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5 **Minutes of the Board of Agriculture**
6

7 CALL TO ORDER – The meeting of the Board of Agriculture was called to order on May
8 31, 2016 at 9:00 a.m. by Board of Agriculture Chairperson Scott Enright, at the Plant
9 Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.

10
11 **Members Present:**

12 Scott Enright, Chairperson, Board of Agriculture
13 Clark Hashimoto, Member-At-Large
14 Suzanne Case, Chairperson, Board of Land and Natural Resources
15 Michelle Galimba, Member-At-Large
16 Richard Ha, Hawaii Member
17 Jerry Ornellas, Kauai Member
18 Mary Alice Evans, Deputy, Department of Business Economic Development, Ex
19 Officio Member
20

21 **Members Absent:**

22 Glenn Hong, Member-At-Large
23 Simon Russell, Maui Member
24 Dr. Maria Gallo, Dean of the College of Tropical Agriculture & Human Resources
25 University of Hawaii, Ex Officio Member
26

27 **Others Present:**

28 Randy Teruya, Hawaii Department of Agriculture (HDOA)/Agricultural Resource
29 Management Division (ARM)
30 Brian Kau, HDOA/ARM
31 Glenn Okamoto, HDOA/ARM
32 Randall Chang, HDOA/State Agricultural Loan Division (SALD)
33 Linda Murai, HDOA/ARM
34 Jeri Kahana, HDOA/QAD
35 Chris Kishimoto, HDOA/Plant Quarantine (PQ)
36 Darcy Oishi, HDOA/Plant Pest Control
37 Jonathan Ho, HDOA/PQ
38 Haunani Burns, Deputy Attorney General
39 Andrew Goff, Deputy Attorney General
40 Bryan Yee, Deputy Attorney General
41 Dean Matsukawa, HDOA/SALD
42 Lance Sakaino, HDOA/PQ
43 Wil Leon Guerrero, HDOA/PQ
44 Keevin Minami, HDOA/PQ
45 Amy Takahashi, HDOA/PQ

1 Chris Kishimoto, HDOA/PQ
2 Phyllis Shimabukuro-Geiser, HDOA
3 Jonathan Ho, HDOA/PQ
4 P.M. Azinga
5 Bryna Storch, Lanipo Farm
6 Cal Toyofuku, Lanipo Farm
7 David Siemann, University of Hawaii Manoa (UHM)
8 Christy Martin, Coordinating Group on Alien Pest Species
9 Albert To, UHM
10 Roy Yamakawa
11 Sarah Steien
12 Janet Ashman, Hawaii Farm Bureau Federation
13 Sophie Cocke, Star Advertiser
14 Mukesh Kumar, John Burns School of Medicine (JABSOM)
15 Vivek Nerurkar, JABSOM
16 Jon Kawamura, Office of State Representative Della Belatti
17 Ashley Lukens, Hawaii Center for Food Safety
18 Keith Mattson, Keith Matson LLC
19 Peter Adler, Accord 3.0
20

21
22 II. APPROVAL OF MINUTES FROM 4/26/16 MEETING:

23
24 Chairperson Enright requested a motion to approve the April 26, 2016 meeting minutes.

25
26 Motion for approval: Evans/Ha

27
28 Vote: Approved, 7/0.
29

30 III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR
31 WRITTEN)
32

33 Chairperson Enright said that the Board will be taking public comments on agenda
34 items as they come up during the meeting.
35

36 IV. INTRODUCTIONS
37

38 There were no introductions or comments.
39

40 V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
41

42 A. AGRICULTURAL LOAN DIVISION
43

- 44 1. Request for Approval of One (1) Direct Farm Operating Loan to Glenn
45 S. Miyashita and Glenn's Flowers & Plants, LLC, co-borrowers.

1
2 Presentation by Mr. Dean Matsukawa, Division Administrator, HDOA/SALD, and Mr.
3 Randall Chang, Business Loan Officer, HDOA/SALD as submitted. Staff recommends
4 approval.

5
6 Motion to accept: Evans/Galimba

7
8 Vote: Approved, 7/0.

9
10 2. Request for Approval of One (1) Direct Farm Ownership Loan to Bryna
11 R. Storch and Isobel Storch, co-borrowers.

12
13 Mr. Chang presented as submitted. Staff recommends approval.

