

*Peter S. Adler PhD*

*The Accord3.0 Network*

2471 Manoa Road Honolulu, Hawaii 96822

808-888-0215 (Land) 808-683-2849 (cell)

Email: [padleraccord@gmail.com](mailto:padleraccord@gmail.com) Web: [www.accord3.com](http://www.accord3.com) copy



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May 25, 2016

**The Honorable Scott Enright, Chair and Director**

Board and Department of Agriculture

1428 South King Street

Honolulu, HI 96814-2512

And

**The Honorable Bernard P. Carvalho, Jr., Mayor**

County of Kaua'i

4444 Rice St., Suite 235

Lihue, HI 96766

Dear Director Enright and Mayor Carvalho,

We now transmit "Pesticide Use by Large Agribusinesses on Kaua'i," the final work product of the Joint Fact Finding Study Group you commissioned in 2015. The members of the JFF have asked us to convey their deep appreciation to you both for championing and co-funding this effort.

With this report, the JFF Study Group's work is concluded. The report is far too bulky to transmit by e-mail but can be found at <http://www.accord3.com/pg1000.cfm> along with the two appendices, a copy of this letter, and the public comments we received during the comment period following the March 10, 2016 release of the Draft Report. We will be sending you each a jump drive that contains all documents.

## **I. Final vs. Draft Report Comparison**

This 15-month effort gathered together important research and data on the pesticides applied by biotechnology companies Syngenta, Dow AgroSciences, DuPont Pioneer, BASF Plant Science, and by Kaua'i Coffee and sought to understand if there are any discernable

impacts to environmental and human health. In particular, we wanted to understand if agricultural pesticide usage on Kaua'i is as dangerous and damaging as critics asserted or as safe and innocuous as the biotechnology companies claimed in response. In summary form, here is how the final report differs from the March 10 Draft Report. The JFF Study Group has:

- Revised the Executive Summary to make it shorter, clearer, and more direct;
- Included more details on EPA's approval processes, standard setting, and label making which has the force of law;
- Clarified some of the recommendations, especially those regarding buffer zone policies and future monitoring and data collection;
- Added additional information and citations to clarify many issues discussed;
- Added information from Kaua'i DOW's water testing in March 2016 (which found no chlorpyrifos) and the Kaua'i delegation's recent resolution to seek additional funds to support some of the future actions recommended (attached);
- Noted that the Kaua'i legislative delegation (Attachment 1) has already succeeded in securing \$500,000 to commence monitoring and studies; and
- Updated Appendix 1, which now contains the personal statements from JFF members who chose to write them.

## **II. Dr. Wilmore's Personal Statement**

As done on similar projects, each member of the JFF Study Group was afforded an opportunity to attach his or her personal statement of not more than 2,000 words to the report. These can be found in Appendix 1, Attachment-3. The intent of these is to allow panel members to offer supplemental views or observations that are important to them personally. We urge you to read them.

Dr. Wilmore chose to undertake his own independent research without participation by other members of the JFF Study Group and to summarize it as his personal statement. His statistical analysis and viewpoints are his own and do not reflect the opinions of the JFF Study Group. Most importantly, his analysis was not included in the main report, and

should not be construed as having any direct influence on the report’s findings and recommendations.

### **III. Personal Remarks**

Understanding the controversial nature of what has been accomplished, we want to take a point of privilege and offer three personal thoughts. Just as the opinions and recommendations in the report belong to the six JFF members who completed the task, these three messages belong to us - Peter Adler and Keith Mattson.

#### ***1. Pesticide use by biotech companies and others will continue to be a divisive issue.***

Hawai‘i in general and Kaua‘i in particular have been called “Ground Zero” in some of the global debates over GMOs and the chemicals used in pesticide applications. Around the state, legal and legislative fights mirror national and international scientific, regulatory, and political arguments centering on the impacts of genetically modified food and the agricultural practices of large multinational science companies.

On Kaua‘i, critics alleged “drenching” (excessive pesticide use); air, water, and soil contamination; cancer and birth defect clusters in nearby communities; pollinator and sea urchin die offs; poor government oversight; and more. The biotechnology companies on Kaua‘i argued their practices are safe and in full compliance with federal and State laws and standards.

This is a long-term debate and many of these same issues extend far beyond the seed companies. The same questions may eventually be asked of small and medium-sized farm operators, flower and turf growers, landscapers, structural fumigators, government applicators, and home and garden users. Pesticide safety issues, especially regarding the emerging links to chronic longer-term exposures by agricultural workers and communities living near farming operations, simply won’t go away.

#### ***2. Joint Fact Finding was a wise approach, and remains a wise choice.***

The process you set in motion was designed to bring different perspectives and disciplines together, focus on factual information, and move beyond the “Red/Blue” rhetoric of Bill 2491 and Ordinance 960. Retrospectively, some who originally thought the JFF panel was reasonable in its composition at the start now argue otherwise when the substantive results don’t favor their opinions. Regardless of the bumps in the process, the report contains an excellent analysis of the available local data in response to the specific questions raised.

The effort took more than a year and used a three-prong approach. To recap: we inventoried available peer-reviewed medical and environmental studies, *all* locally available data that could address our questions, and held numerous listening sessions. Specifically, we heard from thought leaders in the biotechnology industry, State and County government, Westside community members, N.G.O. advocates and critics, public health scientists from California and Colorado, and others.

