

1 **Minutes of the Advisory Committee on Pesticides**
2 **October 2, 2024**

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4 **I. Call to order**

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

10
11 **Members Present:**

12 Dexter Kishida, Deputy to the Chairperson, HDOA for Chairperson, Sharon Hurd
13 Melvin Tokuda, Department of Health Representative
14 Troy Sakihara, Department of Land and Natural Resources Representative
15 Dr. Qing Li, University of Hawaii, College of Tropical Agriculture and Human Resources
16 Representative
17 Nicholas Testa, Structural Pest Control Industry Representative
18 Judson Laird, Diversified Ag Industry Representative
19 Janet Ashman, Hawaii Farm Bureau Federation Representative
20 Steve Russo, Pesticide Industry Representative
21 Matt Lyum, Landscape Professional Representative

22
23 **Members Absent:**

24 Coffee Industry Representative
25 Environmental Organization Representative
26 Citizen's Group Representative

27
28 **Others Present:**

29 Jennifer Waihee-Polk, Deputy Attorney General for HDOA
30 Greg Takeshima, Acting Plant Industry Administrator, HDOA
31 Scott Nishimoto, Acting Pesticides Branch Manager, HDOA
32 Esther Riechert, Environmental Health Specialist/Registration, HDOA/Pesticides Branch
33 Adam Yamamoto, Environmental Health Specialist/Education, HDOA/Pesticides Branch
34 Klayton Kubo, Member of the Public

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36 **II. Approval of minutes from last meeting**

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

42
43 **III. Comments from the General Public on Agenda Items**

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

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49 **IV. Requests for Review by the Advisory Committee on Pesticides**

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51 1. Item 5 submittal was retracted and removed from the agenda.

52

53 2. Request to adopt amendments under Hawaii Administrative Rules, Chapter 4-66, pursuant
54 to section 91-3(a), Hawaii Revised Statutes, to address increased civil penalties pursuant to
55 Act 220, SLH 2023, and conformance to the approved Hawaii State Certification Plan.

56

57 a. Proposed Amendments to Section 4-66, Hawaii Administrative Rules (HAR),
58 provisions in the Code of Federal Regulations (1) be amended and updated to the
59 current revised versions and (2) be updated in Appendices B and C; (3) adoption of
60 updated appendices A and B, and a new appendix C.

61

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

73

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

77

78 No other testimony from the public.

79

80 Committee member Steve Russo is not in favor of raising fines. He is concerned that raising
81 penalties with a fine of \$10,000 per violation on small businesses for a single occurrence
82 could be crippling and small businesses would be impacted by this and put out of business.
83 Scott Nishimoto, Acting Pesticides Branch Manager, HDOA clarified that these would be the
84 maximum penalty amounts, and not initial penalty amounts.

85

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

89

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

92

93 Pesticides Branch Environmental Health Specialist employee, Esther Riechert, explained to
94 the committee why flupyradifurone is proposed to be added to the list of State Restricted

95 Use Pesticides. Flupyradifurone is a systemic insecticide that is federally registered for use
96 on a variety of crops such as brassica, cucurbit, coffee, fruiting, leafy, bulb, tuberous and
97 corn, citrus, pome and stone fruit trees, tree nuts, eggplants, peppers, taro, tomato,
98 bushberries, and ornamentals. In 2015 Bayer CropScience submitted a product that
99 contained a new active ingredient. At the time, flupyradifurone was a new active ingredient
100 and subject to a full groundwater review which was conducted by the University of Hawaii.
101 The results of the review and other environmental fate data indicated that this chemical
102 would potentially leach into groundwater. Despite branch reservations, two (2) were
103 licensed in 2015 as general use products under the condition that no other products
104 containing the active ingredient flupyradifurone will be licensed until an in-field study can
105 be completed. A proposal for the infield groundwater study was submitted in 2017 by UH-
106 WRRRC totaling \$403,199.00, but due to lack of funding, the study was never conducted.
107

108 Committee member Melvin Tokuda made the motion, seconded by committee member,
109 Steve Russo. A motion was made to recommend flupyradifurone to become a restricted
110 use product pending completion of groundwater study. If the study does not support the
111 data of it being a ground water leacher, then the restricted use status will be withdrawn. The
112 motion was made to vote and passed. Five (5) voted yes and four (4) voted no.
113

- 114 4. Proposed amendment to list of state restricted use pesticides to include new active
115 ingredient, Quinclorac.
116

117 Pesticides Branch Environmental Health Specialist employee, Esther Riechert, explained to
118 the committee why quinclorac is proposed to be added to the list of State Restricted Use
119 Pesticides. Quinclorac is a systemic herbicide that is federally registered for use on
120 ornamental turf, conservation land, pastures, rice, sorghum, bushberries, institutional
121 premises, rights of ways, and airport. Sometime in 1998-1999, quinclorac was introduced
122 to the state. The initial groundwater review and full groundwater review was conducted, and
123 the results of the review and other environmental fate data indicated that this chemical
124 would potentially leach into groundwater and the Branch would designate the active
125 ingredient as a restricted use in Hawaii. Since then, various registrants submitted product
126 license applications, but they were all withdrawn once they were informed that this active
127 ingredient will be requested to be put on the list of restricted use pesticides. Currently, the
128 Branch does not have any products with this active ingredient in the market.
129

130 Committee member Melvin Tokuda approved the motion, seconded by committee member,
131 Judson Laird. A motion was made to vote and passed. Eight (8) voted yes and one (1)
132 abstained.
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- 134 5. Proposed amendment to list of state restricted use pesticides to include new active
135 ingredient, Thiamethoxam.
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137 Pesticides Branch Environmental Health Specialist employee, Esther Riechert, explained to
138 the committee why thiamethoxam is proposed to be added to the list of State Restricted
139 Use Pesticides. Thiamethoxam is a neonicotinoid insecticide that is federally registered for
140 use on brassica, cucurbits, ginger, bushberries, citrus, peppers, tomatoes, watermelon,

141 nuts, soybeans, stone fruits, tuberous vegetables, corn, ornamentals, turf, structures, and
142 more. It was introduced or requested to be licensed in the State back in 2012. The full
143 groundwater review was finished in 2013 and it suggested it was a potential leacher. There
144 are currently several active products in the State. Mainly for indoor use or seed treatment.
145 There were a couple of other products for outdoor use as well. They were registered under
146 the assumption that staff on the branch did not know that this product was a potential
147 leacher at the time. In 2022, a letter or email was sent out to all of the registrants with
148 active products, stating that the Branch would request to add this active ingredient to the
149 list of restricted use products. Registrants either responded, did not respond, or withdrew
150 their application.

151
152 Committee member Melvin Tokuda made the motion, seconded by committee member,
153 Steve Russo. The motion was moved to vote and failed. Three (3) voted yes, two (2) voted
154 no, and three (3) abstained.

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

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

168
169 Committee member Melvin Tokuda made the motion, seconded by committee member,
170 Judson Laird. The motion was made to vote and passed. Six (6) voted yes and two (2) voted
171 no.

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173 **V. Old business**

174 No old business was presented or discussed.

175
176 **VI. New business**

177 No new business was presented or discussed.

178
179 **VII. Adjournment**

180 A motion for adjournment was made by committee member Dexter Kishida and Seconded by
181 committee member Steve Russo. The meeting was adjourned at 12:35 pm.