14
15 Motion to accept: Galimba/Ha

16
17 Vote: Approved, 7/0.

18
19 3. Request for Approval of One (1) Direct Aquaculture Operating Loan to
20 Kulahaven Farms, LLC.

21
22 Mr. Chang presented as submitted. Staff recommends approval.

23
24 Motion to accept: Ha/Hashimoto

25
26 Board Member Evans asked why the interest rates for this aquaculture operation were
27 higher than the agriculture loan rate.

28
29 Mr. Matsukawa said that the interest rates are set by statute. HDOA tried to reduce the
30 interest rates before at the State Legislature, and were only able to reduce the
31 agricultural loan rate, but not the rate for aquaculture loans.

32
33 Vote: Approved, 7/0.

34
35 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

36
37 1. Certification of Acreage Assessments for the Honokaa-Paauilo,
38 Kahuku, Molokai, Waimanalo, and Waimea Irrigation Systems, 2017
39 Fiscal Year.

40
41 Mr. Brian Kau, Division Administrator, HDOA/ARM, presented as submitted. Staff
42 recommends approval.

43
44 Motion to accept: Hashimoto/Galimba.

45

1 Board Member Galimba asked how this acreage assessment is relative to last year's
2 acreage assessment.

3
4 Mr. Kau said it is very similar, for each system it is within 2-300 dollars per year, or plus
5 or minus 1 cent per-acre.

6
7 Board Member Hashimoto asked whether all of the lands are being farmed.

8
9 Mr. Kau said that for the most part all of the lands are being farmed; however, a small
10 number of acreage are not farmed that have rights to water, but are unable to be
11 farmed. For example, the farmers are intentionally fallowing the field to rehabilitate soil.

12
13 Board Member Ornellas asked if the acreage assessment includes both agricultural
14 park and non-agricultural park lands.

15
16 Mr. Kau said that the acreage assessment includes all agricultural park and non-
17 agricultural park lands that have access to State irrigation systems.

18
19 Board Member Evans asked how the acreage assessment compares to the various
20 county potable water rates.

21
22 Mr. Kau said that comparing the two is sort of like comparing apples to oranges. One
23 rate is based on the acreage of land, and the other is a delivery rate. The State has its
24 own delivery rate, and that is approximately 50 cents per 1000 gallons, and in most
25 cases, it is usually the lowest rate available.

26
27 Vote: Approved, 7/0.

28
29 2. Request for Approval of Extension of Sublease between the Hamakua
30 Agricultural Cooperative and Whitney Velez; General Lease No. S-
31 5549; TMK: 3rd Div/4-4-001:001 (por), Lot No. 02, Kaunamano
32 Government Remainder, Kaunamano, Hamakua, Island of Hawaii

33
34 Ms. Linda Murai, Property Manager, HDOA/ARM, presented as submitted. Staff
35 recommends approval.

36
37 Motion to accept: Evans/Galimba.

38
39 Board Member Evans asked whether the probationary period is to determine if the
40 farmer is farming the leased land.

41
42 Ms. Murai said the probationary period is to determine whether or not the lessee can
43 successfully farm.

44

1 Board Member Evans asked whether it is up to the lessee to notify the HDOA that it
2 completed the probationary period.

3
4 Ms. Murai said "yes." There was a lapse and the lessee didn't notify us until a year after,
5 and we had to put them on another probationary period.

6
7 Board Member Evans said that she noticed the lessee switched crops.

8
9 Ms. Murai said that farming is diversified, and if one crop doesn't work, the farmer
10 needs to switch gears and try something else.

11
12 Chairperson Enright said that the Hamakua co-op is unique, and they have a master
13 lease. Chairperson Enright asked why the lessee didn't request a longer lease.

14
15 Ms. Murai said that because the lessee didn't successfully complete the initial
16 probationary period, HDOA staff wanted to put her on another probationary period first.

17
18 Vote: Approved, 7/0.

19
20 3. Request for Approval for Extension of General Lease No. S-5583, and
21 Reaffirmation of Prior Board Action Approving Consent to Assignment
22 of General Lease No. S-5583 from William J. Sanchez and Alison
23 Sanchez, Assignor, to William J. Sanchez, Assignee, TMK: 4th Div/43-
24 004:001, 014 & 017, Lot 1, Kapaa Agricultural Lots, Kapaa, Kawaihau
25 (Puna), Island of Kauai, Hawaii.

