**DRAFT Minutes of the Advisory Committee on Pesticides**

1. **Call to order**

Upon determining that there was a quorum of members, the meeting of the Advisory Committee on Pesticides was called to order on October 2, 2024, at 10:08 am by Hawaii Department of Agriculture (HDOA) Deputy to the Chairperson, Dexter Kishida, at the HDOA Boardroom located at 1428 S. King Street, Honolulu, Hawaii.

Members Present:

Dexter Kishida, Deputy to the Chairperson, HDOA for Chairperson, Sharon Hurd

Melvin Tokuda, Department of Health Representative

Troy Sakihara, Department of Land and Natural Resources Representative

Dr. Qing Li, University of Hawaii, College of Tropical Agriculture and Human Resources

Representative

Nicholas Testa, Structural Pest Control Industry Representative

Judson Laird, Diversified Ag Industry Representative

Janet Ashman, Hawaii Farm Bureau Federation Representative

Steve Russo, Pesticide Industry Representative

Matt Lyum, Landscape Professional Representative

Members Absent:

Coffee Industry Representative

Environmental Organization Representative

Citizen’s Group Representative

Others Present:

Jennifer Waihee-Polk, Deputy Attorney General for HDOA

Greg Takeshima, Acting Plant Industry Administrator, HDOA

Scott Nishimoto, Acting Pesticides Branch Manager, HDOA

Esther Riechert, Environmental Health Specialist/Registration, HDOA/Pesticides Branch

Adam Yamamoto, Environmental Health Specialist/Education, HDOA/Pesticides Branch

Klayton Kubo, Member of the Public

1. **Approval of minutes from last meeting**

Minutes of the Advisory Committee on Pesticides convened on October 11, 2019. After reviewing the minutes for the meeting held on October 11, 2019, a motion was made by committee member Dexter Kishida to accept the minutes as submitted. The motion did not pass, no second. Minutes remain as draft.

1. **Comments from the General Public on Agenda Items**

Member of the public, Klayton Kubo, requested to move the agenda item number 6 up. Committee member Janet Ashman made the motion, seconded by committee member, Dexter Kishida.

1. **Requests for Review by the Advisory Committee on Pesticides**
2. Item 5 submittal was retracted and removed from the agenda.
3. Request to adopt amendments under Hawaii Administrative Rules, Chapter 4-66, pursuant to section 91-3(a), Hawaii Revised Statutes, to address increased civil penalties pursuant to Act 220, SLH 2023, and conformance to the approved Hawaii State Certification Plan.
4. Proposed Amendments to Section 4-66, Hawaii Administrative Rules (HAR), provisions in the Code of Federal Regulations (1) be amended and updated to the current revised versions and (2) be updated in Appendices B and C; (3) adoption of updated appendices A and B, and a new appendix C.

Acting Plant Industry Administrator, Greg Takeshima gave a background. In 2018, the U.S. EPA initiated an update of State certification plans for certified applicators. All State lead agencies which include the Department and is implemented by the Pesticides branch who is designated primacy over the Federal insecticides, Fungicide, and Rodenticide Act were required to receive approval of their state certification plans via U.S. EPA. The Pesticides branch drafted and received approval of the Hawaii State Certification Plan by the U.S. EPA in the 4th quarter of 2022. Changes and updates to HAR, Chapter 4-66 are required to ensure Hawaii’s pesticide laws match Federal law. The changes, amendments, additions, and deletions are reflected in the Ramseyer attachment, and are summarized in the submission to the committee. Act 220, SLH 2023 provided updates to several penalties related to pesticide law violations. Those changes are reflected in the Appendix A.

Klayton Kubo testified that he’s been involved in this matter for about 24 years now and has been trying to get some meaningful regulations on repeat offenders of pesticides violations for the last 5 years. He is hopeful that the Governor will sign it into law.

No other testimony from the public.

Committee member Steve Russo is not in favor of raising fines. He is concerned that raising penalties with a fine of $10,000 per violation on small businesses for a single occurrence could be crippling and small businesses would be impacted by this and put out of business.

Scott Nishimoto, Acting Pesticides Branch Manager, HDOA clarified that these would be the maximum penalty amounts, and not initial penalty amounts.

After discussion to ensure clarity on penalties, raising the amount of fines, and how monies are being used on pesticide violations, the motion was made to vote and failed. Four (4) voted yes, three (3) voted no, one (1) objected, and one (1) abstained.

