

ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE

Council of the County of Maui

MINUTES

September 8, 2020

Online Only Via BlueJeans

CONVENE: 1:33 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Tasha Kama, Vice-Chair (out 3:41 p.m.)
Councilmember Kelly Takaya King
Councilmember Alice L. Lee (out 3:48 p.m.)
Councilmember Michael J. Molina
Councilmember Tamara Paltin (out 4:30 p.m.)
Councilmember Yuki Lei K. Sugimura (in 1:40 p.m.)

NON-VOTING MEMBER:

Councilmember Keani N.W. Rawlins-Fernandez (in 2:30 p.m.; out 3:00 p.m.)

STAFF:

Kasie Apo Takayama, Legislative Analyst
Nicole Siegel, Legislative Analyst
James Forrest, Legislative Attorney
Clarita Balala, Committee Secretary
Lenora Dineen, Council Services Assistant Clerk

Gina Flammer, Executive Assistant to Councilmember Shane M. Sinenci
Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama
Kate Griffiths, Executive Assistant to Councilmember Kelly Takaya King

ADMIN.:

Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation
Counsel
John Buck, Deputy Director, Department of Parks and Recreation
Christian Kinzle, Park Maintenance Superintendent, Department of Parks and
Recreation
Rowena Dagdag-Andaya, Director, Department of Public Works
John Smith, Chief of Field Operations and Maintenance, Department of Public
Works

OTHERS:

Suzanne Hume, Educational Director and Founder of CleanEarth4Kids.org
Warren Watanabe, Executive Director, Maui County Farm Bureau
George Burnette, Maui Nui Marine Resource Council
Robin Newbold, Chair, Maui Nui Marine Resource Council
Kevin Hoffman, Plant Industry Administrator, Department of Agriculture
Jeff Jensen
Leonard Nakoa

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Anne Rillero, Communications, Community Outreach and Development
Manager, Maui Nui Marine Resource Council
Meredith Beeson
Autumn Ness, Hawaii Program Director, Beyond Pesticides
Faith Chase, Farmers Voice Hawaii
Lucienne deNaie
Mark Deakos
Janet Ashman
Darin Marlow, CleanEarth4Kids.org
Clare Apana
Rose Reilly
John Bottorff, CleanEarth4Kids.org

Chip Osborne, President of Osborne Organics and Founder of Organic
Landscape Association
Dr. Robert Richmond, Research Professor and Director, Kewalo Marine
Laboratory, University of Hawaii at Manoa
Duane Sparkman, Engineer, Westin Kaanapali
(8) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR SINENCI: . . .*(gavel)*. . . Will the EACP Committee meeting of Tuesday, September 8, please come to order. It's 1:33 p.m. Aloha `auinala kākou. I'm Shane Sinenci, Chair of the Committee. Before we proceed, may I please ask that we silence all cell phones and noise-making devices. With us today, we have Committee Vice-Chair Tasha Kama. Aloha `auinala.

VICE-CHAIR KAMA: Aloha `auinala, Chair.

CHAIR SINENCI: Aloha. Councilmember Yuki Lei Sugimura is enroute, so we'll wait for her attendance. Next, we have Councilmember Tamara Paltin. Aloha `auinala.

COUNCILMEMBER PALTIN: Aloha `auinala, Chair, from Napili.

CHAIR SINENCI: Aloha. Next, we have Councilmember Kelly King from South Maui. Aloha.

COUNCILMEMBER KING: Aloha `auinala from beautiful South Maui.

CHAIR SINENCI: Aloha. Next, we have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha `auinala, Mr. Chairman, from sunny Makawao.

CHAIR SINENCI: And finally, last but not least, Council Chair, Ms. Alice Lee. Aloha.

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COUNCILMEMBER LEE: Chairman, if you're traveling to Taiwan over the weekend, be sure to remember to say wu aan. Wu aan means good afternoon in Taiwanese.

CHAIR SINENCI: Wu aan to you . . .*(inaudible)*. . . --

COUNCILMEMBER LEE: Yeah.

CHAIR SINENCI: -- Chair Lee. And of course, Members, we always have our non-voting Committee Members, Mr. Hokama and Ms. Rawlins-Fernandez. They're always welcome to join us, if they so choose. From the Administration today, we have from the Department of Public Works...not sure if Director Dagdag-Andaya or Mr. Molina is on.

MS. DAGDAG-ANDAYA: Chair, we have Director Andaya and John Smith.

CHAIR SINENCI: Oh. And Mr. John Smith from the . . .*(inaudible)*. . .

MS. DAGDAG-ANDAYA: From Highways.

CHAIR SINENCI: Okay. Thank you. Welcome aboard. Next, Director from the Department of Parks and Recreation, we have Director Peters. If they...or they've been invited, so if they want to go ahead and join us, they may, so. Also from...from Corporation Counsel, Ms. Stephanie Chen.

MS. CHEN: Aloha, Councilmembers. Nice to see you all.

CHAIR SINENCI: Aloha. Thanks for being here. For our resources today, Members, we have Dr. Robert H. Richmond, the research professor and director at Kewalo Marine Laboratory of the University of Hawaii at Manoa. We also have Mr. Chip Osborne, president of Osborne Organics and founder of Organic Landscape Association. And also, we have today with us, Mr. Duane Sparkman, the engineer at the Westin Kaanapali Hotel. Our Staff today, we have Ms. Kasie Apo Takayama, Ms. Nicole Siegel, Ms. Clarita Balala, Ms. Lei Dineen, and Mr. James Forrest. Aloha, everybody, and welcome.

MR. FORREST: Aloha.

CHAIR SINENCI: Aloha.

MS. APO TAKAYAMA: Aloha.

CHAIR SINENCI: Members, today we have only one item, EACP-1, Integrated Pest and Environmental Management on County Property. So let's begin with public testimony. Oral testimony via phone or teleconference will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link. Testifiers wanting to provide audio testimony should have participated

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via phone conference by dialing 1-408-915-6290 and entering meeting code 840 546 502 as noted on today's agenda. Written testimony is highly encouraged by sending your comments to eacp.committee@mauicounty.us. Oral testimony --

UNIDENTIFIED SPEAKER: Chair?

CHAIR SINENCI: -- is limited to three minutes per item. If you're still testifying beyond that time, I will kindly ask you to complete your testimony. When testifying, please state your name, you are testifying on behalf of an organization, or are a paid lobbyist, please inform the Committee. Please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. If you're here to provide testimony, please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Participants who wish to view the meeting only without providing testimony, please view a live cablecast on *Akakū's* Channel 53. You can also visit mauicounty.us/agendas to access live and archived meeting videos. I remind Committee Members, Administration and the public to please be patient if we run into any technological issues. Members, I'd like to proceed with oral testimony. Staff has been monitoring people joining today's meeting by phone and by video, and we will do our best to take each person up in an orderly fashion. So if there are anyone...Staff, you want to go ahead and call...go ahead and post the testifier list, if you can, then please call first testifier.

MS. APO TAKAYAMA: Chair, the first person signed up to testify is Suzanne Hume, to be followed by Warren Watanabe.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR SINENCI: Ms. Hume, please go ahead and unmute --

MS. HUME: Yes.

CHAIR SINENCI: --yourself and provide us your testimony.

MS. HUME: Hello, and thank you. My name is Suzanne Hume. I am the educational director and founder of CleanEarth4Kids.org, a pesticide...oh, I founded this, sorry...a non-profit I founded after I was poisoned by pesticides. This is really hard for me to speak about, and I'm a teacher, so I'm used to talking. But this topic is very sensitive to me because of how pesticides ruined my life and turned my life upside down. So I'm calling you today to ask you to please support the IPM and stop toxic pesticides from being used in parks and parkways there in Maui. Pesticides are linked to neurological damage, birth defects, cancer, tumors, damage to the lungs, liver, kidneys, and other organs. Maui has a reputation to uphold, right. It's so beautiful and wonderful there. I'm calling you from California. And we just can't have these toxic pesticides used that are getting into our water and our food. Here in California, in Irvine, we passed a nontoxic IPM with the help of Non Toxic Communities, Non Toxic Neighborhoods, Beyond Pesticides, and so many others that have worked

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tirelessly on this. And so this is just really important. It's a battle for our children's future and their health. As you know, chlorpyrifos, a neurotoxic pesticide, was brought back under the Trump Administration, and there's a very cozy relationship. But thank goodness, the people of Maui stood up, just like the people of California and the people of New York, and they said no, and that's what I'm asking you to do today. I'm asking you to pass this IPM. In Oceanside, California, a group of youths that I lead and a few others were able to pass a nontoxic IPM that even applies to leased lands where there is agriculture. This is because people are very aware that toxic pesticides have dire consequences. I was a teacher. I left my job. We went from two salaries to one, and I work seven days a week to try to help our kids. This is very serious. Thank you so much for this important topic and having this today. I wanted to let you know that the eComment is disabled. It wasn't working. I tried very hard for about three hours, and people on Facebook said the same thing. So I was able to send an e-mail, but I need you to know that there are many other people that were unable to call in. You know that the pesticide lobbyists and salespeople will be there, and they're going to ask you to not pass this. We've seen this happen in San Diego County and other places where we have faced Bayer, we have faced these people coming and saying that these pesticides are okay when we've done the research and we know they're cherry picking the data. . . .*(timer sounds)*. . . So thank you so much. Thank you so much for everything, and God bless you. Have a great day.

CHAIR SINENCI: Mahalo, Ms. Hume, for calling in from California. Chair would like to recognize Member Yuki Lei Sugimura at this time. Welcome aboard. Also, from the Parks Department, we have representatives John Buck and Chris Kinzle from the Maintenance Department. Members, any clarifying questions for our testifier today? Seeing none. Again, Ms. Hume, mahalo for your testimony today. Staff, please call the next testifier.

MS. APO TAKAYAMA: Chair, the next testifier is Warren Watanabe, to be followed by George Burnette.

CHAIR SINENCI: Mr. Watanabe, please go ahead and unmute yourself and provide us with your testimony.

MR. WATANABE: Hello?

CHAIR SINENCI: Go ahead. We can hear you.

MR. WATANABE: Oh, okay. Good afternoon, Chair Sinenci and Members of the Committee. My name is Warren Watanabe, Executive Director of the Maui County Farm Bureau, an agricultural advocacy organization representing Maui's commercial farm and ranch families and organizations. We appreciate the Committee and Council's efforts to advance agriculture in the County. Farm Bureau opposes the proposed ordinance, limiting the use of certain pesticides and fertilizers on County property. Farm Bureau appreciates the exemption for the County Ag Parks included in the latest version, and the recognition of the need of pesticides for the management of invasive species.

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However, our concern is about the inaccurate perception created by this proposal for important tools in the management of pests and to provide nutrients to crops. Farm Bureau policy extensively discusses our position on agriculture chemicals. It states that we support "agriculture chemicals are important in continuing to supply consumers with an abundant, safe, nutritious, high quality, and reasonably priced food supply. We are committed to continuing the use of agriculture chemicals in a safe and judicious manner so as to protect the health and safety of producers, our employees, our families, our communities, and the environment." It goes on to state we support "USDA and EPA should work cooperatively to find alternatives for pesticides that, as a result of regulatory action, have lost registrations and uses. And that pesticide regulation authority be limited solely to Federal and State governments." As stated in our policy, we view agriculture chemicals as an important part of our toolbox that when used correctly, protects our environment, workers, and consumers. Limiting regulatory authority to Federal and State jurisdiction is to prevent a patchwork of regulations across the State, resulting in a disparity of tools available to farmers and ranchers to continue viable operations. Our farmers and ranchers already face challenges, such as that which you heard recently, such as Young Brothers shipping rates. Neighbor island farmers and ranchers face costs not borne by their peers on Oahu. While we recognize that this...that this proposal applies only to County lands, it provides a precedent that places the agriculture industry on the defense, in a position not faced by their peers from other counties or imports outside Hawaii. Farm Bureau agrees that improper use of any pesticide is problematic. Proper training and continuous research into finding safer alternatives must be prioritized. Premature cancellation of use can bring about unintended consequences. The Farm Bureau respectfully requests this body to encourage education by everyone as a priority for safeguarding the health and welfare of Maui's people and the environment. Responsible stewardship of users of pesticides and fertilizers on both private and public lands will be the best path forward in the interest of our community today. . . .(timer sounds). . . Thank you.

CHAIR SINENCI: Mahalo, Mr. Watanabe, for your testimony. We have a question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Watanabe, for your testimony today. I just wasn't clear if you read through the latest proposed bill by Member Sinenci, 2.50.040(E), this section's prohibitions do not apply to the cultivation and production of both food and non-food crops on County-owned agricultural parks for sale or distribution to wholesalers or retail outlets.

MR. WATANABE: . . .(audio interference). . . like I said, we appreciate that exemption for the County Ag Parks.

COUNCILMEMBER PALTIN: I didn't hear the first part. It was, like, kind of crackling.

MR. WATANABE: No, so yeah, I...we read the latest version, and we appreciate that there is language to exempt the County Ag Park.

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COUNCILMEMBER PALTIN: Oh, okay. Okay. I wasn't clear on that. Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. Any more questions for the testifier, Members? Seeing none. Mahalo, Mr. Watanabe, for being here today.

MR. WATANABE: Thank you.

CHAIR SINENCI: Staff, could you please call our next testifier?

MS. APO TAKAYAMA: Chair, the next testifier is George Burnette, to be followed by Robin Newbold.

MR. BURNETTE: Hello. Can you hear me, Council?

CHAIR SINENCI: Yes, we can hear you.

MR. BURNETTE: Awesome. Okay. My name is George Burnette, I'm a member of the Maui Nui Marine Resource Council, but I'm testifying as an individual. I'm testifying in favor of EACP-1. The following information comes from an EPA article titled, *Threats to Coral Reefs*. Coral reefs are particularly vulnerable to the effects of human activities. Nutrients, including nitrogen from agricultural and residential fertilizer use; sewage discharges, including wastewater treatment plants and septic systems; and animal waste, represents a great threat to coral reefs. Coral reefs are adapted to low nutrient levels, so an excess of nutrients can lead to the growth of algae that blocks sunlight and consumes the oxygen corals need for respiration. This often results in an imbalance affecting the entire ecosystem. Excess nutrients can also support growth in microorganisms, like bacteria and fungi, that can be pathogenic [sic] to corals. Pesticides can affect poor reproduction growth and other physical processes. This information comes from a NOAA publication dated May 12th, 2017. Excess nutrients result in poor water quality, leading to decreased oxygen and enhanced algal growth on reefs, crowding out corals, and significantly degrading the ecosystem. Pesticides interfere with coral reproduction and growth. This last information comes from the Marine Council. Studies show that pesticides interrupt the life stage of coral that occurs shortly after coral eggs are fertilized and form tiny larvae. These larvae drift among the plankton, where they grow and collect symbiotic algae to help nourish themselves. They eventually find a hard substrate to settle upon and grow into an adult coral. Even low concentrations of pesticides interfere with this process. But these are some important reasons why Maui County should prohibit the use of synthetic fertilizers and pesticides at County park...County parks. This is especially so since there are eco-friendly alternatives that have been proven effective. Mahalo.

CHAIR SINENCI: Mahalo, Mr. Burnette, for your testimony. Members, any question for the testifier? Seeing none. Thank you, sir, for your testimony today.

MR. BURNETTE: Thank you.

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CHAIR SINENCI: Staff, could you please call the next testifier?

MS. APO TAKAYAMA: Chair, the next testifier is Robin Newbold, to be followed by Kevin Hoffman.

CHAIR SINENCI: Aloha, Ms. Newbold. Please unmute yourself and provide us your testimony.

MS. NEWBOLD: Aloha. . . .*(audio interference)*. . .

CHAIR SINENCI: Yes, we can hear you.

MS. NEWBOLD: Okay. I'm Robin Newbold, co-founder and chair of the Maui Nui Marine Resource Council, a Maui-based non-profit working with our community for clean ocean water, healthy coral reefs, and an abundance of native fish for all of Maui nui. We are pleased to support the proposed bill to establish . . .*(inaudible)*. . . relating to pesticide and fertilizers...fertilizer use on County property, including the multitude of County parks located along the ocean where there are playground *[sic]* for our children, our residents, and our visitors. And we applaud the positive impact this bill will have on the nearshore coral reefs and marine life of Maui County. Scientific studies from as far back as 1982 demonstrate that even low concentrations of pesticides, insecticides, and fungicides have an adverse impact on survival and reproduction of coral and other marine invertebrates. We also support the language in this bill that would prohibit the County's use of synthetic fertilizers at County parks. Synthetic fertilizers are petroleum based. They dissolve and release nitrogen rapidly when in contact with soil moisture, rain, or irrigation. The dissolved nitrogen quickly enters the ground water and is transported into the ocean, where it causes excessive algae growth that smothers the coral. The good news is there are safe alternatives to pesticides and synthetic fertilizers, which have been proven to be effective here on Maui, the Westin Maui Resort is an example. So Maui Nui has the opportunity to lead the way in demonstrating how landscaping and grounds maintenance can be achieved without toxic reef-harming pesticides, herbicides, and synthetic fertilizers. On Maui, reefs provide an estimated \$376 million in flood protection benefits each year, provide food for our people, and support water activities that we all enjoy. We thank you all in advance for your leadership in moving this law forward.