26
27 Mr. Roy Hasegawa, Property Manager, HDOA/ARM, and Mr. Randy Teruya,
28 HDOA/ARM, presented as submitted. Staff recommends approval.

29
30 Motion to accept: Ornellas/Evans.

31
32 Board Member Galimba asked whether or not this lease was originally from the
33 Department of Land and Natural Resources (DLNR) and was transferred over to the
34 HDOA.

35
36 Mr. Teruya said "yes" the lease was originally from DLNR, but had expired in 2014. The
37 lessee had filed an extension, but the HDOA staff missed the extension deadline for the
38 request. The lessee has done a good job of maintaining his leased lands.

39
40 Chairperson Enright said that the lessee is a good steward of the land.

41
42 Vote: Approved, 7/0.

43

- 1 4. Request for Approval to Construct a Milk Processing Facility; General
2 Lease No. S-5586, Big Island Dairy, LLC, TMK: 3rd Div/3-9-002:008;
3 O'Okala, North Hilo, Island of Hawaii.
4

5 Mr. Teruya presented as submitted. Staff recommends approval.
6

7 Motion to accept: Ha/Galimba
8

9 Board Member Ornellas asked whether or not the permit for the processing facility
10 would only let Big Island Dairy process their own milk.
11

12 Mr. Teruya said "yes."
13

14 Ms. Jerry Kahana, Division Administrator, HDOA/QAD, was called up by Chairperson
15 Enright.
16

17 Chairperson Enright asked if Big Island Dairy has been in contact with Cloverleaf Dairy
18 to discuss the potential use of their processing facility.
19

20 Ms. Kahana said "yes," but only in preliminary discussions. Cloverleaf Dairy's
21 production has gone down substantially, and she has heard different stories on whether
22 or not Cloverleaf Dairy will continue selling to Meadow Gold.
23

24 Chairperson Enright asked the Deputy Attorney General if the current language in the
25 submittal would prevent any other dairy from being able to use Big Island Dairy's
26 processing facility.
27

28 Deputy Attorney General Bryan Yee said "yes." Deputy Attorney General Yee said that
29 if Cloverleaf wants to use Big Island Dairy's processing facility, it would need to go
30 before the Board to get approval.
31

32 Board Member Evans asked what the purpose was to limit the use of the processing
33 facility to only Big Island Dairy.
34

35 Mr. Teruya said that at this point in time there is no agreement between Big Island Dairy
36 and Cloverleaf. Standard language in the leases limit the uses of facilities to the tenant.
37 Mr. Teruya said ARM would not open up the use of the facility unless there was an
38 actual agreement.
39

40 Mr. Kau said that we wouldn't have a problem considering amending the lease
41 agreement at a later date. He would like the ability to vet any agreement between Big
42 Island Dairy and someone else.
43

1 Board Member Evans asked Chairperson Enright for a motion to allow the Chairperson
2 to approve agreements with other dairy farmers to use Big Island Dairy's milk
3 processing facility.

4
5 Deputy Attorney General Yee said that he can work on the specific language of the
6 agreement if needed.

7
8 Board Member Evans moves to amend the staff recommendation to amend provision 1
9 to allow for the Chairperson to review and approve agreements with other milk
10 producers.

11
12 Board Member Ornellas seconds Board Member Evans' motion.

13
14 Vote for Board Member Evans' motion: Approved, 7/0.

15
16 Vote for original request: Approved 7/0.

17
18 Chairperson Enright calls for a recess at 9:44 am.

19
20 Call to order at 9:48 am.

21
22 C. PLANT INDUSTRY DIVISION

23
24 Invertebrate and Aquatic Biota

- 25
26 1. Request to: (1) Allow the Importation of Kumamoto Oyster,
27 Crassostrea sikamea, Pacific Oyster; Crassostrea gigas, and Manila
28 Clam, Tapes semidecussata, Animals on the List of Conditionally
29 Approved Animals, by Permit, for Live Retail Sales, by Kona Coast
30 Shellfish, LLC; and (2) Update Permit Conditions for the Importation of
31 Kumamoto Oyster, Crassostrea sikamea, Pacific Oyster, Crassostrea
32 gigas, and Manila Clam, Tapes semidecussata; Animals on the List of
33 Conditionally Approved Animals, by Permit, for Live Retail Sales, by
34 Kona Coast Shellfish, LLC.