1. Proposed amendment to the list of state restricted use pesticides to include new active ingredient, Flupyradifurone.

Pesticides Branch Environmental Health Specialist employee, Esther Riechert, explained to the committee why flupyradifurone is proposed to be added to the list of State Restricted Use Pesticides. Flupyradifurone is a systemic insecticide that is federally registered for use on a variety of crops such as brassica, cucurbit, coffee, fruiting, leafy, bulb, tuberous and corn, citrus, pome and stone fruit trees, tree nuts, eggplants, peppers, taro, tomato, bushberries, and ornamentals. In 2015 Bayer CropScience submitted a product that contained a new active ingredient. At the time, flupyradifurone was a new active ingredient and subject to a full groundwater review which was conducted by the University of Hawaii. The results of the review and other environmental fate data indicated that this chemical would potentially leach into groundwater. Despite branch reservations, two (2) were licensed in 2015 as general use products under the condition that no other products containing the active ingredient flupyradifurone will be licensed until an in-field study can be completed. A proposal for the infield groundwater study was submitted in 2017 by UH-WRRC totaling $403,199.00, but due to lack of funding, the study was never conducted.

Committee member Melvin Tokuda made the motion, seconded by committee member, Steve Russo. A motion was made to recommend flupyradifurone to become a restricted use product pending completion of groundwater study. If the study does not support the data of it being a ground water leacher, then the restricted use status will be withdrawn. The motion was made to vote and passed. Five (5) voted yes and four (4) voted no.

1. Proposed amendment to list of state restricted use pesticides to include new active ingredient, Quinclorac.

Pesticides Branch Environmental Health Specialist employee, Esther Riechert, explained to the committee why quinclorac is proposed to be added to the list of State Restricted Use Pesticides. Quinclorac is a systemic herbicide that is federally registered for use on ornamental turf, conservation land, pastures, rice, sorghum, bushberries, institutional premises, rights of ways, and airport. Sometime in 1998-1999, quinclorac was introduced to the state. The initial groundwater review and full groundwater review was conducted, and the results of the review and other environmental fate data indicated that this chemical would potentially leach into groundwater and the Branch would designate the active ingredient as a restricted use in Hawaii. Since then, various registrants submitted product license applications, but they were all withdrawn once they were informed that this active ingredient will be requested to be put on the list of restricted use pesticides. Currently, the Branch does not have any products with this active ingredient in the market.

Committee member Melvin Tokuda approved the motion, seconded by committee member, Judson Laird. A motion was made to vote and passed. Eight (8) voted yes and one (1) abstained.

1. Proposed amendment to list of state restricted use pesticides to include new active ingredient, Thiamethoxam.

Pesticides Branch Environmental Health Specialist employee, Esther Riechert, explained to the committee why thiamethoxam is proposed to be added to the list of State Restricted Use Pesticides. Thiamethoxam is a neonicotinoid insecticide that is federally registered for use on brassica, cucurbits, ginger, bushberries, citrus, peppers, tomatoes, watermelon, nuts, soybeans, stone fruits, tuberous vegetables, corn, ornamentals, turf, structures, and more. It was introduced or requested to be licensed in the State back in 2012. The full groundwater review was finished in 2013 and it suggested it was a potential leacher. There are currently several active products in the State. Mainly for indoor use or seed treatment. There were a couple of other products for outdoor use as well. They were registered under the assumption that staff on the branch did not know that this product was a potential leacher at the time. In 2022, a letter or email was sent out to all of the registrants with active products, stating that the Branch would request to add this active ingredient to the list of restricted use products. Registrants either responded, did not respond, or withdrew their application.

Committee member Melvin Tokuda made the motion, seconded by committee member, Steve Russo. The motion was moved to vote and failed. Three (3) voted yes, two (2) voted no, and three (3) abstained.

1. Proposed amendment to list of state restricted use pesticides to include new active ingredient, Penflufen.

Pesticides Branch Environmental Health Specialist employee, Esther Riechert, explained to the committee why penflufen is proposed to be added to the list of State Restricted Use Pesticides. Penflufen is a systemic fungicide that is federally registered for use on artichoke, chayote, cassava, ginger, sweet potato, and yams. In 2012, penflufen was introduced in the State. A full groundwater review was completed in 2013 and it concluded that the active ingredient might be a potential groundwater leacher. In 2014, the product was registered because at the time, the only uses were for seed treatment. Seed treatment has a low possible impact for groundwater usage. Currently, there are three (3) registered products in the State and six (6) Federally. It is currently in the market for seed treatment.

Committee member Melvin Tokuda made the motion, seconded by committee member, Judson Laird. The motion was made to vote and passed. Six (6) voted yes and two (2) voted no.

1. **Old business**

No old business was presented or discussed.

1. **New business**

No new business was presented or discussed.

1. **Adjournment**

A motion for adjournment was made by committee member Dexter Kishida and Seconded by

committee member Steve Russo. The meeting was adjourned at 12:35 pm.