CHAIR SINENCI: Mahalo, Ms. Newbold, for your testimony. We have a question for you from Member Sugimura, and then Member King.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair. Ms. Newbold, so did you say that the Western *[sic]*, the hotel here, was able to achieve what you're talking about as far as fertilizers?

MS. NEWBOLD: Yeah. . . .*(inaudible)*. . . Yeah, I'm not...I'm certainly not somebody who can evaluate it, but from what I hear, and you'll hear later from Duane Sparkman, it's

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really amazing what they've accomplished.

COUNCILMEMBER SUGIMURA: So what property was it, please?

MS. NEWBOLD: It's the Westin Maui Resort. And they no longer use any pesticides or herbicides. Everything is just natural, and Duane knows how to do it.

COUNCILMEMBER SUGIMURA: And who is Wayne [sic]?

MS. NEWBOLD: Duane Sparkman is the grounds...head of the grounds department at the Westin. And I believe that he's there to --

COUNCILMEMBER SUGIMURA: Thank you.

MS. NEWBOLD: -- standing in line to talk with to you today.

COUNCILMEMBER SUGIMURA: Oh. Thank you very much.

MS. NEWBOLD: You're welcome.

CHAIR SINENCI: Thank you, Member Sugimura. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Robin. Thanks for being here. Good to hear from you.

MS. NEWBOLD: Aloha.

COUNCILMEMBER KING: You said something a little bit earlier that was really intriguing. I just wanted to clarify. I think you gave a dollar figure for how much the reefs help with flood protection.

MS. NEWBOLD: Yeah, that's 376 million, but I believe that that's an old number, and that it cost...more money is being spent on that.

COUNCILMEMBER KING: Okay. And then can you just explain what that's based on, that figure?

MS. NEWBOLD: More so than just...

COUNCILMEMBER KING: Is it a projected loss? Is it a balance of a projected loss?

MS. NEWBOLD: You know, I'll have to check on that for you, and I'll definitely get back to you.

COUNCILMEMBER KING: Okay. Thank you. Thanks for being here.

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CHAIR SINENCI: Mahalo, Miss . . . *(inaudible)* . . .

COUNCILMEMBER KING: Thank you, Chair.

CHAIR SINENCI: -- questions? Mahalo, Ms. Newbold, for your testimony today. We also received your written testimony. Thank you. Staff, would you please call the next testifier?

MS. APO TAKAYAMA: Chair, the next testifier is Kevin Hoffman from the State of Hawaii Department of Agriculture, to be followed by Victoria Matsumura.

MR. HOFFMAN: Hello, my name is Kevin Hoffman. I'm the Plant Industry Division Administrator with the Hawaii Department of Agriculture. The Department only learned of this bill yesterday, but we were able to put together some written testimony that was sent a few minutes before the meeting. The testimony will likely take more than three minutes for me to read through, so I'm not sure if you want me to do...do that or just make myself available for questions.

CHAIR SINENCI: If you can summarize, Mr. Hoffman.

MR. HOFFMAN: Sure.

CHAIR SINENCI: And we'll definitely receive your testimony.

MR. HOFFMAN: Okay. There...I may need to read through it then because there were several points, if that's okay. Thank you for the opportunity to provide comment on this...on this bill. The bill seeks to ban certain uses of synthetic pesticides and fertilizer used on most County lands. The Hawaii Department of Agriculture offers comments on this bill. First off, the provisions of this bill are arguably implied...impliedly preempted by the State law, specifically the Hawaii Pesticides Law, under Chapter 1.49A Hawaii Revised Statutes. The Department asked the County to take into consideration the regulatory structure for such prohibition of pesticides that are licensed in the State of Hawaii for the uses described in this bill. The Department is provided funding by the U.S. Environmental Protection Agency to conduct enforcement activities for pesticides that have been registered in the U.S. under the provisions of the Federal Insecticide, Fungicide, Rodenticide ACT, as well as by the State's General Fund in its own pesticide use revolving fund. It's unclear how the County of Maui intends to conduct enforcement of the proposed pesticides law. The Department has the authority to enforce only for Federal and State pesticide laws and rules under Chapter 1.49A, HRS, and Hawaii Administrative Rules, Chapter 4-66. The Department is granted this authority to enforce Federal pesticide laws by FIFRA and through our cooperative agreement with EPA. Maui County does not have the same authority, and would be unable to enforce State and Federal pesticide laws. Conflicts or inconsistencies created by this measure jeopardize the cooperative agreement the Department has with EPA, and could potentially impact the Department's Statewide enforcement capacity adversely. If the Department's

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agreement and enforcement are jeopardized, the Department will have no choice but to challenge the legality of this measure. The Department has full-time pesticide enforcement and education staff on Maui dedicated to that County. The staff has decades of experience with pesticide law and regulation in the State, and are more than capable of enforcing existing State and Federal pesticides laws, as well as conducting outreach and education to help applicators use products in accordance with these laws. Notwithstanding these serious concerns, the Department notes that while the bill considers exemptions to its prohibitions, the following additional situations are not considered: Number 1, the need for protecting native species from presently established pests, controlling...specifically controlling invasive weeds that threaten to outcompete native plants or that may harbor invasive pests that are a threat to Maui's ecosystem. Second, the application of insecticides, fungicides, and other pesticides to control pests to harm Maui's native plants, either through physical destruction or through spreading disease. Number two [sic], allowing for all pesticide use to eliminate harborage areas for harmful pests that threaten agricultural crops and other Maui ecosystems. For example, there are diseases within a plant population. The preferred method . . . (timer sounds). . . to protect other plants is to treat the plant for any...okay. I'll stop.

CHAIR SINENCI: Mahalo, Mr. Hoffman. And we can check your written testimony. We have a question for you from Member Paltin, and then Member Lee, then Member King.

MR. HOFFMAN: Okay.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Hoffman, for your testimony and for being here with us today. I understand that you only heard of this yesterday. And so my clarifying question is, you know, is it the State to regulate policy that the County enacts? Like, we just heard from the previous testifier that the Westin uses these other types of methods. Do you go and tell the Westin what they can and cannot use and what they can and cannot buy? Isn't it our free choice to choose on behalf of our taxpayers what types of things that we buy without interference from the State?

CHAIR SINENCI: Mr. Hoffman?

MR. HOFFMAN: You're correct. The State does not tell people what to use, but we do regulate the use and sale.

COUNCILMEMBER PALTIN: It feels like you're telling us what to use right now. That's kind of...I mean, I'm clarifying. It seems like that's what you're trying to do to us right now. We're trying to make a policy decision, not say people cannot use this. We're saying we would like to use the other. But it feels like you're telling us we cannot make that policy decision. Can you clarify?

MR. HOFFMAN: I think it's not so much the policy decision, but the regulation of that policy to where we have some concerns.

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COUNCILMEMBER PALTIN: Okay. Do you...

MR. HOFFMAN: So for example, the bill...for example, the bill doesn't say...I know there's a Section 20.25.80 where it talks about the violations, but doesn't say who determines there's a violation, and who...you know, who does the investigation and so forth. So that...you know, that's where stuff is of concern.

COUNCILMEMBER PALTIN: Okay. Well, this is a policy, and we will enforce our own policies of purchasing and use, just like the hotel makes their own decisions on purchase and use. We don't really need interference from the State overstepping their boundaries. Thank you. Thank you, Chair.

MR. HOFFMAN: Thank you.

CHAIR SINENCI: Mahalo, Ms. Paltin. Next we had Chair Lee. Did you have a question for the testifier?

COUNCILMEMBER LEE: No, actually I was going to ask you if we could request that he be a resource person so that we could discuss perhaps legal, you know, legal implications at...further into the discussion.

CHAIR SINENCI: And we also have...I mean, we...Chair, we have our Corporation Counsel as well that will speak to that as well as we get into...

COUNCILMEMBER LEE: So can we have that person? Because he's higher than Corp. Counsel, you know.

CHAIR SINENCI: Okay.

COUNCILMEMBER LEE: Yeah. Thank you.

CHAIR SINENCI: Members, if there are no objections?

COUNCILMEMBER SUGIMURA: No objections.

COUNCILMEMBER MOLINA: No objections.

CHAIR SINENCI: We have one objection for the record, Member Paltin. Next, we had a question from Member King.

COUNCILMEMBER KING: Thank you, Chair. I appreciate it. Thanks for being here, Mr. Hoffman. I appreciate your input. My question is your...you seem to be concerned about enforcement and regulation. You're regulating the policy, but this is a policy that applies to County properties and County facilities, so it would be our own County...our own County Administration that would police itself. So I just wondered if

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your...what your concerns were in the context...seem to be in the context of a broader reach, which we're not doing right, and we don't have...this is not a policy for private users, it's a policy for our own selves. Was that made clear to you?

CHAIR SINENCI: Mr. Hoffman?

MR. HOFFMAN: Yeah. I understand that, but there are times when, for example, that the Department may have a need to do treatments for invasive pests on County property, and...

COUNCILMEMBER KING: Your Department?

MR. HOFFMAN: Yeah.

COUNCILMEMBER KING: Okay, so you're worried...

MR. HOFFMAN: We work with...we work a lot with the Maui Invasive Species Committee, which I know is mentioned specifically in the bill, and to try and mitigate invasive species on the island, and for actually on...yeah.

COUNCILMEMBER KING: So is it your...

MR. HOFFMAN: So we're a little concerned that in one of these programs that we may be under restrictions put on us.

COUNCILMEMBER KING: Okay. But...so is it your statement...are you saying that if we...if we pass this policy for the County, and you...and it's on...for County properties with a few exceptions, that you have the authority to override our policy because you are State Department, is that what your position is?

MR. HOFFMAN: If it conflicts with our regulations.

COUNCILMEMBER KING: And you anticipate that that would happen?

MR. HOFFMAN: I anticipate it could happen. I don't know that it will. Yeah.

COUNCILMEMBER KING: Okay. All right. Thank you for your time.

MR. HOFFMAN: We're expressing, yeah, just expressing our concerns --

COUNCILMEMBER KING: Okay. Thank you. Fair enough.

MR. HOFFMAN: -- as the process plays out.

COUNCILMEMBER KING: All right. Okay.

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MR. HOFFMAN: And I'm willing to be a resource.

CHAIR SINENCI: Thank you, Mr. Hoffman.

MR. HOFFMAN: . . .*(inaudible)*. . . in the future, so.

CHAIR SINENCI: And we have our Corporation Counsel attorneys that can weigh in as well.

MR. HOFFMAN: Okay.

CHAIR SINENCI: Member Sugimura, do you have a question? You can unmute yourself.

COUNCILMEMBER SUGIMURA: Yeah. So are you saying Corporation Counsel wants to speak now? I don't want to interfere.

CHAIR SINENCI: We can address them . . . *(inaudible)*. . .

COUNCILMEMBER SUGIMURA: Oh, okay. So Mr. Hoffman, thank you for being here. And so I think part of what you're saying is that State and Federal laws preempt us, which we always hear in terms of hierarchy. And is there a concern that...I think you're saying that our ordinance, or what we're trying to do, may be preempted already by existing Federal and State legislation?

MR. HOFFMAN: Yeah. Again, we don't want to create a situation where a County...a County regulation is in conflict with what we enforce at the State and Federal level, so that's our concern is what I'm...make sure we're all...and it's kind of confusing to residents as well, if they get in one...a message from one agency as opposed to another. Just want to be all together on it.

COUNCILMEMBER SUGIMURA: Okay. And because you regulate...but what is your title, by the way?

MR. HOFFMAN: Oh, Plant Industry Administrator.

COUNCILMEMBER SUGIMURA: Administrator.

MR. HOFFMAN: Yeah. So I oversee three branches within the Hawaii Department of Agriculture: the Plant Pest Control Branch; the Plant Quarantine Branch, which is the one that operates at the ports and airports, depots to keep pests out of Hawaii, and also from moving between islands; and the Pesticides Branch, so that falls under me as well.

COUNCILMEMBER SUGIMURA: Okay. So very relevant to what we're discussing today.

MR. HOFFMAN: Yeah.

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COUNCILMEMBER SUGIMURA: Okay. Thank you. And thank you for being a resource to this discussion.

MR. HOFFMAN: You're welcome.

COUNCILMEMBER SUGIMURA: Sounds like you have a lot of valuable information.

MR. HOFFMAN: Yeah. Thank you.

CHAIR SINENCI: Mahalo, Member Sugimura. And Members, just for clarification, so under 2.50.040, Item D, the following are exempt from this section's prohibitions--I'm just letting you know where you can find the wording. Number 3, alien...letter C, alien species whose introduction does, or is likely to, cause economic or environmental harm or harm to human health, or when the treatment is applied by a crew of the Maui Invasive Species Committee or similar organization supported by the County. So those are Number 3 in the exemptions of 2.50.040 for clarification. Thank you. Mahalo, Mr. Hoffman. And again, stick around when we call on you. Staff, is there...please call the next testifier, please.

MS. APO TAKAYAMA: Chair, the next testifier is Jeff Jensen from the Golf Course Superintendents Association of America, to be followed by Greg Takeshima.

MR. JENSEN: Aloha, Council. Thank you for taking the time today, and thank you for having me. My name is Jeff Jensen, I am the Southwest Field representative for the Golf Course Superintendents Association of America. And I'm calling today from the 9th Island, Las Vegas, which is my home. But I do spend some time out at your beautiful...your beautiful State throughout the year, and I'm certain . . .(audio interference). . . to my trips right now with the COVID pandemic. So thank you for having me today. I'm calling today in support of Waiehu Golf Club. The Golf Course Superintendents of Association of America is a professional association for the men and women who manage and maintain the game's most valuable resource, which is the golf course. We represent nearly 19,000 members nationally. It's in 72 countries as well, and 99 affiliated chapters, including the Hawaii Golf Course Superintendents Association. GCSA and Hawaii Golf Course Superintendents Association are committed to maintaining ecologically functional courses and healthy green spaces honoring the land, tradition, and people of Hawai'i, but while also contributing to the local economy. And we feel we can do this without curtailing or in some instances halting pesticide use on County property, including the golf course. As you may be aware, Waiehu completed a renovation project, was spearheaded by their superintendent, Todd Allen. Some of you may know Todd. Todd has done an exemplary job out there on the project. He's placed a major focus on sustainability during this renovation. As with other superintendents throughout the Hawaiian islands, Todd employs integrated pest management strategies to golf course. For those of you who are not familiar, IPM aims to reduce conventional pesticide use when feasible by using a combination of tactics to control pests, including cultural, biological, genetic, and chemical controls. The objects...objectives of this include

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reducing pesticide management expenses, conserving energy, and reducing the risk of pesticide exposure to people, animals, and the environment. Additionally, our superintendents use only pesticides that have gone through rigorous testing in the United States and are registered for use by the State of Hawaii. These products are shown to be safe when used according to the label. As we always like to say in the golf business, label is the law, the law's the label. Superintendents go through extensive training and education related to good safety practices and chemical applications on the golf course. The GCSA and Hawaii GCSA again feel a complete pesticide ban on golf course property is unnecessary, nonsustainable in the long term. It's going to be very difficult financially for the golf facility. Our studies show that much of organic management of golf facilities is costly, labor intensive, and ultimately produced playing conditions that are not desirable for golfers, both your local players, specifically here, and also your visiting...visitors to the Island of Maui. Healthy turf grass also minimizes and prevents a migration of nonport...nonpoint source pollutants into the ground, surface, and coastal waters. So again, in order to stay competitive in the marketplace, it...you know, to have these synthetic pesticides available is extremely important to the golf course. You know, I would just urge you to consider, you know, a possible exemption for the golf facility and your sports fields and other turf facilities, you know, while continuing to use a responsible IPM program. Those are documents that we do have available. As a matter of fact, we do have a complete pest management practices guide for golf courses in the Hawaiian islands. I'm not sure if you have a link to that, but I can certainly provide that to you. And we'd love to have you take a look at that document and see some of the sustainability efforts that we're putting into place throughout the Hawaiian islands.