35
36 Mr. Jonathan Ho, acting compliance section branch chief, HDOA/PQ, presented as
37 submitted.

38
39 Mr. Ho said that there was a large amount of discussion regarding this request during
40 the Advisory Committee meeting. After discussion, there was a recommendation to
41 change the permitting process to prohibit the importation of these oysters from areas in
42 the world known to have oyster herpes.

43
44 Motion to accept: Hashimoto/Ha.

45

1 Board Member Evans asked if the production facility is located at the National Energy
2 Laboratory of Hawaii Authority (NELHA).

3
4 Mr. Ho said "yes."

5
6 Board Member Evans said that she serves on a board at NELHA.

7
8 Board Member Case said that she is involved with some projects at NELHA.

9
10 Deputy Attorney General Yee said there was no conflict of interest with Board Member
11 Evans or Board Member Case in hearing this request.

12
13 Board Member Case asked whether the oysters being imported will be mature.

14
15 Mr. Ho said "yes." The applicant plans to import mature oysters and breed them. The
16 applicant intends to send the seedlings to the mainland to grow out.

17
18 Board Member Ornellas asked whether the oysters will be permitted to be sold live, as
19 he is worried that they will be similar to the Manila Clam and clog up irrigation systems.

20
21 Mr. Ho said that while these oysters are on the conditionally approved list, growing them
22 in the wild has proven to be challenging. There were several failed attempts to
23 introduce them into the wild. Additionally, the oyster cannot survive in fresh water and
24 wouldn't be a threat to irrigation systems.

25
26 Vote: Approved, 7/0.

27
28 Microorganisms

- 29
30 2. Request to: (1) Allow the Importation of an Unlisted Microorganism,
31 Zika Virus, Determined to be High-Risk, by Special Permit, for
32 Laboratory Research Including Animal Inoculation Studies, by the
33 University of Hawaii; and (2) Establish Permit Conditions for the
34 Importation of an Unlisted Microorganism, Zika Virus, Determined to be
35 High-Risk, by Special Permit, for Laboratory Research Including
36 Animal Inoculation Studies, by the University of Hawaii.

37
38 Mr. Wil Leon-Guerrero, acting Microorganism Specialist, HDOA/PQ, distributed to the
39 Board the Final Declaration of Exemptions dated May, 27, 2016, to replace the previous
40 draft Declaration that had been inadvertently sent with the Board submittal. The Final
41 Declaration includes a new paragraph of text and a footnote after the listing of the
42 Advisory Subcommittee members on Viruses. Mr. Leon-Guerrero presented as
43 submitted. Staff recommends approval.

44
45 Motion to accept: Evans/Ornellas.

1
2 Dr. Vivek Nerurkar, JABSOM, is called up to answer questions.

3
4 Board Member Evans asked what the purpose is for importation of the virus, and
5 whether there are other labs around the world also working on a vaccine for the virus.

6
7 Dr. Nerurkar said that Hawaii Biotech is working on a Zika vaccine, and the UH
8 collaborates with them. There are also other companies on the Mainland and
9 internationally that are working on the Zika virus. Vaccines usually take around 20
10 years from inception to mainstream public use. However, the HIV vaccine has been
11 fast tracked to a 4-5 year process, and he hopes that the Zika vaccine may also be fast
12 tracked.

13
14 Board Member Galimba asked whether or not there is an estimated timeline for UH's
15 Zika virus study.

16
17 Dr. Nerurkar said that the production of antigens have begun since this past February,
18 and they will use the antigens to test on the animals once they get a permit for the
19 importation of the Zika virus.

20
21 Board Member Ha asked what "therapeutics" are.

22
23 Dr. Nerurkar said that therapeutics are what they call drugs. Vaccines are preventative.

24
25 Vote: Approved, 7/0.

