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## Update #9

### Joint Fact-Finding Study Group on Pesticide Use by Major Agribusinesses on Kauai

April 16, 2016

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#### 1. Public Comments

On March 8, 2016 the JFF Study Group posted a draft of its report to the project website at <http://www.accord3.com/pg1000.cfm>. The Study Group requested two types of feedback, both focused on substantive issues. First, the group asked the public to point out errors with any of the factual data or empirical evidence that the group had gathered and reviewed over the last year. Second, they requested specific and relevant factual data or peer-reviewed empirical evidence the group may have missed. The public comment period ran until 5:00pm on April 10, 2016.

The JFF group also conducted a public informational briefing at the Kauai Veterans Center on April 4<sup>th</sup>, 7pm to 9pm. More than 250 people attended. The meeting was filmed by *Ho'ike*, Kauai's community television station, and covered in part by a New York camera crew for NBC's Dateline. No air times are yet available. The audience was cordial and respectful and listened intently to the JFF Study Group members speak about various parts of the draft report.

At the meeting, comments were collected on cards, brought to the dais, sorted, and then passed to the meeting chair. Some were responded to on the spot to in the moderated discussion with the JFF panel. Additional comments, questions, and suggested corrections were received at the project website.

All submitted comments are being compiled and reviewed. The JFF will take all proposed factual corrections or additions into consideration before the report is

finalized, most likely by the end of April or early May. All submitted comments will also be made publically available at the project website after the final report is issued.

## **2. Media Responses**

Once issued, the draft report generated considerable media attention. Some articles were complimentary, others critical. Editorials in the *Honolulu Star-Advertiser* and *Honolulu Civil Beat* affirmed the JFF group's call for more monitoring, better data collection, improved incident response, and strengthening of the Pesticide Advisory Board. Some foreign news reports noted the group's preliminary findings and recommendations and considerable debate was generated in the blogosphere. A number of media responses is at <http://www.accord3.com/pg1004.cfm>.

## **3. JFF Meeting Following Public Comment Period**

On April 9<sup>th</sup>, the JFF Study Group convened to begin analyzing the 200+ public submissions, determine how best to incorporate appropriate factual additions or corrections, and set target dates for completion of the final report. All ten chapters of the draft report are being reviewed and revised to take account of substantive feedback received.

## **4. Rojas and Styan Resignations**

Mr. Gerardo Rojas and Dr. Sarah Styan abruptly resigned from the JFF panel on April 9, 2016. Both Rojas and Styan work for biotechnology companies doing seed corn research and development on Kauai but had agreed to serve on the JFF panel independently. Both made important contributions to the project and helped craft the recommendations that were made public in the Draft Report. Their resignation letters were distributed to the media and individual responses to each of them have been sent. Both members expressed frustrations with the process and objections to the recommendations they helped formulate in the Draft Report. The remaining six members of the JFF Study Group remain committed to the work of reviewing the comments received and completing the Final Report.

*Additional project information is available at <http://www.accord3.com/pg1000.cfm>*

## *A Personal Comment on Recent Developments*

*Peter S. Adler & Keith Mattson*

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*The resignations of Gerardo Rojas and Sarah Styan were unexpected, poorly timed, and completely unnecessary. We regret their last minute departure and intend to work with the remaining six members until the project is completed. We also have left a standing invitation for them to rejoin the group for the final report writing effort if they are willing to participate once again. They have made important contributions thus far and their continuing contributions would be helpful.*

*Whether they choose to rejoin or not, we urge everyone to judge the JFF by its final product as opposed to second hand reports, rumor mill accusations, and Internet recriminations. When it is issued, the final JFF report will rise or fall on its own merits regardless of how popular or unpopular it is with one or another constituency.*

*Many commenters seem to divide the public in general and the JFF study group in particular into anti- or pro-GMO factions. On Kauai these groups are commonly known as “red shirts” and “blue shirts.” This simple sloganeering does everyone a disservice and portrays only two possible views of agricultural pesticide practices and their possible effects on health and the environment.*

*One extreme view is that pesticide use is out of control, Kauai is being drenched with poisons, and the biotech industry is a mortal threat to everyone’s health. The other extreme view is that everything is fine and there is absolutely no need for any additional pesticide monitoring or regulation. We think both views are simplistic, false, and unsupportable. The JFF Study Group process is a way to get some facts on the table, dig deeper into the issues, dispel myths on both sides, and forge practical recommendations for future agricultural pesticide use and its regulation.*

*Unfortunately, differing opinions on the draft report caused some to revert to their gross stereotypes and occasional character assassinations of the sort that occurred during the debates on County Bill 2491. We have also seen the draft report quickly get used as a political weapon by people on different sides as they attempt to vindicate positions staked out over past years.*