CHAIR SINENCI: Mahalo, Mr. Jensen, for being here. Would that document include your integrated pest management plan as well?

MR. JENSEN: Absolutely. And we can make sure --

CHAIR SINENCI: Okay, great.

MR. JENSON: -- that the Council gets that. And it does include...it does include the section on IPM, correct, as well as pesticide management also.

CHAIR SINENCI: Thank you for that. We appreciate that. Members, any questions for Mr. Jensen? Ms. Paltin?

COUNCILMEMBER PALTIN: Oh, yeah. I just was...thank you, Mr. Jensen, for your testimony, and please do send that in. You have the email?

MR. JENSEN: Yeah. I do believe I have the email here, and I can send you the PDF of the document and certainly get that to you.

COUNCILMEMBER PALTIN: Thank you.

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MR. JENSEN: You're welcome. Thank you for having me.

CHAIR SINENCI: Mahalo. Any more questions for the testifier? Seeing none. Oh, we have one more from Member King.

COUNCILMEMBER KING: Aloha, Mr. Jensen. Thank you for being wherever you are. I'm assuming you're not on Maui. But...no, I appreciate your support of the integrated pest management concept. And I'm...I just wanted to clarify because I didn't get a clear...I thought you were saying you support integrated pest management, but you have some issues with our bill because of the...

MR. JENSEN: Yeah, correct. I do have...I do have issues with the...not with the ban on, you know, on synthetic pesticides. Many of those products we do use to control some of the weeds that, you know, occur on golf courses, specifically in Hawaii, goosegrass, several sedges, purple and yellow sedge, crabgrasses. Those are...those are weeds that have been very difficult to control with organic only products. Organic products basically...or most type of herbicides that are available are contact types. They only burn down the small weeds at...which basically allows for some of these perennial grasses and weeds to rebound very quickly. So again, it's very difficult for golf courses, from a labor perspective especially, to keep in the shape that they need to be with those weeds continually growing like that. Again, it's just the concept that the organic does not work very well on many of the weeds that we are facing, not only on a golf course but also, you know, cemeteries, sports fields, parks, and rec as well. And again...

COUNCILMEMBER KING: Okay, so...so are you saying...you're saying that where you...that Maui is currently using synthetic pesticides and needs to continue to use them?

MR. JENSEN: We do believe that...what...while we want to minimize the use of them, we do believe that some of the synthetic pesticides are very helpful, correct.

COUNCILMEMBER KING: Okay. And you haven't had...and you haven't seen cases of them leeching into the ocean and being damaging to the reef? Because our...you know, we're very close to the ocean, our golf course, our municipal golf course.

MR. JENSEN: Correct. And to my knowledge...and again, I could be wrong on this, so you can correct me on that, but I don't believe an environmental or ecological study has been done on that in the area. So as far as that information goes, I'm not able to exactly answer that question. I'm not sure you're able to answer it either without those studies.

COUNCILMEMBER KING: No, I'm not. That's why I'm asking.

MR. JENSEN: So again, if I'm wrong on that, feel free to tell me.

COUNCILMEMBER KING: Okay. Thank you, Mr. Jensen. I appreciate your testimony.

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MR. JENSEN: Thank you.

CHAIR SINENCI: Mahalo, Member King. And mahalo, Mr. Jensen, for your testimony today. Staff, could you please call the next testifier?

MS. APO TAKAYAMA: Chair, the next testifier is logged in as Robin, to be followed by Leonard Nakoa.

CHAIR SINENCI: Aloha, Robin. Please unmute yourself and provide us your testimony today. Staff, is she muted on our end?

MS. APO TAKAYAMA: Chair, she needs to unmute on her end.

CHAIR SINENCI: Robin? If not, we can come back to Robin.

MS. APO TAKAYAMA: Chair, it looks like Robin dropped off the call. Our next testifier is Leonard Nakoa, to be followed by Anne Rillero.

CHAIR SINENCI: Aloha, Mr. Nakoa.

MR. NAKOA: Howzit. Howzit. Junior Nakoa.

CHAIR SINENCI: Aloha.

MR. NAKOA: Hey. Yeah, first thing is I wanted fo' talk about Napili Park. Our baseball...Little League baseball coach out here for years. And so every time they use the pesticide stuff, that thing stink. And then our kids, you know, again, we do stretches, we do dives, we do sliding drills, and so every time get...they put the pesticide, we tell the kid they no can do dat. Out here in Napili Park, we no more batting cage, so kind of refraining us from doing a lot of exercises. So we can use the natural kine fertilize, awesome. You know what I mean, protect our kids and yeah, and us coaches too, yeah, sometimes we like sit down. But it's just...it's just better, you know. It's betta. But listening to some of the testifiers from the Farmers Bureau and from the State Ag, li' dat. I used to be a pesticide operator for Maui Land and...Maui Land and Pine Company. I used to spray for Kapalua Golf Course and, you know what I mean, we use pesticides, pesticide sprayers, we like be as safe as possible. We get...we da one get busted, we da one get the fines, 'kay. But then sometimes get the company, the big bosses, they tell us no, you just do 'em or else you gonna get suspended or you get fired. Me, I don't care. I wasn't scared. I would stand up against 'em. So I would say, heck no. But sometimes these udda guys, they not goin'...they goin' be scared fo' lose they job. So I sorry, I no trust the big corporations, li' dat. So with this...so with the County doing what they doing is awesome. I think the Highway Department is already doing that, you know what I mean, on the side of the highway. So let's go ahead and let's do 'em at our parks where it protects our kids. And then also, the golf course guy that just when pau talk. Bruh, get plenty of

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stuff out there, natural stuff that we can use. Go ask that guy Duane Sparkman from the Westin. He get plenty stuff dat he using at the Westin, which is awesome. Well, yeah, so again, I support this bill fo' make natural pesticide. The County should have the power fo' protect us, the people of County of Maui. So we no need the Maui Farmer's Bureaus. We no need the State Ag. We need a Maui Ag Department. Das all we need. Put and pass that thing when that thing is on the ballot this year. And mahalo, guys, for all you guys do. Mahalo, mahalo, mahalo. Shoots.

CHAIR SINENCI: Mahalo, Mr. Nakoa, for being here. Chair would like to recognize Member Rawlins-Fernandez. Members, any questions for our testifier today? Mr. Nakoa...

MR. NAKOA: Have a good day.

CHAIR SINENCI: No, I've got a question for you.

MR. NAKOA: Yessah.

CHAIR SINENCI: Do you know if...is there any signage when there is spraying going on at the park? Normally put up signage...

MR. NAKOA: Sometimes. Small kine. Sometimes. But us guys, like for me, being a pesticide operator in the past, I can tell get 'em, and I can smell the buggah, you know what I mean. So like we...I know. I know. But I tell you right now, there's plenty times they do put 'em, but sometimes they don't 'cause, you know what I mean, it happens and just...since we talking about Napili Park, try fix the water 'cause the buggah dry.

CHAIR SINENCI: Okay. Thank you. And then also, you know, the Parks Department partners with some community groups and non-profits. Do you think some of the baseball teams would...would help to volunteer of their services if it's a...or day if we would...yeah. Okay. I see that that's...okay. Mahalo nui.

MR. NAKOA: I goin' tell you dat...I goin' tell you...I goin' tell you right now, I wen tell the Parks and Recreation guy over hea' in Lahaina dat the...the us, especially my team, the Royals, we was...eh, we volunteer fo' fix up the dugouts, fo' make the batting cage, fo' whateva we gotta do. Even we help the old man that work at Napili Park. He awesome. We help him out every day. But yeah, we can volunteer a day. Make da kids take care da fields 'cause that way they goin' take pride in their field. They goin' take pride in the field.

CHAIR SINENCI: Mahalo. We have a question for you from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to mention that, you know, they fixed the pipe at Napili Park, but one other one just went bust, so going to be a little bit more long brown grass. Sorry about that.

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CHAIR SINENCI: Mahalo, Member Paltin, for that update. Mahalo, Mr. Nakoa, for your testimony today. Thanks for being here. Staff, could you please --

MR. NAKOA: Thank you, guys. Good job.

CHAIR SINENCI: -- call the next testifier, please.

MS. APO TAKAYAMA: Chair, the next testifier is Anne Rillero, to be followed by Meredith Beeson.

MS. RILLERO: Hello. Aloha. Yes, this is Anne Rillero. I work for Maui Nui Marine Resource Council, but I'm testifying as an individual. I live in Kula with my husband, Arnie Koss, and I'm testifying for him too. Back in the 1980s...and first of all, I wanted to say we strongly support the bill that you're working on here. Back in the 1980s, Arnie and his twin brother co-founded the nation's first organic baby food company, Earth's Best Baby Foods. It was the first nationally distributed packaged organic food product. Well, the bigger conventional baby food companies didn't make it easy. And I can testify as Arnie's wife that the two brothers went to hell and back to start their company, but they did so because they were motivated to make a difference for our planet and babies. They had reviewed the research that showed that many chemicals used for conventional farming were carcinogenic, mutagenic, and dangerous to human health and safety, and were contaminating the environment and public drinking water supplies. There were, and are, safer alternatives. Today, organic is the fastest growing sector of the food industry, but the change to landscaping practices is lagging behind. The National Coalition for Pesticide Free Lawns reports that of 30 commonly used lawn pesticides, 19 are linked with cancer or are considered carcinogenic, 13 are linked with birth defects, 21 with reproductive effects. Of those same 30 lawn pesticides, 19 are detected in groundwater, 30 are toxic to fish and other marine organisms. Research shows that some commonly used landscape chemicals are harmful to corals, and interfere with their ability to reproduce. Think about this; if corals can't reproduce, the result will ultimately be no more coral reefs. Synthetic fertilizers compound the problem; they quickly release nitrogen, which gets carried by groundwater through our porous volcanic soil into the ocean, where the nitrogen causes algae blooms that smother corals. As an avid ocean swimmer and someone who has worked in the marine conservation sector for more than 23 years, I can attest that our coral reefs desperately need our help. There is so much bleaching and dead coral out there. Banning these toxic chemicals at County properties will make a difference. Launiupoko, Kahekili, Kamaole I, II and III, Ulua, Polo, Hookipa, so many of our Maui parks are right on the ocean. As Maui residents, we have a collective responsibility to protect our coral reefs and our reef fish and other wildlife, as well as the health and safety of our County workers, our keiki, and all the people who love and enjoy our County parks. There are safer alternatives, proven alternatives. Arnie and I urge you to move the bill forward, and to take pride in doing so. Mahalo.

CHAIR SINENCI: Mahalo, Ms. Rillero, for your testimony and Arnie. Members, any

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questions? Yes, we have a question from Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you, Ms. Rillero, for being here. I appreciate your testimony. And I just wanted to clarify. You mentioned several groups of lawn pesticides that were harmful to our environment. Are those...are any of those pesticides that you mentioned...I mean, you didn't mention them by name, but the ones that you're referring to on the list of acceptable pesticides?

MS. RILLERO: Not that I know of. I actually have a fact sheet that lists all the pesticides and their health effects, which I can forward to you if you'd like.

COUNCILMEMBER KING: Okay.

MS. RILLERO: I'll email it to you.

COUNCILMEMBER KING: That would be great.

MS. RILLERO: Okay.

COUNCILMEMBER KING: That would be helpful. Thank you. Thank you, Chair.

MS. RILLERO: I'd also...if I might...I'd like to just answer the question you asked of Robin Newbold about the \$376 million --

COUNCILMEMBER KING: Oh. Okay. That would be great --

MS. RILLERO: -- per year in flood control.

COUNCILMEMBER KING: -- if you had the answer.

MS. RILLERO: Yeah. That was cited from a study by U.S. Geological Survey, the Nature Conservancy, and U.C. Santa Cruz. The study is called Rigorously Valuing the Role of U.S. Coral Reefs in Coastal Hazard Risk Reduction.

COUNCILMEMBER KING: I love that. Thank you very much. I bet...you know, I'm a big proponent in data resources, so it's nice to know where that came from. Thank you.

MS. RILLERO: And I can forward that study to you if you'd like as well.

COUNCILMEMBER KING: Okay. I would appreciate that.

MS. RILLERO: Okay. Mahalo.

CHAIR SINENCI: Mahalo, Ms. Rillero, for your testimony today. Thank you for being here. Staff, could you please call the next testifier?

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MS. APO TAKAYAMA: Chair, the next testifier is Meredith Beeson, to be followed by the testifier logged in as Ash.

MS. BEESON: Hello. Can you hear me?

CHAIR SINENCI: Yes, we can hear you.

MS. BEESON: Great. My name is Meredith. I live in Kahana. I'm testifying in support of the proposed bill that you are considering to establish Chapter 2.50, Maui County Code, relating to pesticide and fertilizer use on County property. Having studied marine biology and now working in the marine conservation field, I support the ban of biocides on Maui County lands. I have been researching the impact of pesticides on nearshore coral reefs, and it is clear that they are harmful to coral, invertebrates, and marine plants and animals. Herbicides and pesticides can make it impossible for corals to reproduce, settle, and grow. Herbicides especially harm the important relationship of corals and their symbiotic algae, zooxanthellae. Without this algae, coral bleaching occurs, and the corals cannot thrive and grow. As stated in Chemical Pollution on Coral Reefs: Exposure and Ecological Effects by Joost W. van Dam et al., chemical pollution is one of the main proposed reasons for coral reef declines. Over time, chronic stress, especially from pesticides, decreases the resilience of coral reef ecosystems to other stressors, such as climate change and ocean acidification, which are rapidly becoming more prevalent. Maui County has the chance to be a leader in the way that County, State, and Federal lands are taken care of. Let's give our coral reefs a chance to fight against environmental stressors that we cannot directly control, such as climate change. Please push this bill forward to protect our people, plants, animals, and resources. Mahalo for your time.

CHAIR SINENCI: Mahalo, Ms. Beeson, for your testimony today. Members, any questions for the testifier? Seeing none. Thank you, Meredith. Staff, could you please call the next testifier?

MS. APO TAKAYAMA: The next testifier is logged in as Ash, to be followed by Autumn Ness.

CHAIR SINENCI: Aloha. Please unmute yourself and provide your testimony please. You need to unmute on your end. Okay. Maybe we can come back to Ash. We go to Ms. Ness. Ms. Ness, are you online? Please unmute yourself. Staff, are they both on?

MS. APO TAKAYAMA: Chair, it looks like they're both on. They're both muted on their end.

MS. NESS: Actually, can you hear me now?

CHAIR SINENCI: We can hear you.

MS. NESS: So I was having connectivity issues. And I'm trying to go through my phone, but that wasn't working for some reason. So I will just try this now. Okay. Yes. You can hear me?

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CHAIR SINENCI: We can see you.

MS. NESS: Okay, cool. If I freeze, I'll try . . . *(audio interference)*. . . So I'm Autumn Ness. I've worked on this issue in a lot of capacities over the years, including as the assistant to Councilmember Cochran when this first came up. I'm currently the director for the Hawaii program of Beyond Pesticides, which is a national non-profit organization that educates the public on the hazards of pesticides and their alternatives. I sent you guys a really lengthy written testimony that I will not go over, but it's in the email. I also included the Board of Education...the Hawaii Board of Education memo that went out in June, banning the use of all herbicides on school property. That decision was so...was such a big deal because they made it and executed it within 24 hours of a public hearing because the information about the toxicity of herbicides specifically and children was so compelling that in a...I've never seen State Government work so fast to have a public meeting and issue a complete ban of a product the next day by the morning. So right now, the State Board of Education forbids herbicides to be used anywhere in a public school and near our children. That's how compelling it is. Also included Academy of Pediatrics...American Academy of Pediatrics statement, which...please note that the American Academy of Pediatrics is a very nonpolitical body. They don't get involved in politics, but even their statement says that local governments have a responsibility to keep children away from pesticides. There's a cost analysis sheet in there that I'll let you look over. The gist of this is the science is clear, and it gets clearer by the day; for human health, for environment, and for climate change, we need to move away from pesticides and synthetic fertilizers, period. And the only people who argue those points full stop are people who have financial ties to the chemical industry or to farms that rely on these chemicals. I also want to add that IPM is not the goal really. Integrated Pest Management is a term that has been co-opted by the chemical companies who continue to allow for chemical use on our grounds if, you know, all other things have maybe been tried, but without accountability, right. To note, Lee Johnson, the gentleman that came here over the summer who was the first man to prove in court that he got his Non-Hodgkin's lymphoma from the use of glyphosate was also following an IPM protocol. So IPM does not mean that we...that you will not be exposed to chemicals. Lastly, I just really want to say this is a judgment call. I heard the golf course association person call our golf courses our most valuable resource, but I really disagree. Our reefs...the reef that's downhill from that golf course and the people that play on that golf course and the kids that are learning in the summers to spearfish in those waters are really our most valuable resource. The reefs around our island are our most valuable resource. . . . *(timer sounds)*. . . So we have to choose, you know. The Westin is doing it. Their standards are way higher than any of our golf courses and our parks, and they're doing it, so...thanks.