26
27 Plants

- 28
29 3. Request for: (1) Preliminary Approval of Proposed Amendments to
30 Chapter 4-72, Hawaii Administrative Rules, "Plant Intrastate Rules," to
31 Prohibit the Intrastate Movement of *Metrosideros* (all species in genus)
32 (*Ohia*), Plants and Plant Parts, Including Flowers, Leaves, Seeds,
33 Stems, Twigs, Cuttings, Wood, Logs, Mulch, Greenwaste, Frass, and
34 Soil, All of Which are Known Hosts or Carriers of the Fungus,
35 *Ceratocystis fimbriata*, Known to Cause *Ohia* Wilt (Rapid *Ohia* Death),
36 From the Island of Hawaii, a Rapid *Ohia* Death Infested Area, to Rapid
37 *Ohia* Death Restricted (Non-Infested) Islands, Except by Permit Issued
38 by the Hawaii Department of Agriculture. (Proposed Permanent Rule to
39 Replace Department of Agriculture Plant Quarantine Rule 15-1
40 Approved 8/15/2015.); (See Attached Summary of Proposed
41 Amendments); and

- 42
43 (2) Authorization for the Chairperson to Schedule a Public Hearing and
44 Appoint a Hearing Officer in Connection with Proposed Amendments
45 to Chapter 4-72, Hawaii Administrative Rules, "Plant Intrastate Rules,"

1 to Prohibit Intrastate Movement of *Metrosideros* (all species in genus)
2 (Ohia), Plants and Plant Parts, including Flowers, Seeds, Stems,
3 Twigs, Cuttings, Wood, Logs, Mulch, Greenwaste, Frass, and Soil, All
4 of Which are Known Hosts or Carriers of the Fungus, *Ceratocystis*
5 *fimbriata*, Known to Cause Ohia Wilt (Rapid Ohia Death), From the
6 Island of Hawaii, a Rapid Ohia Death Infested Area, to Rapid Ohia
7 Death Restricted (Non-Infested) Islands, Except by Permit Issued by
8 the Hawaii Department of Agriculture.

9
10 Mr. Lance Sakaino, Acting Plant Quarantine Specialist, HDOA/PQ, presented as
11 submitted. Staff recommends approval.

12
13 Motion to accept: Evans/Ornellas.

14
15 Board Member Case said that she wants to thank the HDOA for being on top of this
16 issue.

17
18 Board Member Ornellas said that he voiced his concern in the past about the movement
19 of soil. He hopes these amendments will address his concerns. Nurseries could use
20 potting soil and this choice is strictly an economic reason.

21
22 Vote: Approved, 7/0.

23
24 Chairperson Enright calls for a recess at 10:19 am.

25
26 Call to order at 10:21 am.

27
28 VI. OLD BUSINESS

29
30 There was no old business to report.

31
32 VII. NEW BUSINESS

33
34 Presentation by Peter Adler on, "Findings and Recommendations of The Joint Fact
35 Study Group on Pesticide Use by Large Agribusinesses on Kaua'i." Questions and
36 discussion to follow.

37
38 Mr. Peter Adler and Mr. Keith Mattson came up before the Board to present.

39
40 Mr. Adler said that generating the report on the Findings and Recommendations of The
41 Joint Fact Study Group on Pesticide Use by Large Agribusinesses on Kauai (the report)
42 was sometimes a contentious process, but he is proud of the end product. He urged
43 the Board to focus on the recommendations, rather than engaging in a discussion of the
44 pros/cons of how the report was generated. The recommendations are not radical, and

1 he welcomes any questions the Board may have, although some of the meetings were
2 confidential. He also thanked the Governor and the Board for their support in this effort.

3
4 Board Member Evans asked whether the recommendations where the HDOA is the
5 lead can be followed without statutory changes.

6
7 Mr. Adler said that most of the recommendations proposed do not need statutory
8 amendments. However, one of the recommendations does call for a fresh look at the
9 existing rules. There has been a lot of recent research/advancements in the pesticide
10 field.

11
12 Mr. Matson said that both the HDOA and the Hawaii Department of Health (DOH) were
13 invited to provide comments. DOH responded, but did not indicate they would need
14 legislation before they would be able to implement any of the recommendations.

15
16 Board Member Ornellas said that he had a category 10 pesticide license for about 20
17 years when he worked at CTAHR, and he is generally familiar with the pesticide
18 regulation process. Board Member Ornellas said that some in the community are
19 concerned with the resignation of about a third of the Joint Fact Finding Group (JFF
20 group).

21
22 Mr. Adler said that he was surprised at the resignations and thought the resignations
23 were unnecessary. He said that most of the issues that those resigned championed
24 ultimately materialized in the report.

