



# STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII  
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David Y. Ige  
Governor

Chairperson  
Joseph Shacat

Vice Chair  
Scott Glenn  
(Ex Officio)

Members  
Roy Abe  
Maka'ala Ka'aumoana  
P. Ka'anohi Kaleikini  
Koalani Kaulukukui  
Robert Parsons  
Charles Prentiss  
Ron Terry  
Glenn Teves  
N. Mahina Tuteur

## Environmental Council Meeting August 9, 2016, 1:30-3:30 PM

Meeting Location – Leiopapa A Kamehameha Building, 15th Floor Conference Room

### Draft Minutes

**Members Present:** Joseph Shacat (Chair), Scott Glenn (Vice Chair), Roy Abe, Maka'ala Ka'aumoana, P. Ka'anohi Kaleikini, Robert Parsons, Charles Prentiss, Ron Terry, N. Mahina Tuteur

**Members Absent:** Koalani Kaulukukui, Glenn Teves

**EC Counsel:** Edward Bohlen, Deputy Attorney General

**OEQC Staff:** Leslie Segundo

**Guests/Speakers:** Jennifer Ching, Executive Office of Aging, Department of Health  
Fenix Grange and Barbara Brooks, Hazard Evaluation and Emergency Health (HEER) Office, Department of Health

**Public:** Janet Ashman, Sean O'Keefe

### 1. Call to Order, Roll Call, Quorum

- a. Chair Shacat called the meeting to order at 1:33 PM with a quorum of nine members.

### 2. Review and approval of prior meeting minutes

#### a. Meeting on May 10, 2016

- i. The item was temporarily tabled until later in the meeting.
- ii. Member Terry motioned and Member Ka'aumoana seconded to approve the minutes. The motion passed unanimously (8 yes; Member Parsons was out of the room during the vote).

#### b. Meeting on July 15, 2016

- i. Member Terry motioned and Member Ka'aumoana seconded to approve the minutes. The motion passed unanimously (9 yes).

### 3. Director's Report

#### a. Office modernization efforts

- i. Director Glenn reported that OEQC obtained a large screen monitor and camera for future EC meetings. The intent is to enable members of the public to observe and participate remotely in EC meetings as well as provide a means for EC members to participate remotely, once OEQC understands the sunshine law requirements.
  - ii. OEQC is updating its website. It has added new information about the EC, including past meeting agendas and minutes.
- b. OEQC is still interviewing for a secretary. Secretary Jennifer Ching is assisting OEQC with supporting the EC. Ms. Ching described procedures for arranging travel.

#### **4. Review of committee assignments**

- a. Chair Shacat reviewed committee assignments. Following discussions, the EC agreed on the following slate of committee assignments.
  - i. Annual Report – Scott Glenn (Chair), Roy Abe, Robert Parsons
  - ii. Exemption – Charles Prentiss (Chair), Ka'anohi Kaleikini, Joseph Shacat, Ron Terry
  - iii. Information and Outreach – Roy Abe (Chair), Robert Parsons (Vice-Chair), Maka'ala Ka'aumoana, Ka'anohi Kaleikini, Glenn Teves, Mahina Tuteur
  - iv. Legislation – Glenn Teves (Chair), Joseph Shacat (Vice Chair), Roy Abe, Maka'ala Ka'aumoana, Ka'anohi Kaleikini
  - v. Rules – Scott Glenn (Chair), Koa Kaulukukui, Ron Terry, Mahina Tuteur, Maka'ala Ka'aumoana
- b. Director Glenn motioned and Member Parsons seconded the motion to approve the committee assignments. The motion passed unanimously (9 yes).

