess of 200 pounds with the contractor at the bid price.

What pesticides will be collected? Any pesticide such as insecticides, fungicides, rodenticides, herbicides, disinfectants, and any other chemical intended to control pests will be collected; any pesticide formulation, including cancelled pesticides, unusable pesticides, and pesticide containers that cannot be triple rinsed; pesticides can be easily identified by the EPA Registration Number required to appear on their label.

When will the unwanted pesticides be collected? Biennial collection events are proposed for each county.

Who is responsible for the unwanted pesticide? The business or individual is responsible for the pesticide until it is provided to a contractor.

How will the waste be disposed? Different wastes may require different handling and disposal methods. For example, some waste herbicides and wood preservatives may need to be exported for disposal. Some wastes may need to be disposed in a hazardous waste landfill. All unwanted pesticides will be disposed in accordance with local, state and federal requirements.

How is this program to be funded? Pesticide licensing fees will be used to pay for up to \$200,000 for contracts to provide for unwanted pesticide product management services.

Contractor Services to Be Identified in the Invitation for Bids:

1. The Contractor shall collect, segregate, assemble and store unwanted pesticides covered under the universal waste rule. It is expected that the amount of unwanted pesticides will exceed 5,000 kilograms so the contractor must be a Large Quantity Handler of Universal Waste. A copy of the Contractor's EPA Identification Number shall be submitted with the Contractor's bid.
2. The Contractor shall identify the address of the physical location and Tax Map Key of its principal operating location in Hawaii. "Principal operating location" means the location where unwanted pesticides will be segregated, accumulated and packaged for shipping to a destination facility. This location shall comply with the requirements of 40 Code of Federal Regulations Part 264 or 265 as a hazardous waste storage facility. If arrangements cannot be made with a facility that complies with hazardous waste storage requirements, the Contractor shall describe how unwanted pesticides are to be handled and stored in accordance with EPA, State and local requirements. Arrangements for operating locations (including satellite locations) shall be made for Oahu, Hawaii, Maui, Molokai and Kauai.
3. Unwanted pesticides may include pesticides such as 2,4-D, pentachlorophenol, and other pesticide formulations that contain dioxins. The Contractor shall have experience in handling and shipping these wastes to appropriate destination facilities (which may be outside the United States).
4. Some unwanted pesticides may be unlabeled and it may not be possible to identify the ingredients. The contractor shall have experience in collecting a small amount of material from the unlabeled container for laboratory analyses. A cost estimate is required for collecting samples of unknown pesticides, delivering the samples to a designated laboratory, tracking containers and results and marking unknown containers so that the unwanted pesticides are handled and shipped to an appropriate destination.
5. Unwanted pesticides that are not designated for use, or designated as requiring special disposal, such as dioxin containing products, shall be disposed of at an appropriately permitted facility.
6. Transport of all unwanted pesticides must be in compliance with Title 49 of the Code of Federal Regulations concerning transport of hazardous materials.
7. The State shall pay for each eligible participant to dispose of up to 200 pounds of unwanted pesticides, provided the pesticides meet the applicable requirements in Title 40 of the Code of Regulations, Part 273.3. Participants contributing more than 200 pounds may enter into a separate arrangement with the Contractor at the bid price to provide for shipping unwanted products to appropriate destination facilities.
8. The Contractor shall develop a registration form in coordination with the State to identify unwanted pesticides.
9. An initial unwanted pesticide waste collection event shall be conducted by April 30, 2007.
10. The contractor shall carry liability insurance that covers damages from the release of hazardous materials in the amount of \$1,000,000.

Criteria for Bid Review:

Minimum Qualifications for Bidders.

1. Verification that Bidder is a Large Quantity Handler of Universal Waste. A copy of the Contractor’s EPA Identification Number verification shall be submitted with the Contractor’s bid.
2. Proof of insurance.

Statement of Qualifications

All bidders must include a statement of qualifications experience

- a. hazardous waste disposal, (20 points)
- b. experience in pesticide waste collection and disposal (cleansweep), (20 points) and
- c. disposal and dioxin waste collection and disposal (10 points).

Activity Estimates:

1. Program to register participants and unwanted pesticides held by each participant for Kauai, Oahu, Maui, Molokai and Hawaii (locations in West Hawaii and East Hawaii). (5 points for each location - 30 total points) Cost estimate by location.
2. Collect, segregate, assemble, store and dispose of unwanted pesticides covered under the universal waste rule. (40 points)

Activity	Small Volume Estimate	Medium Volume Estimate	Large Volume Estimate
Assemble and store unwanted pesticides until shipped for disposal	Less than 10,000 pounds \$ _____ per pound	10,000 to 40,000 pounds \$ _____ per pound	More than 40,000 pounds \$ _____ per pound
Dispose of dioxin-containing pesticides	Less than 500 lbs \$ _____ per pound	500-5,000 pounds \$ _____ per pound	More than 5,000 pounds \$ _____ per pound
Dispose of other pesticides at approved incinerator	Less than 10,000 pounds \$ _____ per pound	10,000 to 40,000 pounds \$ _____ per pound	More than 40,000 pounds \$ _____ per pound
Sample unknown pesticides and deliver to laboratory	Less than 25 \$ _____ per sample	25-100 \$ _____ per sample	More than 100 \$ _____ per sample

Anticipated Questions from Participants and Recommended Answers:

What happens if waste pesticides are in containers that are leaking? The pesticide and leaking container must be placed in an “over pack” container. This container must be large enough to hold the pesticide and original container and its contents must be identified on the outside of the “over pack” container. Make sure any contaminated articles and clean-up materials are also placed in the “over pack” container.

What personal protective equipment (PPE) should I wear when conducting an inventory and repacking pesticides waste? Wear the PPE specified on the pesticide label for handlers, or check with the Department of Agriculture’s pesticide education program for PPE requirements. (You must know the pesticide name or active ingredients).

I have pesticide gas cylinders that need to be discarded? Gas cylinders are normally returned to the manufacturer for refill or disposal. You should contact the agricultural chemical dealer to determine if the cylinders can be returned. If they cannot be returned, identify the cylinders on the registration list and arrangements will be made to have resources available at the collection site to handle the waste.

What should I do if I cannot handle the waste or transport it to the collection site? You may make arrangements and pay the hazardous waste contractor to pick-up your wastes. You may also contact the agricultural chemical dealer from where you purchased the pesticide to see if they will pick it up.

What happens if I have more than 200 pounds of unwanted pesticides on the day of the collection event? The program will pay the contractor for up to 200 pounds of the unwanted pesticides. You must make arrangements to pay the contractor the bid price for the disposal of unwanted pesticides in excess of 200 pounds.

What will be done with unknown materials? Unknown or unlabeled pesticides will be tested after they are collected to determine their identity and appropriate disposition.

What happens if unknown materials are not pesticides? Materials initially identified as unknown pesticides that, upon testing, are not pesticides will be returned to the participant.

What should I do with unwanted pesticides and pesticides containers until the collection event? Unwanted pesticides and containers that are not triple rinsed should be stored in a container that is not leaking in a secure area and in a storage area with roof and impermeable floors.