25
26 Board Member Ornellas asked why the report took no stand on the Waimea Canyon
27 Middle School pesticide incident.

28
29 Mr. Adler said that they did not find any conclusive evidence from those reports in the
30 early 2000s, and the JFF group could not definitively say what exactly happened. The
31 JFF group tried to present the evidence on both sides without saying who was "right" or
32 "wrong."

33
34 Mr. Matson said that the motto for the JFF group was to "leave no stone unturned." The
35 JFF group tried to provide as much factual information as possible. The report did not
36 take a stance because it was impossible to ascertain with a 100 percent certainty.

37
38 Mr. Adler said that the JFF group was focused on the data. If someone had an opinion,
39 the group wanted to see what evidence they brought supporting their opinion.

40
41 Board Member Ornellas asked why the JFF group didn't consider it sufficient evidence
42 to take a stand when Waimea Canyon Middle School was tested and no pesticides
43 were found.

44

1 Mr. Adler said that there were other theories. For example, pesticides volatilize and may
2 be found residually.

3
4 Mr. Matson said that the Waimea Canyon Middle School incident can be seen as a
5 teaching moment on incident response. The HDOA/DOH should look at their
6 procedures to allow a more certain response in order to generate better findings and
7 resolutions.

8
9 Chairperson Enright asked Mr. Adler to explain how the section in the report on the
10 Waimea Canyon Middle School incident was generated.

11
12 Mr. Adler said that Dr. Kathleen West-Hurd was the lead on this section. However, all
13 of the JFF group members needed to agree with the contents of the section before it
14 was published. Mr. Adler said that the environmental sampling found pesticides, but
15 those pesticides were banned and are not currently used by farmers or biotech
16 companies. These banned pesticides have a long half-life and are persistent, and there
17 is an issue between "legacy pesticides" and modern pesticides currently approved for
18 use by the biotech companies. Another issue is the current pesticide labeling
19 requirements. The labeling requirements primarily deal with acute pesticide exposures.
20 There is not a lot of information on the effects of residual exposure. Chronic effects
21 would not impact the general population, but would affect farm workers and
22 communities next to farms. There is emerging medical research on chronic long term
23 effects, and this needs to be addressed. This issue will not go away, people are very
24 conscious in what they eat and drink.

25
26 Board Member Ornellas said that people should be constantly vigilant. Board Member
27 Ornellas mentioned that there was a major study done in California that concluded there
28 were no major health problems linked to pesticides.

29
30 Mr. Matson said that the JFF group did rely on the California study in the report. The
31 California study also looked at non-pesticide exposures such as plastics, and from the
32 California study, it would be hard to pinpoint big agriculture in causing any health
33 problems.

34
35 Board Member Ha said that making it harder to obtain pesticides will hurt small farmers.
36 Small farmers are scared of pesticide regulators, and very few small farmers have
37 access to these controlled pesticides, and the small farmers are not the cause of any
38 past pesticide issues.

39
40 Board Member Galimba expressed concern that the way in which the report was
41 phrased indicates/suggests a suspicion that agriculture is responsible for the incidents.
42 The presentation of the report was supposed to be a fact-based document, and there
43 seemed to be an implication that agriculture was at fault. Board Member Galimba
44 asked that the report identify who wrote each section of the report.

1 Mr. Adler said that while certain groups of people were in charge of writing each section,
2 everyone in the JFF group needed to sign off on the entire report. Mr. Adler said that he
3 never perceived an intent to disparage agriculture, and he felt that the JFF group had an
4 obligation to analyze and present the best data available.

5
6 Board Member Galimba asked whether the report considered comments from the
7 general public as well as public/private agencies.

8
9 Mr. Adler said that they did consider comments, and they have them assembled for
10 viewing.

11
12 Chairperson Enright opens the floor for public comments.

13
14 Chairperson Enright calls up Ms. Sarah Steien.