#### **5. Information and Outreach Committee**

- a. **Public forum/informational meeting to discuss safety risks with streams and nearshore waters**
  - i. Member Abe invited Laura McIntyre from the Department of Health Environmental Planning Office but she was unable to make it. EPO. Ms. McIntyre recommended references, including the sanitary survey for Waiopili ditch. The committee thinks people should still be warned because high bacteria levels still can result in infection. The committee thinks that the Department of Health should take the lead. The committee wants to invite the Department of Health to talk about what programs they have now for notifying the public and what kind of funding they have.
- b. The committee would like to review how and when the EC posts material to its Facebook page. Member Tuteur has access. The Council considered when to post material, such as posting documents on the agenda for the Council or committees. No motions or decisions were made. The committee would like to put this on its agenda for a future meeting and make recommendations to the Council.
- c. The Department of Health is working on strategies for notifying the public. One way is to post signs in response to EPA feedback. Member Ka'aumoana noted that sampling is limited and takes 24 hours to turn around, which is too long when flash floods occur. The Department of Health should work with the visitors' industry to promote signage. One strategy could be like the signage for monk seals that state a risk status rather than a statement of fact.

## 6. Exemptions Committee

### a. University of Hawai'i Exemption List

- i. The committee considered the list to be current. It discussed adding field lighting and will look further into this at its next meeting.
  - ii. Member Terry asked about a court case from several years before regarding University of Hawai'i exemptions and asked whether the results of that case informed the exemption list. Member Prentiss agreed to look into it further.
- b. The committee reviewed its outstanding correspondence based on letters sent out in June 2016. The committee received a revised list with the "exemption disclaimer" from the City and County of Honolulu Department of Parks and Recreation.
  - c. The "exemption disclaimer" refers to the portion of the administrative rules that states that exemptions may not be applicable in the case of particularly sensitive environments or cumulative impacts. In general, the Council has not considered the "exemption disclaimer" to not be part of the substantive content of an exemption list. The committee agrees with this approach, especially because it does not require going through the full concurrence process.
  - d. The committee requested OEQC to contact the Hawai'i Health Systems Corporation, Agribusiness Development Corporation, and the City and County of Honolulu Department of Facilities Maintenance. Facilities Maintenance just needs to update its name from the old Public Works name.

## 7. Update on Environmental Council previous pesticide recommendations

### a. Invited speakers, Fenix Grange and Barbara Brooks, Hawai'i Department of Health, Hazard Evaluation and Emergency Response Office

- i. The Department of Health responded to the Environmental Council's request for an update on its recommendations to the Department of Health and to the Department of Agriculture.
- ii. Ms. Grange conducted the first water quality study on pesticides and presented to the Council in 2014 about that study. It was a point-in-time study that did not provide a longitudinal perspective but helped to provide a point of reference for future efforts.
- iii. Many of the questions from OEQC involve environmental monitoring, particularly for water. As a result of the Kaua'i Joint Fact Finding report, the Legislature appropriated \$500,000 to the Department of Agriculture to do additional studies. Through a memorandum of understanding, the Department of Agriculture is doing a study with the Department of Health and the U.S. Geological Survey as scientific and technical experts for off-target movement of pesticides into the environment. The funding will cover the first year of a study (expected to continue longer though). The study will focus on agricultural concerns on Kaua'i and O'ahu. The study design is still in development but will likely mirror the 2014 study, such as to build consensus among stakeholders on how to interpret data once it comes in.
- iv. The Department of Health has been working on doing better coordination among agencies to do a statewide pesticide response exercise, similar to an oil spill exercise. This is a way to do process improvement.

