

COUNTY COUNCIL
COUNTY OF KAUAI

Resolution

No. 2013-72, Draft 1

**RESOLUTION TO IMPLEMENT
AN ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS STUDY (EPHIS),
VIA FORMATION OF A PESTICIDE AND GENETIC ENGINEERING
JOINT FACT FINDING GROUP (JFFG)**

WHEREAS, there is great concern about the environmental and public health impacts of large-scale agricultural operations that apply restricted use pesticides on Kaua'i, including operations growing genetically engineered crops. Of particular concern is the frequency, type, amount, and reporting of pesticides used, and the resulting effects on humans and the environment; and

WHEREAS, four (4) of those companies engage in genetic engineering agriculture, and lease over fifteen thousand (15,000) acres of agricultural lands on Kaua'i, with half of the lands used in the production of genetically engineered canola, soybeans, sunflower, rice, and corn, at any given time; and

WHEREAS, Kaua'i's tropical climate, which accommodates three (3) or four (4) growing cycles per year, and the experimental processes involved in developing parent generations of herbicide and pesticide resistant seed, contribute to the high use of pesticides on the island; and

WHEREAS, public testimony received in response to Kaua'i County Council Bill No. 2491, as amended (hereinafter referred to as "Bill No. 2491"), has raised concerns about potential human health impacts, including a possible high incidence of asthma, cancer, miscarriages, and birth defects; environmental impacts, including pesticide residues detected in soil and air, drinking water, streams, and near-shore water; unwanted cross-pollination; and potential impacts on sea urchins, coral reefs, bees, and biodiversity; and quality of life issues, including the persistent presence of dust and odors; economic impacts; and environmental justice issues; and

WHEREAS, public testimony received in response to Bill No. 2491 has also raised particular concerns about the current and former usage on Kaua'i of certain specific pesticides, such as Atrazine, Bifenthrin, Chlorpyrifos (Lorsban), Clothianidin, Glyphosate (Roundup), Paraquat, and "2,4-D"; and

WHEREAS, although the Hawai'i State Department of Health, jointly with the Hawai'i Tumor Registry and the University of Hawai'i Cancer Center, released their evaluation of the incidence of cancer on Kaua'i which found that there is not a higher incidence of cancer on Kaua'i as compared with the rest of the State, both opponents and proponents of Bill No. 2491 agree that there exists a need for more quantitative and qualitative data, including environmental and ecosystems analysis and the impacts of chronic and long-term exposure to herbicides and pesticides on the health and safety of Kaua'i residents, to better define the problems, and to guide public policymakers to more effective responses and regulatory actions; and

WHEREAS, the Kaua'i County Council wishes to initiate a process of inquiry and investigation that will provide answers to key questions raised by Bill No. 2491 in a transparent and credible process yielding results that all stakeholders can respect as a basis for future legislative and regulatory actions; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII, that the County of Kaua'i fund a qualified neutral facilitator to convene and facilitate a Pesticide and Genetic Engineering Joint Fact Finding Group (JFFG) comprised of knowledgeable scientific experts, medical experts, environmental experts, and community stakeholders, to design and oversee a focused, accountable, and credible Environmental and Public Health Impacts Study (EPHIS). Selection of members to serve on the JFFG shall be via a process that solicits participation from qualified members of the general public on Kaua'i. The Consultant shall consult with the Mayor, the Chair of the Kaua'i County Council, and the Chair of the Planning Committee of the Kaua'i County Council regarding anticipated selections prior to finalizing and completing the JFFG membership process.

BE IT FURTHER RESOLVED, that in doing their work, the JFFG may consult with scientific experts or resource persons who shall not be disqualified from nor committed to doing work on the EPHIS during the second phase of the process.

BE IT FURTHER RESOLVED, that the County of Kaua'i Administration is requested to issue a Request for Qualifications to hire the facilitator to organize and facilitate the initial process whereby the JFFG will define the scope and parameters of the EPHIS, through the following scope of work:

- 1) Form a Pesticide and Genetic Engineering Joint Fact Finding Group of twelve (12) to fifteen (15) scientific experts, medical clinicians or public health experts, environmental experts, and community stakeholders, who are knowledgeable, respected, representative of the community, balanced in terms of perspectives, and willing to commit the time and energy required by the project;
- 2) Undertake sustained and science-centered deliberations to identify the highest priority environmental and public health questions pertinent to the pesticides used and genetically modified crops grown by large-scale commercial agricultural entities on Kaua'i, and in comparison to the production of other agricultural products; this may include, but not be limited to, Atrazine, Bifenthrin, Chlorpyrifos (Lorsban), Clothianidin, Glyphosate (Roundup), Paraquat, and "2,4-D";
- 3) Develop recommendations as to the highest priority questions to be asked; including, but not limited to, preferred methodologies for replicable studies, monitoring, and epidemiological analysis; and standards to be used for recommended scientific studies; including the thresholds of safety or danger related to the presence of identified pesticides;
- 4) Assemble an inventory of reliable existing studies, preferably but not exclusively peer reviewed, available to address the identified environmental and public health priority questions;
- 5) Estimate costs and timelines of recommended scientific and monitoring studies;
- 6) Identify possible sources of funding for recommended scientific and monitoring studies;

- 7) Provide public posted agenda and written minutes of each meeting to the County;
- 8) Present to the Mayor, County Council, and the community, the draft and final scope of work and parameters of the EPHIS with recommendations no later than twelve (12) months of the Notice to Proceed to the facilitator following the securing of funding;

BE IT FURTHER RESOLVED, that within six (6) months from completion of the scope and design of the EPHIS by the Joint Fact Finding Group, the EPHIS shall be commissioned by the County, and conducted by a professional consultant with oversight by the Joint Fact Finding Group. The EPHIS shall be funded by the County, who may seek additional Federal, State, or private funding support as may be deemed appropriate, and from a variety of sources and diverse stakeholders willing to support a community process built on community consensus. Anticipated timetable shall be eighteen (18) months from the issuance of the relevant Notice to Proceed following the securing of funding for the study, to presentation of the report to the Mayor, County Council, and the community.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to all members of the State House of Representatives and State Senate, Governor Neil Abercrombie, Mayor Bernard P. Carvalho, Jr., the Chairperson of the Department of Agriculture, and the Director of the Department of Health.

Introduced by: /s/ NADINE K. NAKAMURA
/s/ JOANN A. YUKIMURA

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| | Aye | Nay | Exc | Abstained |
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| Bynum | | | | |
| Chock | | | | |
| Furfaro | | | | |
| Kooser | | | | |
| Kagana | | | | |
| Rapozo | | | | |
| Yukimura | | | | |
| Total | | | | |

Certificate Of Adoption

We hereby certify that Resolution No. 2013-72, Draft 1 was adopted by the Council of the County of Kawa'i, State of Hawaii, Lihue, Kawa'i, Hawaii, on

Dated County Clerk

Chairman & Presiding Officer