15
16 Ms. Steien said that she wants to clarify why she resigned from the JFF group. She
17 didn't want to leave the JFF group, but felt she had to resign after several unresolved
18 issues. First, Ms. Stein said she thought the JFF group largely dismissed public
19 comments. Ms. Stein said that she only had one day to review public comments after
20 the deadline for public comments had passed before the JFF group finalized the
21 recommendations of the report. Second, Ms. Stein said that there was an imbalance in
22 the listening discussions. The JFF group did not meet with Kauai Coffee, Kauai Farm
23 Bureau, practicing pesticide applicators, UH pesticide experts, the Environmental
24 Protection Agency (EPA), or any other doctors outside of the JFF group. Finally, Ms.
25 Steien said that the JFF group did not properly vet the health chapter of the report. She
26 was appointed to a group with two other doctors to write the health chapter, and they
27 couldn't agree on a single draft. They agreed to submit both drafts to the JFF group for
28 their consideration; however, one of the physicians wrote a new third draft of the health
29 chapter that she did not get a chance to review, and the JFF group voted to adopt that
30 version.

31
32 Chairperson Enright thanked Ms. Steien for her time and energy spent on working in the
33 JFF group.

34
35 Chairperson Enright calls up Mr. Roy Yamakawa.

36
37 Mr. Yamakawa said that he resigned from the JFF group regarding a breach of process
38 with the health section of the report. The JFF group bylaws state that the group will
39 attempt to come to a consensus after discussions; however, the group never discussed
40 the health section before voting. At the last moment before the group was set to vote
41 on the health section, one of the group members, who was the primary author of the
42 health section, told the group to not release the draft with the health section. The JFF
43 group voted without the opportunity for ample discussion. Mr. Yamakawa said that he
44 did not vote, and told Mr. Adler that if the JFF group voted without following proper
45 procedures, he would resign. Mr. Yamakawa said he thought this was a breach of trust.

1
2 Mr. Yamakawa said that the fact finding process is not a unique process to this
3 particular issue. The fact finding process is a mechanism that is used elsewhere
4 nationally and internationally. Mr. Yamakawa said that while fact finding is a good tool,
5 the process was not viable for this report for three reasons. The first reason was from a
6 power differential in the JFF group. The majority of the group began with a bias against
7 pesticides. During introductions at the first JFF group meeting, the lead author on the
8 health section of the report said that she was there to prove that the kids on West
9 Canyon were poisoned. To claim that this group was unbiased is disingenuous. The
10 second reason was that the JFF process cannot take place with distrust. The JFF
11 group did not follow its bylaws and created distrust. Finally, the issue the JFF group
12 was investigating was a volatile social and political issue. Ultimately, the
13 recommendations of the report were not consistent with the fact finding process.

14
15 Chairperson Enright thanked Mr. Yamakawa for his time and energy spent on working
16 in the JFF group.

17
18 Board Member Galimba asked Mr. Yamakawa to expand upon what he meant by the
19 lack of correlation between the fact finding process and the recommendations in the
20 report.

21
22 Mr. Yamakawa said that a fact finding process should look at the facts, and facts are
23 different from opinions. The JFF group was supposed to filter information through their
24 own professional experience. Mr. Yamakawa said he is familiar with the Waimea
25 community, and to make the correlation/innuendo in the report that says they are in bad
26 health was inappropriate. Mr. Yamakawa thought it was not correct to infer that
27 pesticides were making the people of Waimea Canyon unhealthy. Mr. Yamakawa said
28 he submitted a rural health organization chart listing all common health issues, and all
29 of the health issues stated were not caused by pesticides. Mr. Yamakawa said he had
30 a hard time conveying the difference between a peer-reviewed document and good
31 laboratory practices, and it was difficult to report things scientifically to the JFF group in
32 the proper context. For example, regarding the pesticide usage section in the report,
33 Roundup contains glyphocene, ranging in concentration from anywhere between 1% to
34 52%. It is meaningless to report x amount of pounds of Roundup without also
35 disclosing the concentration of glyphocene. Mr. Yamakawa also wanted an
36 epidemiologist to peer review the report before it was released, but the JFF group
37 refused. Mr. Yamakawa said that although Mr. Adler repeatedly says to "look at the
38 recommendations", if you look at the text and then look at the recommendations, they
39 are not congruent.

40
41 Chairperson Enright calls up Ashley Lukens, Director of Hawaii Center for Food Safety.

42
43 Ms. Lukens said that she was cautiously optimistic with the JFF group. Ms. Lukens said
44 that she has a Ph.D and has experience working to bring opposing literature together,
45 and the JFF process seemed sound and the team sufficiently diverse. However, Ms.