Tough issues deserve this kind of sustained inquiry and government should consider similar approaches when confronted with other science-intensive, politically contentious issues. Absolutists on each end of GMO/Pesticide debate spectrum will continue to be severe critics of any and all proposals that do not suit their goals. That is their self-declared mandate, and they will continue to make the most noise as they attack their opponents' beliefs while defending their own. However, we believe the true larger body politic – the '80% to 90% in the middle' – are interested in better information to help shape their opinions. We hope that this effort serves their needs.

### ***3. More environmental monitoring, better data, and fresh attention to pesticide policies will reduce uncertainties and serve the public's interests while continuing to support agriculture on Kaua'i.***

One of the key outcomes of this effort is that we now know much more about pesticide use on Kaua'i, but there is simply not enough information to definitively conclude if its use by the seed companies plays any adverse role in the health of Kaua'i's residents or environment. While some may complain that we recommend doing either too much or too little to address the situation, we believe the recommendations are a practical and pragmatic way to proceed.

None of the recommendations should significantly impinge upon the seed companies' ability to continue operating on Kaua'i. The recommendations do not appear to be anything more than some other states are already doing for pesticide regulation and reporting, including California which has the nation's largest agricultural economy. Taken together, they simply urge the state to reduce some of the remaining uncertainty by more carefully monitoring pesticide use and the community's health.

## **IV. Acknowledgments**

Finally, we want to recognize the very hard work of those who participated in this effort. First and foremost, the volunteer members of the JFF Study Group itself, Adam Asquith, Lee Evslin, Kathleen West-Hurd, Douglas Wilmore, Kawika Winter, and Louisa Wooten. We also thank Gerardo Garcia, Sarah Styan and Roy Yamakawa who left the group before the effort was finished but made valuable contributions that ultimately shaped the results.

Along with them, we commend the other members of the facilitation and technical support team who provided huge amounts of assistance to the JFF: Katie Ranney, Ken Schmidt, Jimmy Fitzgerald, Tina Sablan, Catherine Lampton, and prior to his DLNR appointment, Bruce Anderson. Finally, you will see an extensive list of appreciations at the front of the report itself. Many people from Kaua'i and elsewhere provided data, feedback, and insights that proved instrumental to the deliberations.

Our profound thanks for your unwavering support and encouragement.

*Peter S. Adler*

**PETER S. ADLER, PhD**  
Project Director

*Keith Mattson*

**KEITH MATTSON**  
Assistant Project Director



## The Legislature

State Capitol  
Honolulu, Hawaii 96813

**NEWS RELEASE – for immediate release**

March 16, 2016

Senate Media Contact: Jill Kuramoto 808-586-6261

House Media Contact: Carolyn Tanaka 808-586-6133

### **JOINT STATEMENT FROM KAUA'I LEGISLATIVE DELEGATION ON KAUA'I'S JOINT FACT FINDING STUDY GROUP**

At the outset, we wish to offer our sincere thanks to all members of the Joint Fact Finding Study Group (JFFSG): Adam Asquith, PhD; Lee Evslin, MD; Gerardo Rojas Garcia, MS; Sarah Syam, PhD; Kathleen West-Hurd, PhD; Douglas Willmore, MD; Kawika Winter, PhD; Louisa Wooten; Roy Yamakawa; and facilitator Peter Adler for their unselfish and dedicated service in developing and releasing their draft report on March 10, 2016, entitled "Pesticide Use By Large Agribusiness on Kaua'i".

We fully support the efforts of the JFFSG, and are confident that during the comment period up through the release of the final report, that the JFFSG's recommendations will be prioritized, further refined and defined, to the point that appropriate funding can be requested to address specific recommendations in the final report as we are further informed that the JFFSG's total requested amount of some \$3 million dollars is to fund the JFFSG's recommendations through several years.

In the immediate future, we are aware that two of the JFFSG's recommendations, water quality studies and air monitoring studies, can be funded through the Department of Agriculture (DOA). Additionally, the DOA is attempting to fill three (3) additional inspector positions on the Island of Kaua'i as soon as possible.

On March 1, 2016, Senator Kouchi attended a town meeting in Waimea with Department of Agriculture Chair Scott Enright and Department of Health Director Virginia Pressler, MD, to receive further input from the community. The attendance of Chair Enright and Director Pressler at the Waimea Town Meeting and their continued active and tireless efforts have reinforced our faith that although the State of Hawai'i may have some questions as to certain aspects of the draft report, the State of Hawai'i has clearly taken the efforts of the JFFSG to heart.

March 16, 2016

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*The Kaua'i Delegation includes Senate President, Senator Ronald D. Kouchi (S Dist. 8 - Kaua'i, Ni'ihau), and Representatives James Tokioka (H Dist. 15 - Wailua Homesteads, Hanamaulu, Lihue, Puhi, Old Koloa Town, Omao), Derek Kawakami (H Dist. 14 - Hanalei, Princeville, Kilauea, Anahola, Kapaa, Wailua), and Daynette Morikawa (H Dist. 16 - Niihau, Lehua, Koloa, Waimea).*

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