- v. The U.S. Environmental Protection Agency is funding a non-profit, the Migrant Clinicians Network, to come to Kaua'i in March 2017 to train physicians and hospitals on acute pesticide poisoning.
- vi. The Department of Health, along with the University of Hawai'i and University of California, will host a symposium in January 2017 on chronic health effects and environment for pediatrics.
- vii. The Department of Health and Department of Agriculture also want to do an air monitoring (including possibly fugitive dust) and the potential for breathing contamination. Nothing specific is in place yet. This kind of study would probably work with local communities to understand their specific concerns and study those specific items. California has a \$800,000/year program studying three communities that has not found conclusive evidence of dust exceedances of any standards. One clarification about fugitive dust is that the regulations for dust leaving a site for farming operation versus a construction site are different. A farming operation is expected to take "reasonable" measures to reduce airborne dust while a construction site is often not allowed to have any dust leave the site.
- viii. The people who apply restricted use pesticides are required to take training while unrestricted pesticide users do not require training. For general use pesticides, many people are used to thinking of them as not that dangerous because they are bought off the shelf and stored in the kitchen. However, everyone must comply with the labels on these pesticides. Education and engagement is an effective way to get all users to be more responsible.

**8. Proposal to expand the Papahānaumokuākea National Marine Monument**

**a. Correspondence received in response to the Environmental Council's letter to President Obama in support of expanding the Monument**

- i. Chair Shacat received correspondence from State Representative Sylvia Luke expressing concern about the expansion from her constituents.

**b. Report from OEQC Director Glenn regarding the public meeting on August 1, 2016**

- i. The meeting was well attended. The room layout reinforced pro and con attitudes by having separate microphones and seating areas. New comments the Council had not heard before were the following:
  - 1. Expanding the Monument to the Exclusive Economic Zone line would expand the State of Hawai'i's authority, which currently only goes out to the three-mile line.

**c. Report from Councilmember Ka'aumoana regarding the public meeting on August 2, 2016**

- i. The meeting layout was organized similarly. No different comments from what the Council had heard previously were made. Kaua'i State Senator Kouchi announced his support for the revised boundary (as proposed by U.S. Senator Schatz).

- 9. Report from Councilmember Ka'auomoana on the 13<sup>th</sup> International Coral Reef Symposium**
  - a. The symposium was well-attended and organized. Globally, there are some bright spots but overall coral reefs face grave challenges, especially in Hawai'i. Scientists are focusing on studying resistant, resilient coral to see what makes them so and if it can be reproduced.
  
- 10. Preliminary planning for Environmental Council strategic planning proposal session**
  - a. The Council considered options for organizing the session, such as inviting legislative leaders, community leaders, or subject-matter experts on topics such as mitigation for night birds. The Council agreed that individual members would send suggestions to the Chair for his consideration to put on the agenda.
  
- 11. Correspondence from Mark Deakos and Mariah Gill: Requesting the Environmental Council to urge the Hawai'i Department of Transportation to stop armoring West Maui's coastline**
  - a. Chair Shacat spoke with Ms. Gill, who is willing to make a presentation to the Council. The Council agreed that this is a statewide issue. Director Glenn commented that this is a Gordian Knot that all coastal communities are struggling with. OEQC agreed to speak to Department of Transportation, Highways Division Deputy Director Ed Sniffen.
  
- 12. Proposed schedule for upcoming meeting dates and times**
  - a. **Tuesday, September 13, 1:30-3:30 PM**
  - b. **Tuesday, October 11, 1:30-3:30 PM**
  - c. **Wednesday, November 9 (November 8 is Election Day), 1:30-3:30 PM**
  - d. **Tuesday, December 13, 1:30-3:30 PM**
  - e. The Council agreed to the schedule as proposed.
  
- 13. Next meeting agenda – Public comment on issues consideration for the Environmental Council's next meeting agenda**
  - a. Not discussed.
  
- 14. Adjournment**
  - a. Member Terry motions and Member Abe seconded that the Council adjourn at 3:44 PM.

Note: Public comments will be accepted on each agenda item prior to voting or completion of agenda item.

Note: The Council may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a), Hawai'i Revised Statutes ("HRS"), without noticing the executive session on the agenda where the executive session was not anticipated in advance. The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. The reason for holding the executive session shall be publicly announced and the vote of each member on the question of holding a meeting closed to the public shall be recorded and entered into the minutes of the meeting. HRS Sections 92-4, 92-5(a) and 92-7(a).