CHAIR SINENCI: Mahalo, Ms. Ness. We have a question for you from Member King.

COUNCILMEMBER KING: Hi, Autumn. Thanks for being here. So, you know, what I wanted to ask you since you mentioned glyphosate. How is it that someone...that

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they've lost a case in court about the effects of glyphosate, and they're still able to use it? Can you answer that?

MS. NESS: Since you asked, I'll make it very short. It is a failure of our entire regulatory system, in short. So if...we are really on our own. Like, we can wait for the Feds to catch up with the courts and all of the appeals while a man is still dying and is yet to receive a penny, and there are tens of thousands of cases lined up behind him, or we can make the call...oh, I just dropped off. Oh, are you back?

COUNCILMEMBER KING: It says you're still...it says your...I think your video dropped off, but we can still hear you.

CHAIR SINENCI: We can hear you.

MS. NESS: Or we can make the call to protect our own environment.

COUNCILMEMBER KING: Right. No, I agree with you in that, but I thought the case was settled, and then...and then it's still being used. But you're saying there's appeals --

MS. NESS: Appeals.

COUNCILMEMBER KING: -- and that's...it's still not settled.

MS. NESS: Appeals. Yeah.

COUNCILMEMBER KING: Okay. Okay. Well, thank you. Thank you for all the work you're doing on Beyond Pesticides.

MS. NESS: Oh, it's my pleasure.

COUNCILMEMBER KING: And I...and also on the comment about our priorities and what's most important, I think that's really an important point. Thank you.

CHAIR SINENCI: Mahalo, Ms. King. We have a question from Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Ness. Mahalo for your testimony. Dovetailing off of Member King's question about us doing what we need to do as a local government to protect our people, to protect our environment, and all of that which is most valuable, it...is it preempted by the State for us to do this work? Because I agree that it is really important for us to step up and take action when the other governments aren't.

CHAIR SINENCI: Ms. Ness? We can't hear you. Still can't hear you.

MS. NESS: Hold on one...oh, okay.

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CHAIR SINENCI: Oh. We can hear you.

MS. NESS: Can you hear me now?

CHAIR SINENCI: Yeah.

MS. NESS: I'm going to turn my camera off and hope that helps. So I only heard half of your question about...what...the Department of...I don't know what...can you restate your question a little...sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So that's it's important for us as the local government to step up where the State and the Federal Governments aren't when it's clear that there is harm in, you know, glyphosate, for example, being used. And that there was a claim that we cannot because we're preempted.

MS. NESS: Yeah. Okay. So a couple of things. First of all, in the State of Hawaii, we have what's called implied preemption, which is, like, in the scale of things, a very soft preemption. Let me use the State of California. California is like a really strictly, implicitly preempted state, where it's very clear to everyone that the State alone can make pesticide law, right. But if you look at the end of the testimony that I submitted to you, my personal statement, there is a laundry list of California communities, including Irvine, which was just mentioned by a previous testifier, who passed almost the exact same policies as this on their city and county lands, and challenges to those policies held up in court because they're not regulating private use of pesticides. They're regulating what the county or city does with their own money and their own staff on their own lands. So it's interesting that in the Department of Agriculture, they said arguably impliedly preempted. This argument has come up in court before. All of those cities that you see on my testimony on the end, most of them are in states with pesticide preemption laws, and they have remained intact. So it's very...it's very important to clarify that this is not a regulatory thing. This is a policy decision made about our taxpayer dollars and our own lands, you know. And we asked the State to move on it, and they will not do it, so.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your response on that. And then in your testimony, you talk about the Kihei Little League volunteering to help with pest management.

MS. NESS: Yeah. So this...this is really cool because it's a really...I'm learning also as we work with these different departments about what it means to get away from our reliance on chemicals. Can you guys still hear me?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR SINENCI: We can hear you.

MS. NESS: Okay. So even I didn't understand how this really worked in practice until I had

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this experience.

COUNCILMEMBER RAWLINS-FERNANDEZ: We cannot hear you any...anymore, Ms. Ness.

CHAIR SINENCI: Are you turning back on your camera? Okay. Did we lose Ms. Ness?

MS. APO TAKAYAMA: Chair, it looks like she's still there. She might just be having connection issues.

COUNCILMEMBER KING: Chair?

MS. NESS: Oh. I'm back.

CHAIR SINENCI: Oh, she's back.

MS. NESS: I'm so sorry. . . .*(audio interference)*. . . You guys, I need a new computer. So...so after we had the pesticide-free pilots, which Kihei Little League park was not part of that pilot program, right. The Parks Department sprayed herbicides on the field, and a bunch of parents complained, right. So no big deal. It wasn't part of the pilot. We went over there and decided we're going to teach the parents how to pull the weeds that were being sprayed to get rid of the reason to spray the weeds, right. We thought it was going to be this, like, long every couple of weeks, the parents are going to have to pull weeds; but once we pulled them, they never came back. So it got rid of the entire issue.

CHAIR SINENCI: . . .*(inaudible)*. . .

COUNCILMEMBER KING: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Ms. Ness, I think we lost you. Oh, there you are. Okay.

CHAIR SINENCI: Okay.

MS. NESS: My computer's not reliable, so I'm going to call in and see if that works later, if there's any remaining questions.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Was that all your questions, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Mahalo, Chair.

CHAIR SINENCI: Okay. Member King?

MS. NESS: Did you hear the end? The moral of the story is once we pulled the weeds, they

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never grew back. So we...you know what I mean. It's easier than...yeah.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Member King?

COUNCILMEMBER KING: I'm just wondering if we can...maybe if she can get her computer to work, if we could bring Ms. Ness on as a resource when we get to deliberations since she's with Beyond Pesticides and she was...she's very familiar with the legislation.

CHAIR SINENCI: Okay, if there are no objections, Members, having Ms. Ness on. Thank you.

MS. NESS: I will figure my computer out.

CHAIR SINENCI: Okay, great.

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: Did you have a question or could it wait 'til later, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Sorry. Member King already covered my question.

CHAIR SINENCI: Thank you. Staff, can you call...please call the next testifier.

MS. APO TAKAYAMA: Chair, the next testifier is Faith Chase, to be followed by Lucienne deNaie.

CHAIR SINENCI: Aloha, Ms. Chase. Can you hear us?

MS. CHASE: Yes. Aloha, Chair. Aloha, Committee.

CHAIR SINENCI: Aloha.

MS. CHASE: I am writing...I will submit my written testimony, it has a little bit more if I get cut off, that's okay. I am testifying to express support for EACP-1. Whoof. This is a doozy for Maui County. In my early findings of pesticide use, I stepped in in a capacity where I wasn't normally very comfortable...been 26 years behind the computer as a graphic designer. I put myself out and helped organize and was a marshal for three of the five anti-GMO marches we had. And while GMOs brought the people together, it was, in fact, the chemical cocktails that we were also advocating against as well. I once was in a rental owned by a Maui Land & Pine lead operator who I might not mention, but he so willingly used his pineapple industry pesticides on his personal property, and the experience has forever haunted me. It was like

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anthrax. I couldn't get myself and my two children that I had at the time out of the house and off the property fast enough. That experience has stayed with me, and has kept me staying on course with all these kind of pesticide issues. I might mention that while I am not a member of the Hawaii Farmers Union United, while I was, the largest farming union chapter, the Maui Haleakala Chapter, fearlessly pushed forward a pesticide policy that outlined cautionary principles that should be considered today, as that organization has fluctuated from anywhere from 800 to 1,200 members annually. In response to the golf industry lead guy calling from Las Vegas, I would like to remind this Council body that in the early '90s, a proposed Hana golf course was being voted on, and public testimony from the remote area continued into the evening. It was a very long meeting. Twenty-three members of the fishing family, the Lind Family, L-I-N-D, came to testify, members from ages of 3 to 73. The main concern for this large family and that community was the golf course runoff, and how it would affect their fishing and their subsistence living. In response to Mr. Hoffman from the State Plant Department, blah, blah, blah, whoever it that was...I would say one thing, while I am not ho'opa'a, like I'm not solid on the State and Federal hierarchy of authority, I will say this. It would behoove anyone who is listening to read all the testimonies in the eComment, which is a new thing. You can see all the testimonies ahead of time that were provided on this issue, and honor home rule, Maui County home rule, what the people want. And in an attempt to end on a positive note because this is a touchy space, I would just like to add one interesting area is that since the Highway guys and the County guys have taken Ms. Autumn Rae Ness' lead and influence and started weedeating more than spraying, there's this really funny thing that has happened, is that all of us who know and follow this issue, when we see the bruddahs on the side of the road, we're like beep, beep, beep, and they kind of...they kind of...they kind of puihiwa. They get startled, like, okay, something wrong, is there an accident, is the car coming too close to me, and we're consistently interrupting their work. It's a beautiful thing, but it's actually kind of dangerous. So I would encourage, as we're moving forward, maybe to create some kind of online space . . . (timer sounds). . . where we can...we can support and thank the Highway and County workers in this way instead of them lifting up their hands off the weedeater, which technically needs two hands to operate. Thank you for your time.

CHAIR SINENCI: Mahalo, Ms. Ness [sic]. Can tell you from the country, you know how to weedeat. Members, any...

COUNCILMEMBER KING: It's Chase. That was Ms. Chase.

CHAIR SINENCI: Oh. Ms. Chase. Sorry.

MS. CHASE: Understood. Mahalo.

CHAIR SINENCI: Any questions, Members? Any questions for Ms. Chase? None. Mahalo, Ms. Chase, for your testimony today. Staff, could you call the next testifier please?

MS. APO TAKAYAMA: Chair, the next testifier is Lucienne deNaie, to be followed by

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Mark Deakos.

MS. DENAIE: I'm Lucienne deNaie. Nice to see all of your faces. And thank you for giving an opportunity to discuss this issue once again. I think I've testified on this for 20 years. It was...it was proposed, like, back in the '90s, you know, that we look at our parks as a place to start experimenting with moving away from pesticides as the only way to do weed control. Obviously, we've come a long way. I'm familiar with Mr. Duane Sparkman's work at the Westin. I've heard him speak. He's come out and given advice to other groups about working with native plants and using nontoxic, organic means of controlling invasive species. You have a lot of knowledge here that you can call on today to learn about what the possibilities are. But, you know, as a person who has many, many friends who use the fields at the Haiku Community Center, I know the community in Haiku would be very, very supportive to see that whole facility move away from pesticide use and move more towards an organic basis. Also, you know, we're not talking here about that we have to win awards for our lawns, we're talking about, you know, maintaining a reasonable playing field for soccer, for baseball, for football. And I think, you know, learning as we go along, and having some volunteer help to pull weeds when the weeds can't be controlled by non-pesticide means is perfectly acceptable to the public. But it is the time, really, to move forward and look for better ways. And I support this bill, and I hope all of you will support it as well.

CHAIR SINENCI: Mahalo, Ms. deNaie. Any questions for our testifier, Members? Seeing none. Thank you, Ms. deNaie, for your testimony today.

MS. DENAIE: Mahalo.

CHAIR SINENCI: Aloha. Staff, could you please call the next testifier?

MS. APO TAKAYAMA: Next testifier is Mark Deakos, to be followed by the individual calling in with the last four digits 5483.

MR. DEAKOS: Aloha, Council.

CHAIR SINENCI: Mr. Deakos? Aloha.

MR. DEAKOS: Can you guys hear me, Councilmembers?

CHAIR SINENCI: Yes, we can hear you.

MR. DEAKOS: Aloha. Thank you for supporting this bill. I do support the pesticide ordinance. I live 24 years here in West Maui. I do visit Napili Park. One of the gentleman's talking about the pesticide use there. I do see that several times...not...I go there several times a week, and it's pretty scary to see all the dead grass and the kids and all the animals and the persons walking in there. Definitely, golf courses are not our most cherished resource. I think we'd all agree there's golf courses

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everywhere, and the detriment to our reefs and other natural resources are probably a bigger concern. We know that...plenty of science behind the pesticide use, a lot of people have talked about it, it's definitely the new tobacco. And essentially, we all have a choice to minimize our impacts, as individuals, as communities, and as the Council. And it's not like these are massive changes required, kind of like COVID. We see it as a massive problem, but the solution is basically wearing a mask. And this is no different. There...we have plenty of examples of how we can adjust the materials we're using and bring in the expertise. There's plenty of it. It just takes the right leadership to sort of set the new standard. And the County has an amazing amount of influence, especially in procurement, right, because all the products that you guys use, you can leverage suppliers that do support low impact, in fact, maybe positive impact or regenerative type products. You guys have that leveraging power to put pressure on those suppliers. So despite the State and Federal regs, I think your leadership is important to stay ahead of the curve, and I encourage that. And, you know, I think when we Google Maui golf courses or Maui parks, you know, top ten greenest golf courses in the country, Maui should be right up there. And they...you know, there are plenty of ways, whether it's the side of the roads, the...our parks, you know, we can not only deal with minimizing chemical use, we need to look at it in terms of food production. You know, we can put ground cover that doesn't require constant maintenance. There's plenty of ways to reduce the cost, do it organically, even regenerate some of the ecosystem services. Some of these green spaces apply it. It's the . . . *(timer sounds)*. . . idea that everything has to be a manicured lawn is sort of old school. So thank you for supporting this. And I appreciate you guys bringing this forward.

CHAIR SINENCI: Mahalo, Mr. Deakos, for your testimony today. Members, any questions for the testifier? Seeing none. Thank you for being here today. Staff, could you please call the next testifier?

MS. APO TAKAYAMA: Chair, the next testifier is signed in under the last four digits 5483, to be followed by the individual calling in with the last four digits 8842.

CHAIR SINENCI: 5483, are you there? Could you please unmute yourself? 5483? Can you hear me?

MS. ASHMAN: Aloha, Chair Sinenci. Aloha, Chair Sinenci --

CHAIR SINENCI: Aloha.

MS. ASHMAN: -- and Members of the Committee. Can you hear me?

CHAIR SINENCI: Yes, we can.

MS. ASHMAN: Thank you. My name is Janet Ashman. For over 30 years, my job has been to help other farmers across the State with environmental stewardship and compliance. I'm also a small farmer myself. I'm very familiar with pesticide issues,

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and I've served on the State Advisory Committee on pesticides for nine years. Thank you for the opportunity to testify today. This bill states that its purpose is to safeguard the health and welfare of County workers and other people, and to protect Maui's natural resources. Everyone would agree to that goal. But banning nonorganic pesticides and fertilizers on County property won't keep people safe or the environment healthy. To do that requires keeping noxious species under control, whether it's disease-carrying mosquitoes and cockroaches; termites that destroy homes and businesses; fire ants, whose bites keep people from using the land; tumbleweed and other weeds that can cause roadway accidents; and miconia that can destroy our watershed. A real integrated pest management plan, which this is not, which use the best strategy to control pests while minimizing risk to humans and environmental health. Whether it's using natural enemies of pests, changing practices like maybe too much irrigation that lets weeds get out of control, or using mechanical controls like mowing, weed whacking, and mulches. The key is to ensure that County managers know when and where each method is best applied, and that staff is well trained on using each method safely. But banning nonorganic pesticides isn't the answer for many reasons. Organic pesticides are not necessarily safer than nonorganic pesticides, and organic pesticides are not banned in this bill. Natural materials can be dangerous and toxic, like asbestos, like arsenic, and there are many, many other examples. And for example, Avenger, which is a product that is an organic pesticide sometimes used as an alternative to Roundup. It's significantly more expensive than Roundup, it's also less effective so you need to apply more of it, and you have to keep applying it. So these are all considerations. Nonorganic pesticides can be used safely, and they are used safely. They're often more effective, safer, and less expensive than other control methods. Because we don't have an unlimited workforce and funding, and we don't know what dangers or destructive pest species will be introduced to the islands next, it's important to have every method available to use in the particular circumstance. It takes many years to become an expert in weed and pest environmental science. So if the purpose is to protect people and the environment, I hope that before this bill moves forward that you consult with the experts at the university and the pesticide branch of the Department of Agriculture and those that have experience at the County departments. You know, every situation is really different, so I wanted to comment on the Westin Resort. And I'm sure that the gentleman from there is going to speak later. But really, I don't know how many acres he has there, but I thought it was under ten, maybe even under five. And I don't know how much his budget is or was before COVID, but can this really . . . *(timer sounds)* . . . *(inaudible)* . . . or done on the thousand miles of roadway segments here? Can we switch to mechanical, you know, people weeding along the side of the road by hand? It's just not a comparison. Thank you very much for listening.

