



STATE OF HAWAII
ENVIRONMENTAL COUNCIL
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OEQC DIRECTOR, EX-OFFICIO

ENVIRONMENTAL COUNCIL MEETING MINUTES
March 4, 2014 (Tuesday) from 2-4 PM
State Office Tower, Suite 702
235 South Beretania Street, Honolulu, Hawaii'i 96813

Members Present: Scott Glenn (Chair), Charles Prentiss (Vice-Chair), Malia Akutagawa, Mark Ambler, Koalani Kaulukukui, John Richards, Mary Steiner, and Glenn Teves
Members Absent: Paul Chang, Azita Quon, Iris Terashima, and Marjorie Ziegler
Counsel Present: Edward Bohlen (Department of the Attorney General)
OEQC Staff Present: Leslie Segundo and Susan Faulk
Other Attendants: Janet Ashman (Hawaii'i Farm Bureau Federation), Barry Brennan (University of Hawaii'i College of Tropical Agriculture and Human Resources [UH-CTAHR]), Nomi Carmona (Babes Against Biotech), Sean O'Keefe (Alexander & Baldwin), Dan Purcell (Public), Joseph Shacat (Grace Pacific), and Margaret Wille (Hawaii'i County Council).

1. Call to Order

Chair Glenn called the meeting to order at 2:02 PM with quorum of 8 members.

2. Introductions/Attendance

All present members and guests introduced themselves.

3. Approval of Minutes

A motion was made for approval of the February 20, 2014 meeting minutes by Ms. Steiner, seconded by Mr. Ambler, and the minutes were approved by all 8 Environmental Council (EC) members present.

4. Chair's Report

Chair Glenn will send an invitation letter to Chair Aila of the Department of Land and Natural Resources, regarding the Kawai Nui Marsh project, to attend the next EC meeting on March 20, 2014.

5. OEQC Director's Report

No report given.

6. Standing Committee Reports

a. Legislative Committee: No report given.

EC and Public Comments:

- EC members are allowed to make comments on bills as a member of the public per the Deputy Attorney General, as long as the comment is preempted by stating that the EC member is speaking as an individual member of the public and not representing any board or council.
- Funding for positions should come out of general funds and not the pesticide use revolving fund.
- The Legislative Committee was lacking in meetings.
- EC capacity for involvement in the Legislature, which moves very fast with bills, is difficult to keep up with for a monthly meeting body.
- Senator Josh Green is conducting an informational gathering session focusing on Roundup at 1:30 PM on March 14, 2014.

b. Information & Outreach (I&O) Committee:

Motion made by Ms. Steiner to approve the entire package of motions. Mr. Teves seconded this motion.

- MOTION 4 combined with MOTION 2: **The Environmental Council recommends HDOH to follow its investigation into the extent of the aquatic or other impacts of pesticide off-site migration in the State of Hawai'i and implement corrective actions, including reassessment of the effect determination and potential additional regulation.**
- MOTION 7 revised: **The Environmental Council recommends that State and county agencies, in regulating pesticide use in Hawai'i, uphold their (*)public trust obligation to conserve and protect natural resources as required under the Hawai'i Constitution, Article XI, Section 1, and under Hawai'i Supreme Court cases defining those public trust obligations.**

() Noted for record: The public trust in this state, as defined by the Hawai'i Supreme Court, includes the precautionary principle.*

- MOTION 1 revised: **The Environmental Council recommends that the Hawai'i Department of Agriculture consider rules that would raise fees on pesticide product licenses and provide for fees that vary according to the amount or quantity of pesticide to be sold, offered for sale, or distributed.**

Point of clarification: Per Ms. Ashman on the pesticide use revolving fund, a section was added to expand the uses, which is the section that will sunset, not the entire fund; therefore, it does not apply to this motion as it is how the fund can be used for personnel.

Motion made by Ms. Steiner to accept the whole package as amended. Mr. Ambler seconded this motion.

PUBLIC COMMENTS:

Barry Brennan (CTAHR): On MOTION 1, expressed concern on raising fees through licensing as the amount and quantity of licenses will vary on the amount of pesticide sold. There is no way of determining how much will be raised from that fee, so the Legislature would not be able to apply a budget. In response, Mr. Ambler stated that it is already in DOA's rules, which is how the DOA is guided in this fee.

Nomi Carmona (BAB):

- MOTION 1: Supports initiating a raise in fees which the DOA can figure out.
- MOTION 2: Supports striking and adding it to MOTION 4.
- MOTION 7: Requests that the precautionary principle be clarified in the minutes and ideally within the motion.

Sean O'Keefe: The EC did a great job today of taking care of the problematic portions of these recommendations.

Janet Ashman: Most of the time, doctors don't know what health problems are caused by, so there is no basis to state what causation is, whether pesticides or something else.

Margaret Wille:

- MOTION 2: Did not agree that MOTION 2 was the equivalent of MOTION 4. Cited the US Supreme Court case that said one does not have to wait for definitive answers to take a precautionary approach when something irreversible could happen.
- Precautionary Principle: It's not the chemical in a test, it is how it applies here. A US geological study of Mississippi, which has a 9-month season, showed water saturated, air saturated, and an impact on health. Hawai'i is in a unique situation as it has a 12-month season.

Dan Purcell: Commented on attendance as members are not showing up for meetings. Find a way to accommodate them through video conferencing or other means to avoid a quorum breakdown.

VOTE: All 8 recommendations as amended were approved by all 8 council members present. There was no opposition or abstention.

Ms. Steiner motioned and Mr. Ambler seconded that the EC issue a press release with the 8 motions. Suggestions made to explain who the EC is and why recommendations were done, that contact info be directed to Mr. Ambler and Chair Glenn, and to use Facebook page where PowerPoint presentation is available for review by the public.

VOTE: The motion passed by all 8 council members present. There was no opposition or abstention.

Ms. Steiner motioned and Mr. Prentiss seconded that Chair Glenn and Mr. Ambler prepare a transmittal to go to the governor and all legislators with the package of motions attached. Suggestions made to submit to parties 2 days before the press release and before March 14th, the day of Senator Green's information meeting on pesticides.

VOTE: The motion passed by all 8 council members present. There was no opposition or abstention.

Ms. Steiner motioned and Ms. Akutagawa seconded that the Information & Outreach Committee meet, in the royal way, with agencies such as, but not limited to DOA, DOH, DHHL, UH, DOT, the Department of Labor, DLNR, OHA, BWS, and the counties. Mr. Ambler stated that this would help raise awareness of the Council also.

VOTE: The motion passed by all 8 council members present. There was no opposition or abstention.

EC Guidance: If questions were asked or feedback requested, Councilmembers were advised to recommend the inquirer attend the next meeting as it is a public forum. Otherwise, questions/comments were to be directed to Mr. Ambler or Chair Glenn.

7. Public Testimony

Ms. Wille requested that council members come to the county level with information for the people.

8. Correspondence Received

No new correspondence received.

9. New Business

- Ms. Steiner to call Tony Benabese of Boards and Commissions to push for filling of vacated council seats. There are also issues of nonattendance that need to be addressed.
- Next meeting date: **Tuesday, March 20, 2014 at OEQC, 2-4 PM.**

10. Adjournment

The Chair thanked everybody for attending and adjourned the meeting at 3:49 PM.