Kaua'i Agricultural Good Neighbor Program: Voluntary Standards and Guidelines for RUP Use Reporting and Buffer Zones

November 12, 2013

Due to the introduction of Kaua'i County Bill 2491, Kaua'i has been wrestling with the issue of pesticide use that has created divisions within the community. The debate has become charged with emotion that has resulted in polarizing view points, and often times the dissemination of incorrect information.

In response to the growing requests for help from the community, farmers, and from state legislators, Governor Neil Abercrombie announced the State's intention to develop a program for voluntary standards and guidelines for restricted use pesticides (RUP) use reporting and the implementation of buffer zones. Following this announcement, the Hawai'i Department of Agriculture (HDOA), Pesticides Branch staff conducted a review of other states' (California, Washington, Oregon, New York, New Jersey) reporting requirements as well as federal standards as outlined by the Worker Protection Standard provision on entry to restricted areas in treated nurseries. Existing buffer zones imposed on RUPs used by listed companies were also taken into consideration.

HDOA also reached out to Dow AgroSciences, Pioneer, Syngenta, BASF, and Kaua'i Coffee Company, the five companies affected by Bill 2491, to better understand the challenges facing these companies and to better create a program that would provide information to the public without violating confidential business information. The resulting Kaua'i Agricultural Good Neighbor Program will be conducted over a one year period after which time it will be assessed as to its efficacy in attaining its stated goals.

<u>Good Neighbor Outreach Program</u>

- Farm operators on Kaua'i would establish a farm by farm practice to continue and improve good neighbor relations and understanding of farming. Neighbors that are geographically located nearest the above mentioned operations would be the primary focus of the good neighbor program which may involve a farm operator working with individual neighbors to address their concerns about RUP applications.
- Farm operators on Kaua'i and their nearby neighbors would discuss their respective questions, such as the science behind pesticide formulation, registration, and use, and the actual conditions on and around farms. Notwithstanding that all requirements found on the pesticide label need to be followed, outcomes of this dialogue could include providing opportunities to share information with neighbors about agricultural practices and resource stewardship.

Voluntary RUP Notice

A. Pre-Application Notification of RUP use:

- Under this program, farm operators on Kaua'i will notify schools, hospitals, and medical clinics that register with a participating farm operator on Kaua'i ("registered entities").
- Pre-application notification will be made to those registered entities only in cases when the application of an RUP will be made along the entity's property line abutting a 1000 foot notification zone as measured from the outside of the proposed treated area.
- Identification of the RUPs that plan to be used in the week prior to the application will be provided on a weekly basis to the registered entity by the farm operator on Kaua'i. Any material changes to the weekly schedule will be communicated to the registered entities 24 hours prior to the planned RUP application.
- To be a registered entity for pre-application notification, an agent of the entity must provide a contact person's name and contact phone number to the participating farm operator on Kaua'i. Notification from the farm operator on Kaua'i to the registered entity can be to an email address or phone number provided by the registered entity's contact person.

B. Post-Application Reporting of RUP use:

- A monthly summary of all RUP applications by participating farm operators on Kaua'i is to be submitted via email to the HDOA Pesticides Branch within 15 days after the end of each calendar month for which the record is being kept.
- RUP use records would be contained in a predetermined "upload ready" format, to reduce costs and increase accuracy for the HDOA program. The HDOA Pesticides Branch will receive the data and be responsible for posting the data to the State's Open Data portal at https://data.hawaii.gov.
- Subject to UIPA 92F-13, RUP use records may contain the following information:
    1) Operator Entity;
    2) Total volume amount of RUP used (product and active ingredient equivalent);
    3) EPA Registration Number of product;
    4) Total area covered (acres);
    5) Report date.

Voluntary Established Buffer Zones (buffer zones based on Federal Worker Protection Standard Provisions):

- When applications are made near schools, medical facilities, and residential properties, a minimum 100 foot buffer zone as measured from the outside perimeter of the proposed treated area up to the property line of the abutting school, medical facility, and residential property is to be implemented.
- Exempted from this buffer zone would be mature orchards whose crops grow in a hedge-like manner creating a windbreak effect and on which RUP applications occur between crop rows from a source no higher than two feet above the ground.
- Fumigation applications in compliance with the requirements established by the Hawaii Department of Health, Clean Air Branch, would not be subject to the minimum 100 foot buffer zone requirement.
- For RUPs labeled for application to or near water, if the RUP application is covered under the Hawaii State Department of Health NPDES general permit, the minimum 100 foot buffer zone requirement would not apply.
- If there is a conflict between the minimum 100 foot requirement and that which is on the pesticide label/labeling, the stricter of the two must be followed.
- All other requirements found on the pesticide label must be followed.