1 Lukens said that we lost some of the primary voices in Kauai while they were involved in
2 the report. Ms. Lukens said that while she values the experience/input by farmers on
3 pesticides, it is the medical professionals who have the expertise to weigh in on the
4 effects on pesticide uses for long term chronic exposure. Ms. Lukens said that she is
5 bothered and dismayed that the conversation by the Board right now is on the process
6 of the fact finding and not on the actual recommendations. Ms. Lukens said that she
7 doesn't think the recommendations are extreme, and the State need to increase
8 interagency communication regarding pesticides.

9
10 Ms. Lukens said that she thinks that the DOH should be primarily responsible for
11 determining and monitoring long term health impacts relating to pesticides, and she
12 wants to see State action, rather than letting the county regulate pesticides. Ms. Lekens
13 said that she is incredibly pro-agriculture, but she doesn't think the agricultural industry
14 should come before public health, and she hopes to see prompt action from the Board.

15
16 Chairperson Enright said that the HDOA regulates pesticides the way it is asked to by
17 the EPA. Current regulations are in place to prevent acute exposures. Part of the work
18 the JFF group did was to substantiate whether or not allegations were true on west
19 Kauai regarding acute exposures. Chronic health problems related to long term low-
20 level exposures is currently researched at the federal level, and not done by HDOA.

21
22 Ms. Lukens said that a lot of states stepped forward in the regulatory space.

23
24 Chairperson Enright said that only a few states do more work than Hawaii does on
25 pesticides. California does more, but they get a lot more money to conduct pesticide
26 studies, and their studies showed there was no conclusive evidence of health risks.
27 Chairperson Enright said that he is not saying we will not follow the recommendations in
28 the report: the HDOA will follow through with many of them.

29
30 Ms. Lukens said she disagrees that there is no evidence of health risks.

31
32 Chairperson Enright said that Ms. Lukens shouldn't ask the HDOA to discuss public
33 health issues. The HDOA is following what the EPA tells us to do. The work that we
34 are told to do is to monitor for acute level exposures.

35
36 Ms. Lukens said that she would imagine the public would be concerned to hear that the
37 HDOA is not concerned about public health because it is not the Department's primary
38 mission.

39
40 Chairperson Enright calls up Ms. Janet Ashman, Hawaii Farm Bureau Federation.

41
42 Ms. Ashman said that no one thinks that industry concerns should trump public health
43 concerns; however, after reviewing this issue for 1.5 years, the JFF group found that
44 there is no verification that any of those health concerns are true. The report creates
45 conjecture through innuendo and non-peer reviewed sources, and equal or more weight

1 was given to biased or unregulated sources. Some of the recommendations in the
2 report have merit, but the implementation of unwarranted/unjustifiable recommendations
3 will have a negative impact on the agricultural industry.

4
5 Chairperson Enright called up Mr. Adler and Mr. Matson.

6
7 Board Member Ornellas said that he has an issue with the statements made here today
8 about how the Board should focus on the recommendations and not the fact finding
9 process. Board Member Ornellas said that we are jumping right to the
10 recommendations without focusing on the actual report. Board Member Ornellas also
11 said there is a cost benefit analysis that needs to be done regarding pesticide
12 monitoring. We have limited resources and the HDOA has a budget.

13
14 Mr. Adler said that he learned a lot, and he understands there is disagreement on the
15 process, content, and final product of the report. Mr. Adler said that this debate will
16 continue, and he hopes people will be able to use the report to generate further
17 discussion.

18
19 Mr. Matson said that one of the most important things we concluded in the report is the
20 finding of no evidence of environmental/health risk from pesticides currently allowed for
21 use today. However, while there was no finding of health risks, that doesn't mean we
22 shouldn't continue monitoring for potential health risks.

23
24 Board Member Hashimoto asked what is going to happen to the report.

25
26 Chairperson Enright said that the HDOA commissioned the report with the Mayor of
27 Kauai, and it is being reviewed. There is no vote by the Board to approve the report.
28 The HDOA will be implementing some of the recommendations in the report.

29
30 VIII. ADJOURNMENT OF REGULAR MEETING

31
32 Motion to adjourn meeting: Galimba/Evans.

33
34 Meeting adjourned at 11:52 AM.

35
36 Respectfully submitted,

37
38
39 Noa K. Ching
40 Board Secretary