CHAIR SINENCI: Mahalo, Ms. Ashman, for your testimony. Did you mention your representation? Share your title with us?

MS. ASHMAN: I'm a consultant, and so I'm just speaking on my own behalf. But I've worked with farmers across the State, like I said, for 30...over 30 years.

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CHAIR SINENCI: Okay, thank you. We have a question for you from Member Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman.

MS. ASHMAN: Thank you.

COUNCILMEMBER MOLINA: Good afternoon, Ms. Ashman. Can you clarify your testimony? You mentioned that nonorganic pesticides can be used safely. Can you just cite for me an example or two of that?

MS. ASHMAN: Absolutely. That is exactly what the Federal Government under EPA and the State with the Department of Agriculture regulates. And they go through a ton of...so much evaluation before they even allow a product, an organic or a nonorganic product, to be used and registered to be used in the country and, in our case, in the State. So it's not willy-nilly. If it can't be used safely, it is not marketed and sold, period.

COUNCILMEMBER MOLINA: Okay. I think that partially answered my question. But as far as an actual real live example of it being used safely, nonorganic pesticide.

MS. ASHMAN: It's done every day. I'm sorry. I mean, I'm not going to come up with a product because there's so many, but I mean, non...we're just talking about pesticides--I hope I'm answering your question--pesticides that are not naturally derived. They may be based on a natural substance, and oftentimes they are because plants make their own pesticides. And a lot of times, companies use that exact thing and replicate it, synthesize it in a laboratory, and that's what they sell as a nonorganic pesticide. And those are used across the country, across the world, for many different applications. Did you want me to name a product?

COUNCILMEMBER MOLINA: No, no. Just as a farmer, I mean, how would you use it, you know, I guess...

MS. ASHMAN: Oh. Oh. I'm sorry.

COUNCILMEMBER MOLINA: How could it be safely...yeah, yeah. Farmer's perspective.

MS. ASHMAN: Thank you. Yes. Farmers, anyone that uses the pesticide must be educated on the particular pesticide that he or she is using. And so the first step is to read up on...well, first of all, monitor your fields, monitor what you're doing, find out what the pest is that you're trying to control, or the disease, and whether you can do it without pesticide use. And then if not, then choose the exact right...the specific pesticide that works on that particular pest, and follow the label. And I know everyone's heard this before and no one pays attention to it, but the label is the law. Oh, that only means that you have to follow the label instructions and precautions and PPE that you need to wear; otherwise, you're violating the law and the Department of Ag will bust you on that. And as the Department of Ag mentioned, they have an enforcement agent on

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island that does do exactly that, inspects and enforces. So --

COUNCILMEMBER MOLINA: Okay.

MS. ASHMAN: -- you have to educate your...so that's where I would hope that this bill...where this bill would go, that the County workers, if they're not already and they probably are, are adequately trained and educated on everything, all matters of pesticides and pest control methods. Thank you.

COUNCILMEMBER MOLINA: Okay. All right. Thank you for your responses. Thank you, Mr. Chairman.

CHAIR SINENCI: Mahalo, Member Molina. We had a question from Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ashman, for your testimony. I just wanted to clarify, are you...you're a member of the Farm Bureau?

MS. ASHMAN: I am a member of the Farm Bureau.

COUNCILMEMBER PALTIN: Okay. And are you aware that the Public Works currently has switched already?

MS. ASHMAN: I don't work with the Public Works, but I know that --

COUNCILMEMBER PALTIN: Because in your testimony, you said --

MS. ASHMAN: -- it doesn't apply to me.

COUNCILMEMBER PALTIN: -- in your testimony you said that would be, like, too much for all the highways and like that. But they've already done it. So I just was --

MS. ASHMAN: Well, I don't...I'm not familiar with that. I thought --

COUNCILMEMBER PALTIN: -- wanting to know.

MS. ASHMAN: -- thank you. I thought that of...that the County agencies had greatly reduced their reliance on...on pesticides. I did hear that, and that's fine. That's great. And if they can do that with using other methods that are safe and cost effective, of course, I'm not objecting to that. That's very...I just haven't heard from them specifically, that they were able to completely obviate the need for pesticides; is that right? They don't use pesticides at all on the roads?

COUNCILMEMBER PALTIN: Yeah, they switched over.

MS. ASHMAN: So no pesticide use?

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COUNCILMEMBER PALTIN: Yeah, they switched. Can you hear me?

MS. ASHMAN: Yeah, I just didn't...I'm sorry. I just want...I was asking if you could clarify, they switched to what? I didn't hear that.

COUNCILMEMBER PALTIN: To not pesticides. And, you know, I worked in the Parks for the past 20 years, and when you say the label is the law, and that the Department of Ag is on island to enforce, that hasn't been my experience in the last 20 years. You know, I've seen folks spraying...spraying pesticide without any kind of protective gear, without any kind of signage, right next to a stream in off and on rain. So I mean, when you say the label is the law and it will be enforced, one guy for three islands and the whole...all the parks, everything, it's not...it doesn't really work out. And...and so, you know, that's my personal experience of what I've seen at...if...if everyone did follow the labels, but there's not really anybody looking over every single person using pesticide all the time. And so, you know, that's how it is. And just to clarify, it's almost zero...almost zero for public. . . *(inaudible)*. . .

MS. ASHMAN: Thank you. I think...I'm sure that what you're saying is true, and that especially in the past, there have been mistakes made or people weren't educated enough. Or even in the gentleman preceding me, you know, talking about how he used to work for a company and, you know, there were shortcuts taken and management didn't listen. I think it's a different day and age now, and we know a lot better, and Department of Ag has the appropriate number of enforcement agents. It's done by a formula that EPA puts out. So there are...you know, there is enough enforcement, but its complaint driven. I mean, you're right, that one person can't be...it's just like a policeman, can't be on all roads at all times watching for speeders. So if there is a complaint--and there should be. If you see something like that, a complaint should be made to the Department of Ag, to the enforcement agent on island, and he will investigate. Because they do. That is their job, and they go...I mean, I don't want to speak for them, but they...normally, within 24 hours, they are onsite and investigating, and there will be enforcement. So I can't speak to 20 years ago, but I can speak to now.

COUNCILMEMBER PALTIN: Oh, sorry. It wasn't...it wasn't 20 years ago, and there was a complaint made, and there was no enforcement. So that was just my experience. Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. Mahalo. Any other questions? Seeing none. Mahalo, Ms. Ashman, for your testimony today...for being here. And so Members, just for clarification, under section 2.50.050, I will be talking about our Vegetation Management Plan, as Ms. Ashman was referring to. That's part of the bill. Also, there is, under section 2.50.060, there are areas for exemptions for use of specific pesticide and fertilizer use. So these are...there are some areas in the bill, that if you want to go ahead and look, I can address some of those things. Members, it looks like we've got about three or four testifiers left. So would you guys mind taking testimony, and then we can take our mid-afternoon break? Is that okay?

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COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SINENCI: Okay. Thank you. Staff, could you please call the next testifier?

MS. APO TAKAYAMA: The next testifier is the individual calling in with the last four digits 8842, to be followed by Clare Apana.

MS. MARLOW: Hello? Can you guys hear me?

CHAIR SINENCI: Yes, we can hear you.

MS. MARLOW: Okay. Thank you. First of all, yeah, thank you for allowing us to speak here. My name is Darin, I'm a resident of California, but I volunteer with the organization CleanEarth4Kids.org, which is a non-profit that deals with national and international issues. So I do know a little bit about pesticides. I don't have a lot of credentials, but I have done some research and like a lot of people are saying, pesticides are a huge threat to human health, specifically, child health and child development, and going back to, like, regulating pesticides and making sure that they're safe before they're released to the market. A lot of the pesticides that we use in the U.S. are banned in countless other countries. For example, during the Trump presidency, they have rejected a ban on glyphosate, but glyphosate has been banned in 21 countries worldwide. So even though the U.S. sees it as safe, a lot of countries do not. And then I also wanted to mention, really quickly, that pesticides kill soil microbes, and these are basically what are responsible for carbon sequestration in the soil. And the soil sequesters more carbon than are in plants and the atmosphere combined. So that's another way that pesticides are a threat to the health of our planet as well. Thank you.

CHAIR SINENCI: Mahalo, Ms. Darin [sic] for your testimony, calling in from California. Members, any questions for the testifier? Seeing none. Again, thank you for being here.

MS. MARLOW: Thank you.

CHAIR SINENCI: Or there. Staff, the next testifier please?

MS. APO TAKAYAMA: Chair, the next testifier is Clare Apana, to be followed by Rose Reilly.

MS. APANA: Good afternoon, Council.

CHAIR SINENCI: Good afternoon, Ms. Apana.

MS. APANA: Believe it or not, this is the first issue I've ever dealt with in the legislative process. In the year, I believe 2004, I actually passed a bill in the Legislature, and it's kind of known as the, "Read the Label Bill." And the reason I did this is because I was

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poisoned by my neighbor's pesticides. I was poisoned right in my own house. And one of the reasons why I actually brace your Council is because I had to move away from my home in Oahu where, after the spill, I was never able to go back to my house. And so I have strongly advocated against the use, and the free use, and the ability to buy these pesticides over the counter. So this is a tremendously good bill. I know that the cumulative effect of pesticides on my own health has been devastating to me. You don't see it, but I spend a few hours every day to deal with what has been the aftermath of being poisoned by something which they say is so gentle and safe as malathion, so gentle and safe. We need to protect our keiki because there is a cumulative effect of being exposed over and over and over again. And I pray that you will be smart enough to pass this bill. I believe in our County, I believe in the wisdom of this body, and that you can take this, and make this something where we can protect, especially our keiki, but all of us. Because I go there too, and if it's really strong that I can...or I can smell something, I have to leave. I have to leave. And I don't think that's fair, you know. I'm thinking of the lady who said, "well, the safe...safe pesticides." As far as I'm concerned, there is no safe organo-pesticide. There is none. And we need to see that you follow this because what happened to my bill is, it got into the hands of the commercial people, and they co-opted it so it could never be the bill that it was meant to be, which was one which educated the general public about how dangerous these over-the-counter pesticides are. And so please, watch this from beginning to end, and do not allow the corporate interest, the interest of the people who sell these things get into the mix. . . .(timer sounds). . . Thank you very, very much.

CHAIR SINENCI: Mahalo, Ms. Apana, for your testimony. Members, any questions for the testifier? Seeing none. Thank you for being here.

MS. APANA: Thank you.

CHAIR SINENCI: Mahalo. Staff, could you please call the next testifier?

MS. APO TAKAYAMA: Chair, the next testifier is Rose Reilly, to be followed by Ash.

MS. REILLY: Aloha. Good afternoon. All right, so --

CHAIR SINENCI: Aloha, Ms. Reilly.

MS. REILLY: -- thank you. Excessive chemicals have had a major negative impact on my childhood and also my adulthood. My stepfather, from my age of seven or five, he was diagnosed with a frontal lobe brain tumor from the chemicals used in his woodworking, which were approved. So, you know, the seizures are incredibly scary, especially for a child. I mean, you're at home, and your over 200-pound father is falling into a seizure. You know, at that time, they tried to have you put a pen in their mouth so they didn't bite their tongue off, so I had to try and keep my fingers from getting bitten off. You know, it made so much stress for my entire family. You know, his mother had MS. They grew up in the farming belt up in Amarillo in Texas. So

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the...they say that a little while back, that a ten percent increase in Multiple Sclerosis is predicted as a result of the increase of chemical farming in the Midwest. My whole family got sick from trying to live in a mobile home. It took us years to get over that. We're all so sensitive. In recent years, I've developed an allergy to wheat, so Mrs. Peanut Butter sandwich, like sometimes I'd eat three, five peanut butter sandwiches a day, cannot eat wheat without my entire belly bloating. My lips peel and bleed. I get severe headaches. That's because the United States has decided to desiccate, to evenly dry the wheat, by spraying glyphosate on it. So you know, the cumulative effect is really...it's kind of like the Incredibly [sic] Shrinking Woman, I know it's a kind of an old movie, but like it really, you know, you start to see the progression when you're sensitive. So I'm reminded of "DDT is good for me" . . . *(laughing)*. . . which we all know it isn't. So, you know, as soon as we pass the thing for the spray on sunscreen, boom, they drop that chemical, came out with one that's really similar, put it on, oh, now it's reef safe. When we, you know, got BPA, how many millions did it take to identify the BPA as a toxic chemical? Boom, they took it out, put in another one, the plastic isn't as strong, so you have to buy more of it. But there's no safety test on the actual chemical they replaced it with. So I'm really excited about this bill. I know that we've had so much great testimony. I'm going to let you go, thank you so much for hearing me.

CHAIR SINENCI: Mahalo, Ms. Reilly, for your testimony today. Members, any clarification questions for Ms. Reilly? Seeing none. Thank you. Staff, could you please call . . . *(audio interference)*. . .

MS. APO TAKAYAMA: Chair, the last individual signed up to testify is Ash.

CHAIR SINENCI: Ash, are you there? Unmute yourself. Kasie, is he still on?

MS. APO TAKAYAMA: Ash appears to be online, but is muted on their end.

CHAIR SINENCI: Ash, can you unmute yourself and provide us your testimony? If not, you could also send in your written testimony to the eacp.committee@mauicounty.us. Going once. It seems like...is there anyone else that wants to provide testimony, please unmute your speakers and provide our testimony at this time. We're at the end of our testifier list. Okay.

MR. BOTTORFF: Hi, can I make a comment?

CHAIR SINENCI: Oh. Yes, please introduce yourself.

MR. BOTTORFF: Absolutely. So my name is John Bottorff. I am calling from California with CleanEarth4Kids.org. There's been some...you know, a variety of...first of all, I am in total support of the IPM. One of the things that, you know, has been talked about, among other things, is the whole regulation versus policy. Maui has an opportunity to set policy as a County to protect children's health, and in particular the water, which in Hawaii is absolutely important. There is massive amounts of information and

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research that show that pesticides and fertilizer runoff into water is incredibly destructive to organisms and of course, coral and fish, and to humans. And, you know, to go back to like the golf course comments as well about controlling weeds and invasive species is, to me, utterly ridiculous that we are risking children's health to stop weeds. The idea that...that a child will get cancer because we don't like weeds in our golf course is ridiculous. And even from an invasive species standpoint, what are their priorities? Protecting human health. And I know organics...there all...there are so many opportunities and varieties of things that can be done to simply, you know...first of all, just accept a certain amount of weeds. I am excited to hear that your Highway Department is already going down that path. You know, at some point, as a culture, we have to understand that chemicals and things that are designed to kill something are just dangerous and they're toxic. You know, all these companies are obviously...have to lose a lot of money involved, and they donate money. If you dig into it, they donate money to universities, they donate money to a lot of organizations, and the idea be...you know, the idea that they will testify in support of what they do. The idea should be not to use chemicals...these chemical pesticides safely. The idea should be not to use the chemicals at all. That should be the goal, and I am really, really excited that you guys are heading in this direction. There's so many countries that have banned so many pesticides. In the U.S., 25 percent of the pesticides used in the U.S. are banned in other countries. So the idea that well, the EPA says it's safe, that does not mean it's safe. Just because it's legal doesn't make it safe, and this is a tremendous opportunity for the County to move forward with protecting people's health. And I thank you very much for your time.

CHAIR SINENCI: Mahalo, John, for your testimony today. Members, any questions for the...we have a question for you, John, from Member King.

COUNCILMEMBER KING: Hi, John. I just wanted to clarify what...what the organization is that you're representing?

MR. BOTTORFF: Yes, absolutely. It is CleanEarth4Kids, that's the number 4. So CleanEarth4Kids.org --

COUNCILMEMBER KING: Kids, okay.

MR. BOTTORFF: My wife --

COUNCILMEMBER KING: And you come from California?

MR. BOTTORFF: Yeah. My, my...out of California. My wife spoke earlier, Suzanne. She was pesticide... exposed to pesticides. And like the lady who spoke earlier, you know, we had to move from our home. And, you know, at the time, you know, we called our...San Diego County, and their response was, "Well, you know, it's totally legal." Well, you know, my wife was poisoned, and we had to move. So again, just because it's legal, doesn't make it safe. It doesn't make it right. You know, my wife still has, you know, lung issues --

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COUNCILMEMBER KING: Uh-huh.

MR. BOTTORFF: -- and speaking issues because of her exposure. So, you know, we're a very small organization, all grassroots. We don't take money from anybody or anything. We're absolutely dedicated to protecting children's health and all health, as a matter of fact.