*This reaction misses the point of the JFF and the draft report. We think the draft recommendations are the heart of the effort. The JFF panel sought to ground them*

*with factual evidence and reasoned conclusions. It is incumbent on critics of the recommendations to identify exactly which ones they object to and what specific information or data supports their objections. The recommendations must also be considered based on the actual text in the report, not on someone else's opinion or second or third hand interpretation.*

*We also want to note a few items that have sometimes been misreported or misinterpreted in the press and in people's comments.*

*The draft report does not recommend specific delineated buffer zones as some have suggested. It recommends that the state develop a consistent buffer zone policy that is informed by data from drift monitoring and by the relevant environmental and health sciences. Furthermore, the buffer zone policy would be developed through the State's Pesticide Advisory Committee, which includes representatives from agriculture, the pesticide industry, the Hawaii Farm Bureau Federation, the professional landscaping industry, and others.*

*There also appears to be some confusion regarding the finding of no evidence of causality between current agricultural pesticide use and harms to Kauai's environment. Some view this as a rationale for doing nothing. Others would suggest the immediate cessation of pesticide applications by the seed companies. The JFF's draft recommendations don't suggest either. There is clear evidence of pesticide drift, albeit in trace amounts. These detections indicate the need for additional monitoring since the studies so far have been limited. Without additional sampling no one can know the true extent of pesticide drift, which may in fact be less than or more than current data report.*

*The draft report also recommends a review and possible update of Hawaii's pesticide laws and regulations. In particular, it suggests more timely and comprehensive reporting of pesticide applications along the lines of what California does. It should be noted that California's regulations have long been in use, and their agricultural sector continues to lead the nation in terms of the value of its agricultural commodity receipts. This task would also be led by the Pesticide Advisory Committee, which includes substantial agricultural representation. It is important to note that the JFF Study Group's recommendation, pending further work on the final report, is for adapting only key provisions of laws and regulations from California and other states, not their entire set of pesticide laws and regulations.*

*Some JFF critics have argued that no non-peer reviewed data should be included in the JFF's work. They label anything other than peer-reviewed research as opinions and*

*suggest exclusion of such references. The JFF to date has sought to find peer reviewed medical studies and all relevant local data, including studies that have negative findings. Some have objected to the inclusion of the information from studies of glyphosate in beehive honey, PAN/SEED's air sampling, Dr. Susan Kegley's memo regarding pesticide sampling on the West Side, and Dr. Carl Berg's surface water sampling. The criticism is that they were not from published, peer-reviewed studies.*

*We think it is important to understand that data published by the state DOH and DOA and cited in the draft report are also not peer reviewed, as is true with most of the government data we studied and much of the data provided by other industry, community, and NGO sources. That is why the JFF has sought to put appropriate qualifiers on them. To omit this type of information would invite criticism that the JFF ignored data pertinent to the issue, which would have then tainted the report.*

*Interestingly, the outcomes of some of these contested data sets are, thus far, relatively consistent with State sponsored air and surface water studies. For example, the Kegley memo found no traces of pesticides that could conclusively be tied to agricultural operations and the PAN/SEED Air Sampling effort found only a minute trace of chlorpyrifos in one out of 200 total samples. This information was noted in the draft report.*

*The goal of this entire effort has always been to see what factually can be agreed on and what logical recommendations ensue. Most of the recommendations in the draft report address the need for better environmental sampling, improved health surveillance, improved incident response practices, and strengthened coordination between governmental departments. These are useful tools for ensuring the health of adjacent communities and protecting the biotech industry itself that we know is an important part of Hawai'i's agriculture.*

*More work sits ahead this month. It is a difficult topic and both the science and the politics are messy. Nonetheless, much has already been accomplished even through the report posted on March 8, 2016 is still a draft.*

- *It has gotten the attention of the Governor and his cabinet members.*
- *Kauai's legislative delegation has committed to securing future funds for monitoring studies.*
- *The Kauai Department of Water moved quickly to test drinking water for chlorpyrifos and other pesticides and found no detections. This should be*

*very reassuring to all of Kauai's residents.*

- *There are reasonable prospects for funding some of the report's recommendations in the next legislative session.*
- *The Department of Health has indicated its intentions to do more environmental monitoring for pesticides, improve their incident response practices, and reach out to Westside physicians to learn more about their concerns regarding treating people living near agricultural areas.*

*Finally, the public briefing and information session that was held on April 4<sup>th</sup> at Kauai Veterans Center was respectful and civil, unlike so many other gatherings regarding agriculture and pesticides in recent years. We hope this tone can be continued as we complete the Final Report, and that it will result in positive and pragmatic actions to help resolve or at least streamline the long-standing disagreements that have characterized this debate in the past.*

*Stay tuned for the final report. We will have it out as soon as possible.*