



# University of Hawaii at Manoa

## Environmental Center

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## HB 252 RELATING TO PESTICIDES

House Committee on  
Energy and Environmental Protection

Public Hearing - January 30, 1993  
9:00 A.M., Room 1206 SOT

By  
John T. Harrison, Environmental Center

HB 252 would prohibit enactment of ordinances or regulations concerning pesticides by counties without consent of the Board of Agriculture, and it would further provide for Board consultation with a restructured advisory committee on pesticides.

Our statement on this bill does not constitute an institutional position of the University of Hawaii.

HB 252 reflects deliberations in last year's legislature on bills with similar content. We are pleased to note that substantive recommendations of the Center on last year's bills have been incorporated into the present draft.

Uniformity of regulatory practices, which has been the stated intent of proponents of similar bills, clearly is a desirable management goal. Ancillary benefits include efficiency of implementation, less confusion within the regulated community, and simplification of enforcement.

However, the environment is far from uniform, and what is appropriate regulation in one locale does not necessarily apply to another. In recognition of this variability, the federal government generally has adopted a regulatory philosophy which establishes standard criteria for minimal compliance by all localities but does not infringe on the right of the states or other political entities to adopt and enforce more stringent standards (c.f., the Clean Air Act, Clean Water Act, etc.).

Because of its provision for consent of the Board of Agriculture prior to any county action on pesticide management,

this bill effectively preempts regional pesticide management authority below the level of the state. As a consequence, the state must adopt regulations which may be inappropriately stringent for certain localities in order to meet verifiable management controls needed in other localities. For example, in the case of roadside spraying of pesticides, the state task force which studied the issue sought the opinion of nine other states, and the overwhelming consensus was that regulatory flexibility was necessary to achieve a reasonable, integrated vegetation management program. In particular, the survey pointed out the need for regionally based site-specific evaluation of environmental and geographical conditions of perceived problem areas, as well as growth requirements and life cycles of problematic species.

To address this concern, we suggest that line 15, page 1 be amended to read,

without prior consultation with the board of agriculture.

We note that our suggestion to include county representation on the pesticide advisory committee has been adopted. However, our additional suggestion that any regional rulemaking should be accompanied by a public hearing within the affected localities has not been adopted in this bill. Inclusion of such a provision would go a long way towards defusing potential problems of public perception with regard to pesticide management.