COUNCILMEMBER KING: Okay. Well, I appreciate you calling in from the mainland because I think it's an important aspect of what we're doing here with this bill.

MR. BOTTORFF: Thank you, and I totally agree. Thank you, guys, for doing this. And Dick Van Marlow [sic] also called in. She was one of our youth...youth board. She's going to UCLA. She's a...she's a very much a strong advocate against pesticides, and she does a lot...she sold herself short. She does a lot of research on pesticides. She knows a lot about pesticides and things like chlorpyrifos, which are banned in so many countries, but not in this country. But so the...Hawaii has done that. So again, thank you, guys, so much.

CHAIR SINENCI: Mahalo, John. You did mention about environmental impact statements. If you could provide any of those to...to our committee at eacp.committee@mauicounty.us, I'd be really appreciative.

MR. BOTTORFF: Absolutely.

CHAIR SINENCI: Thank you for your testimony.

MR. BOTTORFF: Absolutely, we will...we can send that along. Thank you.

CHAIR SINENCI: Thank you for your testimony today.

MR. BOTTORFF: All right. Thank you.

CHAIR SINENCI: Last call for Ash. Kasie?

MS. APO TAKAYAMA: Chair --

CHAIR SINENCI: Staff, is there anyone else wishing to testify?

MS. APO TAKAYAMA: -- Chair, we currently don't have any other individuals signed up to testify.

CHAIR SINENCI: Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

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CHAIR SINENCI: Okay, thank you. And then if there are no further objections to receiving written testimony into the record?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SINENCI: Thank you, Members. So I will now close public testimony.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR SINENCI: Members, it is 3:21 and as promised, I will go ahead and recess for our mid-meeting break, and we'll be back at 3:30. . . .(gavel). . .

RECESS: 3:22 p.m.

RECONVENE: 3:32 p.m.

CHAIR SINENCI: . . .(gavel). . . The EACP meeting of Tuesday, September 8, please come back to order. It's 3:32 in the afternoon.

**EACP-1: INTEGRATED PEST AND ENVIRONMENTAL MANAGEMENT ON
COUNTY PROPERTY (CC 16-37)**

CHAIR SINENCI: So Members, we have one item on today's meeting...oh, and we recognize...Chair recognizes Member Sugimura. Thanks for being here. We have one item, Integrated Pest and Environmental Management on County Property. As you can see from the Committee number, EACP-1, this item has been around for a while, and dates back to 2016. Since then, a lot has changed with land management procedure guidelines. The Monsanto glyphosate court documents and ruling showed us the dangers of chemical pesticides continues to be of concern. Last year we had Mr. Dewayne Johnson, the Plaintiff in that case, speak to us about his cancer and how it could have been prevented. He also hosted the showing of the movie, "Ground War," which showed the dangers of chemicals on golf courses for those who play and live near golf courses. Before we proceed, I wanted to explain that this bill only applies to County properties, and not to private land. Second, this bill does not apply to agriculture activities in the County on County land, so it does not apply to the Kula Ag Park or any farming activities at all. It is focused only on County's Vegetation Management Plan on their...and on our own properties. I know we will hear from farmers worried that this applies to them, but it does not. It is not intended to apply in any way to any forms of agriculture. There are also many layers of Federal and State Regulations of this bill, that this bill recognizes, and it seeks only to limit use where it has 100 percent jurisdiction for us to do so. The goal of the bill is to protect County workers, residents, and visitors, any children who play in our County parks. It also helps to better protect the environment, and our ocean from harmful, toxic pesticides. We took a team approach to this bill. The first thing my office did upon

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inheriting this item was to meet with the Department of Public Works and the Department of Parks and Recreation. We met several times, and also transmitted the draft bill to all County departments for comments. The County Fire Department was supportive of the bill, particularly because of the dangers of fighting brush fires where pesticides have been sprayed. Our discussions with the Department of Public Works...it became obvious that they are already working very hard to eliminate the use of toxic products, and you'll be very happy to hear that they have already reduced their chemical pesticide usage. To make further strides, however, they will need our...our help. This is how the idea of a Vegetation Management Plan began, because the Department of Public Works had recognized that this is the best tool for developing a plan to eliminate pesticides the best we can. The Vegetarian Management Plan will outline current practices that propose better practices, present the total costs, the current system, and the extra funding needed for the proposed changes. Council has final approval over the Management Plans, so our job is to set policy. We're also the final authority on budget matters. The bill also allows waivers when approved by the Council. As part of our team approach, we have also been working closely with Corporation Counsel that has helped us tremendously from a legal and technical perspective. Beyond Pesticides and Ms. Autumn Ness also provided some excellent resources. For today's meeting, we will listen to our community's testimony, which we just did, then hear from our panel of experts. Members, I would then like to hear your comments on the bill. As I mentioned earlier, we have been working closely with Corporation Counsel. It is my intention to possibly defer the item today, and present a Ramseyer copy, which would include comments from either Corporation Counsel, and incorporate some of your comments today. So we want...we just wanted to make sure that we listen to all of you before bringing it back on our next meeting. So with that, we have from the Administration...I believe we have Mr. Molina from the Department of Public Works. We have Stephanie Chen from Corporation Counsel. Let me check who's on. Also we have Mr. Forrest, James Forrest; also Deputy John Buck and Chris Kinzle from our Maintenance Department. I also see the Director Dagdag-Andaya from the...mahalo for being here today. And also we have Dr. Robert H. Richmond, Professor from the University of Hawaii, the Kewalo Marine Laboratory; Mr. Chip Osborne from Organic Landscape Association; and Mr. Duane Sparkman from Westin Kaahumanu [sic] Hotel. So with that, Members, given their expertise in this matter, and if there are no objections, I'd like to designate all of the experts here with us today as resource persons pursuant to 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SINENCI: Mahalo for that.

COUNCILMEMBER KING: No objections. But Chair, didn't we have two other resource people from our testimony...testifier pool?

CHAIR SINENCI: Oh, we did ask Mr. Hoffman and Ms. Ness to also stay onboard, so if you had any questions directed to them, and if they're on...still online, we can go ahead and ask them your questions. I believe the Departments are here just to answer your

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questions, so if there are no objections, we wanted to give our panelists five to ten minutes to present, and then we'll go to questions from the Members.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SINENCI: Thank you, Members. I do see Mr. Osborne. Did you want to provide us with some opening comments?

MR. OSBORNE: Certainly. Good afternoon, and thank you for the opportunity to speak with you today. I have a few comments and then if I can share my screen, I've prepared a few slides that will talk a little bit about what the alternatives are, so we're...you know, we focused so far this evening on the pesticide issue and, you know, my job is to provide you with alternatives and to show you that alternatives can work. I've been a professional horticulturist for over 45 years; 22 years of those as a chemical applicator in a greenhouse environment. I own Greenhouses Nursery (*phonetic*) on the east coast in a little town, Marblehead, Massachusetts, just north of Boston on the coast. So I did that for 37 years, but 22 years ago I decided I had enough of the pesticide side of things, and I transitioned my business to organic, and then switched my horticultural specialty to turf and landscape. I work with Beyond Pesticides, I'm actually on their Board of Directors, and we were in Maui in 2017, and then again last winter. In 2017, we started pilot projects at War Memorial Little League field number 1, Luana Gardens, and South Maui regional soccer. I'm not sure those pilot projects ever came to fruition, but we did detailed soil analysis and put together a plan that would meet those expectations without the use of...without the use of pesticides. Let me work on trying to...let's see...to try to share my screen with you and...yeah, there we are. You know, so I call this, "Public Space Management: Choices and Challenges", and that's exactly what it is. We all have choices to make, and there are certainly, you know, challenges that go along with that. So what is natural management, organic management, sustainable? It's all kind of the same thing, but it's the adoption of a systems-based approach versus a product-centric approach. So when we're using chemicals and synthetic fertilizer, the pesticides, we are attempting to manage everything from a product-centric approach. We get a calendar and we get a product list and we go out and make applications. Organic management is the opposite of that. We're taking . . . (*audio interference*). . . three considerations into account; healthy biologically active soil, appropriate and proper cultural practices, and then the exclusive use of natural, organic products. It's a transition process. It doesn't happen overnight. We spend two or three years working through transition, and that length of time largely depends on the condition of the soil when we start this process. We're problem solving, not symptom treating. When we're running around with herbicides to treat weeds, we are treating a symptom. That weed that is in our children's playing field is there because something's out of balance. So it's a symptom that something's wrong. So that weed is not the problem. And with chemicals we've been taught to focus on that weed as the problem. The problem is underlying, and it might be compaction. It might not be enough oxygen in the soil. So our job is the creation of a healthy, biologically active soil environment. Soil testing becomes a basis for all of our corrective and product inputs, so we're not going to put fertilizer down there if we

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don't need it. Appropriate nitrogen is delivered based on communicated expectations, and sports turf, higher expectations. Neighborhood public parks, not as high a level of expectation. These next four graphics were done with Maui Nui Marine Resource Council, Beyond Pesticides, and myself, a collaboration, and it was done for the Island of Maui, that we are looking at, you know, trying to educate, and especially educate contractors, and applicators, and homeowners. So chemical versus organic. Chemical water-soluble fertilizers, you heard about that. They feed the plant, they do not feed soil microbes. They bypass microbes, yet microbes are central to everything that happens in organic. They dissolve quickly, they need frequent applications, they're salt. They're soluble mineral salts. Some of that nitrogen can be slowed down, but nevertheless, it is all salt. Organic methods focus on building healthy, productive microbial life into the soil. The microbes feed on natural materials. They release nitrogen naturally to the plant. Little or no fertilizer is needed after we get through a three-year transition. On many properties...athletic fields, probably always will need some to drive your Bermudagrass that you have there. When we make modest applications of nitrogen, we're trying to push that grass left and right. We're not caring that much about making it grow on the top, but we're looking to get a good root system, and left and right, which is called horizontal extension, or the thickening of grass. And the thicker grass gets, that pushes back against weeds, and weed populations decline. Microbial life. Some testimony referred to that. The young woman referred to that soil microbes are at the heart of all of this, and they absolutely are. Organic materials are broken down by beneficial bacteria in the soil. That bacteria is now in the body of that...that nitrogen is now organic nitrogen in the body of the bacteria. Protozoa, higher level of predator, consume the bacteria. The end result is nitrogen being made available to the plant. Nitrifying bacteria grab some of that ammonium and release that as nitrate. All of this nitrogen is little by little, hour by hour, day by day, never in large amounts, so we are naturally feeding that turf system or that tree, that ornamental bed is all basically with this biological nutrition. Synthetic water soluble fertilizers bypass all of this. With the synthetic water soluble fertilizers, your big problem there on the island, we've heard about the reefs, we've heard about all of that. Water soluble fertilizer dissolves rapidly, releases nitrogen when in contact with soil moisture or rain. This dissolves fast, more often...very often, faster than the plant can process it, and only nourishes the plant for a short time, four to six weeks, and then we have to reapply. When we're feeding healthy microbes, that doesn't need to happen. We look at synthetic fertilizers as starving the microbes in the soil. If we no longer have functional microbes, we no longer can have a healthy organic system. Dissolve nitrogen quickly, and as groundwater transported to the ocean...in the ocean, nitrogen causes excessive algae growth, smothers corals, causes reef loss. Here's a picture...this to show that it can be done. This is Pepperdine University, Division I soccer field in Malibu, California. This is Kentucky bluegrass, which is a cold season grass, but growing this in Malibu is much harder than growing Bermudagrass or Seashore paspalum on the island of Maui. So this is the highest of high expectations. We've been organic here for almost two years, and as you can see, the system is holding up just fine. Professional baseball, I've been working on this. This field is organic...has been organic now for 14 months. This is a minor league Double A affiliate of the Toronto Blue Jays. That is the field, and the ownership group

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is happy, they have said the field has never looked as good. They showed movies on here the other night, and the patrons...because there's no baseball, so they're looking for revenue. And people went up to the grounds manager several times and asked if it was artificial turf, it was that perfect. So a little word on cost. Cost is based on expectations for the site, and a lot of that is how much is involved to restore soil health. So the cost can be variable. If we start off with a soil that is challenged, it stands to reason that it's going to cost a little more to get that to a healthy condition than if we already have a healthy soil. And healthy soil is defined as a soil that has the proper balance between texture, chemistry, and biological life, and it's all functioning on an interactive basis. We're generally comparable to conventional. I work with...right now, I'm working with 35 cities around the United States, converting them all from chemical to organic management. Some have policies, regulations, ordinances in place, and others do not. They're teaching themselves how to do this in preparation for putting an ordinance in place. Most of the municipalities that I work with experience a cost savings over time. It might be 10 or 15 percent higher in year one, based on the expectation that we're trying to meet, based on where the soil is on day one. But after the transition period, costs decline, water use declines, to a point that very often, we are less expensive than the conventional approach. My final thoughts [sic] is that you do not need...we heard tonight that you need exemptions for your playing fields. Well, I think the pictures show here that you do not need exemptions for playing fields. They're not agricultural fields. And we have to remember that children are not playing in agricultural fields. So comparing, you know, this...that you're discussing to an Ag field really doesn't hold water. You've heard the words tonight, "safe and judicious manner", "proper use", "as long as you follow the label", "the label is the law", "if it can't be used safely, then we don't have it"...none of that is relevant when we're talking about children and the general public. And I'm not going to go into a big, you know, discussion on pesticides except to, you know, let you know or reaffirm what you may know, is that there are cocktail mixes of herbicides that are out there, that are used on Maui on a regular basis on turf, that are never tested. So those three chemicals that go in the bottle, nobody's ever poured out that bottle and tested that combination. So to fall back and say that everything is U.S. EPA tested, everything is, you know, safe when used as directed; if it wasn't safe, it wouldn't allowed to be used, we wouldn't have it; that is because EPA testing is only looking at the very small percentage of active ingredient. So in my mind, in other words, all of those words above are irrelevant when we're talking about where children and the public play, and enjoy active or passive recreation. So with that, again, thank you very much for the opportunity to address you, and let me try to unshare my screen here.

CHAIR SINENCI: Mahalo, Mr. Osborne. Just hang tight. We're going to have the other presentations, and then we'll have Members with questions. Do we have --

MR. OSBORNE: Sure.

CHAIR SINENCI: -- Dr. Richmond available for some opening remarks? Dr. Richmond, can you unmute yourself?

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MS. APO TAKAYAMA: Chair, I believe he's muted on his end.

CHAIR SINENCI: Please unmute yourself on your end.

MR. RICHMOND: Can you hear me okay now?

CHAIR SINENCI: Yes, we can hear you.

MR. RICHMOND: Okay, and let's see if I can turn my video on. Okay. Well, anyway, can you see me now? Am I there? Okay. Well, thank you so much for the invitation to join you. And by way of introduction, my name is Bob Richmond, I'm a research professor and the Director of the Kewalo Marine Laboratory at the University of Hawaii at Manoa. I've had the opportunity to work on Maui for about the last seven or eight years, working with the Maui Nui Marine Resource Council, and serving as Chair as the Maui Coral Reef Recovery team on efforts to work with the reefs of Maui and the people who depend on them. And by means of context, when you say, "Maui nō ka `oi", it could be very well accepted for the coral reefs in that Maui has some of the coral reefs in the main Hawaiian Islands. The Maui Nui complex has some of the oldest corals in places like Olowalu, these massive old corals that are several hundred years old. And it's been a rough time for corals during the last decade in particular, with massive coral bleaching events having occurred in 2014, 2015, and again in 2019. And I'm sure many of you are familiar with it...tied to global climate change, elevated water temperatures, warm water parcels sitting over Maui and the other main Hawaiian Islands for weeks at a time, and the result was the breakdown of this really important relationship between corals and their algae cells that live inside and basically make them solar powered. And the result was massive die off of some of the oldest corals in the main Hawaiian Islands, including many at Olowalu, Polanui, Honokowai, Wahikuli, and our other reference sites. This is beyond Maui's control. But what is important is, in a time of global climate change and such drastic losses of coral reefs and the related fisheries, the best we can hope for is to control those local stressors, water quality in particular, that will enable us to buy time to deal with the longer issue of climate change. And that's why I am very pleased to see this bill brought forward...is you can control water quality at the local level, while Maui is not able to control global climate change, at least not at this point. And when we look at what's happened in Maui, the good news is we've got samples from Olowalu, Honokowai, Wahikuli, that have demonstrated very clearly that when efforts have been made to control land use sources of pollution; poor land use practices, erosion, sedimentation, the reefs of Maui have shown a response coming back again. The two ways in which coral reefs persist over time is a dual process, the first part being reproduction, which is the formation of new individuals from prior stock. And we know for corals, they have limited spawning events that occur during very short periods of time, usually only once or twice a year. And then the other part that's really critically important is the coral larvae, or the coral seed that are formed, must be able to find the proper chemical cue and bottom characteristics to be able to settle, metamorphose, and become part of the next generation of corals. The way in which

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pesticides are particularly problematic, and if you guys want to nerd out a little bit later, I can show you some graphs, I won't torture you at this time, but we've done a bunch of protein expression assays for the corals of Maui. We call this Dr. Doolittle meets CSI, where we can actually listen to the corals. They can tell us what's wrong. These are techniques we've mooched from human medicine. When you're not feeling well, if I go to my doctor and I say, I feel like crap, and she looks at me and said, you look like crap, we have an agreement that there's something wrong, but we don't know what it is. And so that's where these techniques come in, like doing a blood test or urinalysis to try to figure out what's going on. And we've been able to work in collaboration with colleagues at the medical school at UH, and other medical schools to be able to use the same protein techniques we use in people to diagnose a problem, to be able to do the same for corals. And what the corals have told us is, they have a pesticide problem. And the saying that, "Whatever doesn't kill you, makes you stronger" does not work for corals in this case. What we see happening is, if it doesn't kill the coral outright, many of these stressors, and pesticides in particular, inhibit the ability of corals to adequately reproduce, or for the larvae to adequately settle and metamorphose and what we call recruit. And there were a couple of really nice talks earlier about how these things can affect the bacteria, what we call the microbiome. And it turns out the coral seed don't randomly settle, and if they picked a good place, they live, or if they picked a bad place, they die. They're cued into settlement areas where they get the right bacterial signal. And so when you put chemicals in the ocean that interfere, either with the bacteria and the chemical signals that they provide, or they block the receptor on the coral larvae or seed, they have a situation that even when reproduction's successful, you still don't get any replenishment of the coral reefs. Having had the opportunity to work with communities there with the...Ekolu Lindsey's Ohana over at Polanui and others, you see this great group of people within Maui...and again, I'm very grateful to the people of the Maui Nui Marine Resource Council, the Division of Aquatic Resources, Russell Sparks and his colleagues there are among the best managers I've ever worked with, they're outstanding. But they're in a real difficult challenge, and I'm sure you've all seen it, these brown water events. What you can see are the particles of sediment, but what you can't see is the soup of chemicals that goes along with those particles. And any time you see a particle of sediment in the water, you can be pretty certain that it's carrying chemical contaminants from land into the ocean as well. And when it settles down, all those chemicals are in the water as well. The chemistry of sea water is different than the chemistry that they experience on land, and what happens is these chemicals that are toxin...toxic, leech out and get into the coral, and there's another kind of insidious mechanism for it. Coral eggs are very, very rich in fat, the same thing like a yolk in an egg. This is where these pesticides will end up entering, and so we've seen on Oahu...we've seen in a lot of our reproductive work, is over the last five years, as the last ten years, periods of reproductive failure where the quality of the egg is so poor, and that's tied to the stressors that may not kill the coral, but prevent it from reproducing, and prevent the quality of the egg from being good enough to form a good seed or larvae, and for allowing these larvae to get the right chemical cue to settle. So in end, it's really simple for me that water quality of the coastal area is absolutely essential to the ability of corals to reproduce, and the bottom quality is essential for

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these new corals, the coral seed, to be able to repopulate the reefs that have been so badly damaged by these mass bleaching events, and other problems as well. And so as a researcher in the areas of coral, I'm very pleased, and I give you credit for coming up with a very proactive approach. Now, that's not going to solve all of Maui's problems, but it's definitely a step in the right direction. When it's, you know, death by a thousand cuts and every straw you put on the camel's back then creates additional problem, as you remove the stressors, you enable the processes of natural recovery to occur. And in ending, it's simple; if we want to leave a legacy of vital reefs for future generations, we need to control local stressors today to enable us to buy time to deal with global climate change in the longer term. And by reducing toxicant load going into your coastal environment, and you know anything you use on land today is going to end up in the ocean tomorrow, you're making the best step forward in being able to act in a responsible manner to ensure that your children and grandchildren have coral reefs to enjoy as well. I'll go ahead and stop there, and if there are any questions, I can take those during the answer period. And if anyone really wants to see some serious graphs, I can show those if you want to see them.

CHAIR SINENCI: Mahalo, Dr. Richmond. Yeah, hang tight. We'll have Mr. Sparkman come up, and then Members, we'll...I'll open up it up for questions. Mr. Sparkman?

MR. RICHMOND: Thank you very much, Chair.

CHAIR SINENCI: Thank you, Doc.

MR. SPARKMAN: Let me see if I can get this right.

CHAIR SINENCI: I can hear you.

MR. SPARKMAN: Hi. Hi, how's it going? So you guys hear me, yeah? Okay, good. So I mean, really, what this comes down to is basically changing what we've been taught, changing our methodology. At the Westin Maui, I had a chance to change things, and I did. Prior to that, I was part of the landscape company that got audited by the Department of Agriculture, and it actually made me open my eyes more to what I'm exposing my workers to, and myself to, and in turn, all of our, you know, patrons, all the people that we actually had at the hotel coming. So it was really a safety move, you know, pan a bigger picture. It also reduces liability. That's really...the bigger thing for us is also liability. You expose yourself to these issues when you don't follow the letter of the law when they say the label is the law. Public Works did that because they can't post somebody up at a place while this chemical dries as they drive away from their application site. That's illegal. So we actually have to wait in our areas. Even with organic herbicides that we put down, we have to wait in these areas because of EPA regulations and how it states on these labels. We have to stay in these areas just in case somebody walks through it, touches it, and they want to know what...what the issue is. What is it? What did I get on me, and how do I fix it? So that's why you have to be there. That's the bigger thing with applying these chemicals. Steam is the genius way to go. There's no residuals, that stuff just

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basically dissipates. You don't have to worry about putting out signage. It's completely uninvasive, and you don't got to worry about it. We do know that the microbes with that, it doesn't affect them too bad because you're not burning down very deep into the soil. And it doesn't affect the soil and make it anaerobic where it won't take on water as if it was burned by fire. It doesn't reach those temperatures. But it's enough to actually melt down the plant material. It's a genius idea, and it's been done in Australia for 20 years. So I'm so glad that we've gotten to that point here, a necessary change. In the hotel industry, yes, I only had six acres on the Westin Maui that I actually do work on, okay? At one point, I had 60 acres of area right there along Kā'anapali oceanfront that was in my responsibility, and I had to...one, to make that change of why am I putting stuff on these basically sand dunes? But, you know, why am I putting fertilizer and chemicals on sand dunes, when they're right there. I mean, right on the other side is the reef, and I know it's there. And it...had another chance that I had to do is that I had a chance to work with the National Park. I got to go up into areas of Kīpahulu that nobody gets to go unless you're a scientist. I got flown in and dropped off for weeks at a time in these areas way above 'Ohe'o. Pristine forest. Never had to fertilize it. Kind of made me wonder, why do I got to fertilize everywhere else? Well, those are naturally working, functioning, operating, symbiotic systems. We have broken the coastline with our unsymbiotic systems. Basically, by feeding it a placebo every two to three months, you give this plant, this material, basically paint it, turns it green, looks pretty, everybody's happy, cool. Three months later, do it again. What happens in Hawaii? It rains. What are we? Volcanic. We're basically a giant sponge that touches the ocean on a daily basis. That material will accumulatively run off. It will break down and go to these areas that you don't want it to go. It's not necessarily your fault that it gets there, it's the industry telling you that, "Oh no, the plant takes it all." Not necessarily. It doesn't. And actually, it says it on there, "Don't apply this in certain areas where it's too wet." Geez, that's a lot of Maui. It's too wet to apply this material, and here we are doing it on a regular basis. Ridiculous amounts of chemistry going on in Kauai that we got to see, and it's a really cool thing to see people step up, just like you guys, and try to make a change. Comes from leadership, it really, really does. I totally believe that. Like myself, I just took it upon myself to make these changes. This is not necessarily advocated by Westin or by, you know, Marriott or anything like that. This is what I do as a policy at my hotel to keep my people and to keep our guests more so, safe. And that's really what it becomes, and I just applaud you guys for what you're doing.

CHAIR SINENCI: Mahalo, Mr. Sparkman, for being here today and providing those comments. Okay. So we're going to go to questions about the bill...if you have any questions about the Vegetation Plan. Again, if you look at the bill, Members, there's eight different sections: 2.50.010 Purpose; 2.50.20 Definitions; 2.50.030 Administrative Rules; 2.50.040 Prohibited Pesticide and Fertilizer Usage on County Property; and then onto the Vegetation Management Plan, Waivers and Waiver Extensions, Public Notifications and Signage. So...and then finally, Violations. So we'll start...just to be mindful of the time, Member King.

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COUNCILMEMBER KING: Chair, I'm not sure if I'm looking at the right one. The one I have has some typos in it because it's got 20.50.020. There's like the...there's 20.50 kind of peppered throughout the version I'm looking at. Am I looking at the wrong bill, the wrong iteration?

CHAIR SINENCI: The Vegetation...that would be the Vegetation Management Plan?

UNIDENTIFIED SPEAKER: Hello? Yeah, why?

COUNCILMEMBER PALTIN: The Administrative Rules part says, "20.50.030."

COUNCILMEMBER KING: The Definition says, "20.50."

CHAIR SINENCI: Oh, okay. I see that.

COUNCILMEMBER KING: The Administrative Rule says, "20.50".

CHAIR SINENCI: So...

COUNCILMEMBER PALTIN: But Vegetation says, "20.5".

COUNCILMEMBER KING: And Public Notification and Signage says, "20.50", and Violations says, "20.50".

COUNCILMEMBER PALTIN: Yeah, that's the right one.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER PALTIN: It hasn't been signed yet.

COUNCILMEMBER KING: Just has some typos in it, I guess, with the numbers.

CHAIR SINENCI: Right. So Staff, are we looking at...is she looking at the updated one?

COUNCILMEMBER KING: Was that...was that updated one...just had some typos in it?

MS. APO TAKAYAMA: Chair, I believe she's looking at the right version. It's just the correspondence to Corporation Counsel.

COUNCILMEMBER KING: Oh, okay.

MS. APO TAKAYAMA: -- And I believe that Ms. Chen is going to also speak to some of those revisions today.

COUNCILMEMBER KING: Okay. But are the numbers wrong? Or is there something...is there some reason why some of them are 20.5, and some of them are 2.5 for the

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sections? Do you see what I'm talking about, Kasie?

CHAIR SINENCI: Kasie, is she on the one to Corporation Counsel?

COUNCILMEMBER KING: Yeah. The one to...it's got section 2.50.010, then it goes to section 20.50.020. Is that the right version? Looks like what Tamara's looking at too. So it...it just was...is that just a typo, or is there some reason why those...the number gets changed intermittently?

MS. APO TAKAYAMA: Yes.

COUNCILMEMBER PALTIN: It's a typo because at the beginning where it says, "sections", it's all correct. Yeah.

COUNCILMEMBER KING: Oh, okay. Okay. So those are just typos. Okay. So I guess...okay, that...we'll take care of that. Those are nonsubstantive changes, I'm assuming. But I guess my biggest question...I thought all the three presentations were great by the way, and during . . . *(inaudible)*. . .

CHAIR SINENCI: We'll go...Members, we'll go...we'll go down the line.

COUNCILMEMBER KING: Okay, but there...yeah, but can I ask a question of Corp. Counsel or is that...or we're going to talk about that later.

CHAIR SINENCI: Yeah. So Members, we have Director Dagdag-Andaya, Mr. Buck, Mr. Kinzle, Ms. Chen, she's also on to field any questions that you have.

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: We also have Mr. Hoffman, Mr. Ness, Mr. Forrest. So we'll go ahead and...and so you can go ahead and direct your questions to any one of the --

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: -- panelists. We'll start with Member Sugimura, and then...because Ms. Kama had to jump off the meeting. And then we'll go to Ms. Paltin, and then Member King.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So I would like to hear what Corp. Counsel has to say. The bill is not signed, the version that I have, unless that there's another version.

CHAIR SINENCI: Ms. Chen?

MS. CHEN: Sorry, Chair, did you want me to answer that?

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CHAIR SINENCI: Yes.

COUNCILMEMBER SUGIMURA: Yes.

MS. CHEN: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

MS. CHEN: Aloha, everyone. So it's correct. This one is not signed. This is actually an older draft than the one we currently have in progress. We've been working with Councilmember Sinenci and his staff every week to further revise and flesh out the bill. The one that you have in front of you though, the general sort of gist of the bill, in terms of the intent to prohibit the use of pesticides on County-owned property, remains the same. And we are just really interested to hear what the Committee has to say as far as feedback goes on the bill that you have in front of you, so that we can make sure that our later iterations of it incorporate all of those comments and concerns. And if the Committee would like any additional research on any specific topics, I'm more than happy to do that. You know, preemption questions and the like, I would recommend that we discuss that in executive session. But right now, we're really just hoping to get sort of a general feedback where the Committee would like to see this bill go, and then we can do...you know, tailor the research to that specific intent and bring it back to you, and we . . . *(inaudible)*. . . clean copy drafts.

COUNCILMEMBER SUGIMURA: Okay. Thank you. That answers my question. I was wondering about that. So this is actually a draft then, Chair? Mr. Sinenci, this is a draft? This is not the final proposal you want us to look at?

CHAIR SINENCI: Right. This is to...to get the discussion going. If you guys had any concerns about it, and then we'll revisit it with any of your concerns, address some of . . . *(audio interference)*. . . today.

COUNCILMEMBER SUGIMURA: Okay. And I had that question earlier as it came up when Mr. Hoffman was speaking to us from, let's see, Plant Industry Administration, Department of Agriculture, and that question about preemptive...preemption. I'm not sure why it has to be in executive session, but I would like to hear from Corp. Counsel at the appropriate time. And...or if you want to talk about it now. I don't know. Whatever you think is appropriate.

CHAIR SINENCI: Okay. Thank you, Member Sugimura. We'll go on...we can come back to that.

COUNCILMEMBER SUGIMURA: Okay. So I have a question for, actually, the speaker. The present...some of the presenters...or are you only talking about the bill because you running out of time? It's 4:15. Is that what's happening?

CHAIR SINENCI: That was your two minutes. Sorry, my...but we'll come back to you on the

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second round. It looks like Member Kama had to drop off, and Member Lee is having some internet connection problems. So --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR SINENCI: -- we can come back to that one. Thank you. Member Paltin?

COUNCILMEMBER PALTIN: Can you hear me?

CHAIR SINENCI: Yeah.

COUNCILMEMBER PALTIN: Can you hear me? Oh, okay. Thank you. Thank you. My question is for Mr. Sparkman. I'm so grateful for you and, you know, fills me with West Side pride. But I just was wondering if you could speak to your budget, like if it went up and like that?

MR. SPARKMAN: Well, I mean, amazingly for me, ah, no. There was absolutely zero increase to my budget because I shifted priorities. And that's really what it comes down to, is shifting priorities. Just like Chip Osborne was talking earlier, the cost increase really comes to what you intend your satisfaction to be with that particular turf. So for instance, your baseball field, your high, you know, War Memorial field, the soccer complex, those, yes, you're going to see an increase to those particular properties, but you're going to stop doing a whole number of inputs to the rest of the properties, and not doing nearly as much. You're spending basically nothing on the rest of the areas, and basically, just cutting grass. That's all the public wants, is just cut the grass. They don't want the chemistry. So you apply what you need to as far as your organic process into those areas and really, really work them. Because once you get it there, then it's cake anywhere else. Because what I found is, it's true, 100 percent microbes are it, and you have to grow your soil back. We've been destroying it for too long, and you got to grow your soil. So that's where I've used a County product that you guys partner with, Maui Eko Compost. I use that product religiously at my hotel. I've had absolutely no issues with it, it's been every bit of what they've claimed it to be, and it's actually something I prefer to tell people to use on their ornamental stuff, not for gardening per se. But for your actual --

COUNCILMEMBER PALTIN: Thank you.

MR. SPARKMAN: -- use on turf, that's it. Yes.

COUNCILMEMBER PALTIN: Thank you so much. And I just was...oh, okay, my time's up. Thank you.

MR. SPARKMAN: Sorry, that was me. Sorry, my bad.

CHAIR SINENCI: Okay. Thank you. Yeah, if we can keep our answers...next we have Member King.

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COUNCILMEMBER KING: Thank you, Chair. Yeah, I actually wanted to ask Mr. Sparkman as well. I'm extremely excited about your presentation, it was very well done. And now I'm really proud because you mentioned Maui Eko, and I used to work real closely with them, you know, with the bio-diesel project. But I just wondered if you...were you able to quantify the amount of pesticides that you stopped using that now are not going into the ocean, and not going...doing...you know, being run off into the other lands around you?

MR. SPARKMAN: Well, I know...you know what, I never actually backed into it. I have all the data, so I could. I keep a running tally, it's a spreadsheet that I have had for the past six years of what I've applied to that property; locations and amounts because actually you have to as far as regulatory information for commercial use of chemicals through Department of Agriculture. So if you don't do that, you will be in trouble if Lester comes and visits you. So get your information straight.

COUNCILMEMBER KING: Right.

MR. SPARKMAN: So...and I can actually quantify . . . (*audio interference*). . . and let you know.

COUNCILMEMBER KING: Okay. Well, that...it's...I'm interested in that because, you know, when you're saying that you're not spending any more money...and you're using the steam process, correct? We've been hearing about that --

MR. SPARKMAN: Actually, I'm not. I'm not using steam. I did notice...I've seen the steam used, I've seen it successfully used right down here in `Iao Valley. So it's a really neat product. But I haven't used it myself, personally, on the properties I have.

COUNCILMEMBER KING: Okay. So...and I'm assuming that the pesticides that you did use, you had to ship in? So they're probably saving --

MR. SPARKMAN: . . .(*audio interference*). . . It has to be, what they say, commercial use because I'm working on a public property, yeah. So it all comes through who I call, "Simplot" and that's who I buy from, or BEI, those are the local purveyors. And they --

COUNCILMEMBER KING: Okay.

MR. SPARKMAN: -- supply all the organic material too --

COUNCILMEMBER KING: Right.

MR. SPARKMAN: -- so they're...same guys, we're supporting them.

COUNCILMEMBER KING: Okay. So yeah, I just...I was just commenting on that because the price of shipping going up recently that just hoping there were savings there as

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well. But . . . *(inaudible)* . . .

MR. SPARKMAN: But with the compost absolutely...absolutely with the compost. There's no shipping with the compost --

COUNCILMEMBER KING: Right.

MR. SPARKMAN: -- super inexpensive. And when you use it, it stores it, the plant naturally stores it over time, so you use less and less and less. So yes, that's a cost savings, huge, locally.

COUNCILMEMBER KING: Okay. My time's up, but just real quickly, how long have you been using that compost, the Eko compost?

MR. SPARKMAN: Ah, 15 years.

COUNCILMEMBER KING: Oh, okay. Excellent.

MR. SPARKMAN: Yeah. Yeah.

COUNCILMEMBER KING: Thank you so much. Thank you for being here, I appreciate your presentation. Thank you, Chair.

MR. SPARKMAN: Absolutely.

CHAIR SINENCI: Mahalo. Next, we have Member Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chair, for bringing this item to the forefront, very important one, certainly. And thank you to all of our panelists. Great education. I know I only have two minutes, so I'm going to reserve my two minutes, if it's appropriate, Mr. Chair, for the Directors of Parks and Public Works. What...our panelist, Mr. Osborne, mentioned the...I guess the first year cost of implementation if we were to re-sod our parks or do what have you, if this legislation passes. I don't know if any of the Directors...Ms. Dagdag-Andaya or Mr. Buck can comment on the potential cost. For example, how many parks would we be looking at if this legislation passes to, I guess, use non-organic pesticides or re-sod, what have you. I'll just yield the floor to them, Mr. Chair. Thank you.

CHAIR SINENCI: Mr. Buck or Mr. Kinzle? . . . *(inaudible)* . . . that question for Parks and Recreation?

MR. BUCK: Can you hear me?

CHAIR SINENCI: Yes, we can hear you.

MR. BUCK: Oh, okay. As far as...there would be probably an increase in cost as far the

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implementation of the best practices for going towards organic. We're...we're not really against going organic...totally organic, but I think with this bill, it should have a more of a phasing approach to it. Just to let everybody know that, you know, we have 2,500 acres for developed parks, only 283 that we use any type of pesticides on. So it's only about 11 percent of our parks that are actually being used. For right now, we would have to probably provide the information, but I think in some of the submittals that we submitted earlier, there would be an increase in both cost of the product and the cost of labor. I will do...I will say that we have used items like the compost to enrich our soils, but at the same time, when we use the compost because of the smell, we get that increase of calls to the office. So I know you're...that's the other part. I mean, if your earlier testifier...testifier said something about the smell of the product, some of the natural stuff does have a stronger smell, so . . . *(inaudible)*. . .

COUNCILMEMBER MOLINA: All right. Thank you. Thank you, Director. And Chair, I guess if we could get that in more detailed information on this issue from Parks Department and Public Works, it would be much appreciated. Thank you.

CHAIR SINENCI: Okay. Mahalo. Staff, did we get that request?

MS. APO TAKAYAMA: Yeah. We got it, thank you.

CHAIR SINENCI: Thank you. And then for my two minutes, I was just going to go ahead and ask Mr. James Forrest, you know, there were...we had some questions about the State implied preemption and Hawaii pesticide laws, and they contain any express preemptions. Can you expound on that?

MR. FORREST: Sure. I would first like to say that, you know, I will be working with Corp. Counsel and the gentleman from the State Board of Agriculture to address any preemption issues that we might have. I do think that preemption is not an issue. I think it's pretty clear, and I say that because this bill relates to County land only, and it also has exemptions in it for invasive species. But with that said, I would be glad to work with Corp. Counsel and the gentleman from the Board of Ag to make sure that that is consistent, and we're all on the same page. There are numerous, if not hundreds, of municipalities and counties that regulate pesticide use on their own land, including my old home of Austin, Texas. So that's...that's generally my answer, is that I think the attorneys from OCS do not see preemption as an issue, but we are more than glad to help work with other attorneys to iron out anything in the bill that needs to be ironed out.

CHAIR SINENCI: Mahalo, Mr. Forrest, for that. We'll go...Director Dagdag-Andaya, did you have any...anything to add?

MS. DAGDAG-ANDAYA: Yes. Thank you, Chair, and thank you, Members of the Committee. The Department of Public Works, we understand the impetus for the bill and also, you know, the...and do support the intent. However, there are a couple of concerns that we wanted to share. I think already we talked about the numbering throughout the

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draft, whether it's 2 versus 20, and I think it's most appropriate in Chapter 20. In section 20.050.030 relating to Administrative Rules, we were just curious as to why the Department of Public Works is assigned to implement and adopt the administrative rules, and would that mean that the Department of Public Works would eventually have oversight on the section relating to violations? So that was just the...that was one question that we had. The next part, 20.0...oh, I'm sorry, 20.50.050 relating to the Vegetation Management Plan, I wanted to know, or I needed clarification on when the ordinance would take effect because it talks about the departments who, "Wishing to use pesticide or fertilizer on County property must submit a Vegetation Management Plan to the Council for approval within two years of the chapter's establishment." But at the end of the bill, it talks about being in effect immediately. So I just wanted to...wanted clarification on when the bill would be in effect. The Vegetation Management Plan, you know, we've heard the term, "Vegetation Management Plan", "Integrated Pest Management Plan", I think we've heard from some of the testifiers who said that, you know, an integrated pest management plan works in their community, and then there are others who had said that the integrated management plan isn't really the way to go. So we...I just wanted clarification on what the direction would be. I did take a look at the City of Irvine, California, and what they've started with their integrated vegetation management plan and, you know, I'd like more information about how they implement the plan and what they needed to do or, you know, what kind of methods they've used within their Public Works Departments. So I'd like to, you know, spend some time maybe discussing that with them. I also know too that the climate in Irvine is different from Maui. So there's a lot of differences. Even just the, you know, all year round we have lots of rain, lots of sun, so that...those are factors that contribute to this, you know, just a lot of vegetation growing. In Irvine, it might be different because they have...they experience perhaps different seasons throughout the year. Also, the type of geography that Irvine has versus Maui. It seems that Irvine seems more like a urban community as opposed to Maui, where we have a lot of rural areas where we apply the...where we apply herbicide. And just to give you an idea, I know earlier Councilmember Paltin had mentioned that we've made strides in trying to reduce our herbicide use. And we've been able to do that in some of our communities, especially in West Maui where they've gotten to, maybe, very small uses, trace uses, to zero uses of herbicide. But over the years, you know, if I could just share with you a small...a chart that we put together, Chair, would that be okay?

CHAIR SINENCI: Sure, Director, go ahead.

MS. DAGDAG-ANDAYA: I just wanted to share how we've reduced our usage over the years, and if you can take a look. So starting in 2013/2014, I don't know if everybody can see that. Can you see the PDF?

COUNCILMEMBER SUGIMURA: No.

MS. DAGDAG-ANDAYA: No? Okay. Hang on.

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COUNCILMEMBER KING: Can you make it bigger?

MS. DAGDAG-ANDAYA: I think that's about the biggest that I can...that's as big as I can make it. Are you able to see that?

MS. APO TAKAYAMA: Member King, you can also change how large the presentation is on your screen. There's a...there's a circle...a blue circle on the bottom left, and you can slide it to the right and make it larger.

COUNCILMEMBER KING: Somebody had...yeah. No, I had done that already, but somebody just made it bigger. So now it looks...

MS. DAGDAG-ANDAYA: Oh, I did. I did. Yeah. Okay, so starting in 2013 and 2014...so we...what we do is we record the amount of herbicide that we use each year. Every time we apply herbicide, we also need to document the number...the amount, the number of people who are in the area, and staff who was working in the area, the time, whether or not there was wind, so we have a record of all of our herbicide use. So 2013/2014, we had very significant numbers. These are the gallons of concentrate in this column, the material costs, and some notes. So we've reduced our usage over the years from 98 to 100 gallons of concentrate to about 12 gallons each year. And right now, in 2020, throughout the entire County, this includes all the districts, we've...we've kept our numbers to about 3.1 gallons of concentrate that we've used. So we've made some...we've made a lot of strides in reducing our usage, but we still recognize that there are some areas that need to...where we need to apply herbicide, and these are mainly areas where there's signage and guardrails, and areas that have serious sight distance issues. But over the years, we have been looking at alternatives, but I just wanted to also note that we've also made some strides in reducing the amount of herbicide. So this...I mean with that, those are the comments that we've had thus far. I think...I mean, if we had more time we would've been able to prepare some...a presentation a little bit more substantial. But if the Committee has any questions about our operations and the data that we have, we're more than happy to share that with you.

CHAIR SINENCI: Mahalo, Director Dagdag-Andaya. It looks like Member Paltin had to drop off for a little while, and then she'll come back. Can everybody hear me?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR SINENCI: Good. Members, it's 4:30. Did...are you guys okay with another two-minute round? Did you have further questions?

COUNCILMEMBER SUGIMURA: I have a question.

CHAIR SINENCI: We are going to bring this...okay.

COUNCILMEMBER SUGIMURA: Yeah.

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CHAIR SINENCI: If there's no objections from the other Members, we can do another two-minute round.

COUNCILMEMBER SUGIMURA: I just have a fast question, and if you want to end the meeting, you can.

CHAIR SINENCI: Okay.

COUNCILMEMBER SUGIMURA: But I want to know because we're talking about parks, can this also be referred to Riki Hokama's committee, Healthy Families, when you get to a point of also discussing it? So he can discuss that. And for Duane Sparkman, I was just wondering, what is his budget? He said he has now six acres, I think he said of land, so I'm just curious what the comparison is if we could, you know...

MR. SPARKMAN: Well, as far as...of course you're talking about a very expensive resort with wildlife flamingos and they'll have a huge budget. But as far as the landscape goes, I only spend, eh, roughly 2 to 3 grand for what I need monthly. And that's all my ornamental plants, that's everything I need. And in some months, I don't spend a dime. I...not on...I don't spend a dime on anything at the hotel because I'm trying to buy stuff that's more sustainable. I'm tired of throwing product away. I'm tired, it's --

COUNCILMEMBER SUGIMURA: I'm just curious --

MR. SPARKMAN: -- yeah.

COUNCILMEMBER SUGIMURA: -- you said you have six acres, correct? You have six acres of land. Is that what you said?

MR. SPARKMAN: Yeah.

COUNCILMEMBER SUGIMURA: It's in my notes, correct? And of that you spend --

MR. SPARKMAN: Yeah, it's...

COUNCILMEMBER SUGIMURA: -- you spend \$2,000 --

MR. SPARKMAN: It's --

COUNCILMEMBER SUGIMURA: -- sometimes you don't. But you don't have a yearly budget. I'm just curious . . . *(inaudible)*. . .

MR. SPARKMAN: I do have . . . *(audio interference)*. . . an annual budget, but I really can't get into that because there's propriety issues with that --

COUNCILMEMBER SUGIMURA: Oh.

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MR. SPARKMAN: -- that come from Marriott. So there's issues with that. So, I mean, I can talk to you --

COUNCILMEMBER SUGIMURA: So about 2,000.

MR. SPARKMAN: -- and you know as far my Eko compost, I'll spend about 500 bucks a year on Eko compost annually...\$500 to do my whole property.

COUNCILMEMBER SUGIMURA: Oh.

MR. SPARKMAN: You know what I mean? So you can break that down, it's really inexpensive. As far as spending more on basically switching over to going to like a vendor or something like that, I decided to use my labor. We decided to relandscape areas, change what the product is, do a whole bunch of stuff. So it's just...it's actually changing your methodology, right? And my budgets remain...

COUNCILMEMBER SUGIMURA: Thank you. Thank you. Sorry, I just curious about the dollar amount. So I understand about proprietary information.

MR. SPARKMAN: Yeah.

COUNCILMEMBER SUGIMURA: And I have some more questions, Chair. I'll just send it to you because it sounds like you're winding down this meeting.

CHAIR SINENCI: Thank you, Member Sugimura. Yes. Members, if you have any further questions, go ahead and send it to my committee, then we can forward them to the Departments if they're...to the Departments, OCS, or to Corporation Counsel. Then we can bring this up for another round of discussions. We're at bare quorum. So Members, if there are no objections, the Chair would like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TK, ALL, and TP)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR SINENCI: Okay, great. I did want to mahalo everybody for being here, all the Departments for being here, our panelists for providing...and also the testifiers today for providing their testimony. That brings us to the end of our agenda. Again, thank you, Members.

COUNCILMEMBER KING: Chair, can I just make one more comment? Just a really quick one?

CHAIR SINENCI: Go ahead. Okay, go ahead.

COUNCILMEMBER KING: Chair, I just wanted to quickly thank --

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CHAIR SINENCI: . . . *(inaudible)*. . .

COUNCILMEMBER KING: -- I wanted to thank Director Dagdag-Andaya for your efforts for reducing. That was pretty impressive, I have to say, to see the levels going down, the spending going down. And I know you guys are trying really hard, so I just wanted to mahalo you for that, and also to tell...to just tell Corp. Counsel that I'm also, you know, have those same concerns about proprietary. But the question I was going to ask, and maybe you can answer it when you come back is, if we didn't even do this ordinance, and the County decided to do this...what we're already doing, that would not be illegal. So I just don't see why there would be any kind of preemption, you know, for our own land. But you can answer that when you come back.

CHAIR SINENCI: Yeah. We're going to...we're going to go ahead and address that. Thank you, Member King.

MS. DAGDAG-ANDAYA: Chair, I have one more...also another suggestion that you can take a look at. I'm sorry. In 20.50.080 relating to Violations, you know, I had...I...you might want to consult with the Union on that language because it talks about County employees who violate the Chapter and, you know, being given a warning, and then violation and necessary discipline. So you may want to look at that and discuss with Corp. Counsel and the Union.

CHAIR SINENCI: . . . *(inaudible)*. . . Yeah, thank you. And Ms. Chen is onboard with us, and we're working closely with Corporation Counsel, so we've gotten all of your questions that we can address for the next meeting. Thank you, Director. Okay, with that, Members, it is 4:35. Thank you for your patience today, and the Tuesday, September 8, EACP meeting is now adjourned. . . .*(gavel)*. . .

ADJOURN: 4:35 p.m.

APPROVED:



SHANE M. SINENCI, Chair
Environmental, Agricultural, and Cultural
Preservation Committee

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CERTIFICATION

I, Michelle Balala, hereby certify that pages 1 through 32 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 6th day of October 2020, in Wailuku, Hawai'i

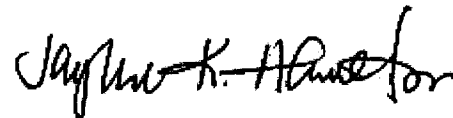


Michelle Balala

CERTIFICATION

I, Jaylene K. Hamilton, hereby certify that pages 33 through 60 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 6th day of October 2020, in Wailuku, Hawai'i



Jaylene K. Hamilton