

Frequently Asked Questions (FAQ's) about Kaua'i County Bill 2491

What is Bill 2491?

Kaua'i County Bill 2491 protects the people of Kaua'i based on our Right to Know. It allows us to know about highly toxic pesticides, called [restricted use pesticides](#), used by the heaviest users of these chemicals on our island.

The bill also sets up a **buffer zone** between where these dangerous pesticides are sprayed and schools, hospitals, residential areas and waterways. In addition, the bill requires that Kaua'i County conduct an **environmental impact statement** so we can all better understand the impacts of the agrochemical-GMO operations on our island. In the meantime the bill puts a **temporary moratorium** on new operations until we have a better understanding of the health, economic, and environmental risks. During that time, the bill also **bans open air testing of pesticide and gmo experimenting**. Any such activity must instead take place in a completely closed structure.

Does Bill 2491 apply to all farmers?

No. Please tell your friends and families that this bill does NOT affect local farmers. This bill applies only to the **five heaviest users** of restricted use pesticides and those companies involved with use and experimentation of genetically modified organisms. Currently small farmers use Restricted Use Pesticides in very small quantities and do not use or experiment with genetically modified organisms.

By focusing on the heaviest users, Bill 2491 enormously increases protection of Kaua'i residents from the dangers of toxic chemical exposure. Five corporations - Dow, Syngenta, Pioneer, BASF and a coffee company use over 98% of the restricted use pesticides (RUP's) utilized by agricultural operations on Kauai. These companies use approximately 18 tons per year of RUP's (this is the amount of pre-diluted, concentrated form).

The agrochemical / GMO companies often spray many of these RUP's simultaneously (called "stacking") in combinations that are not regulated and have never been tested for their immediate and long term dangers to human health. **The children and families of Kaua'i are therefore essentially the test community for these combinations of poisons.**

Will this bill affect garden nurseries, golf courses, landscapers and others who use small amounts of restricted use pesticides?

No. Bill 2491 DOES NOT apply to nurseries, golf courses, landscapers and other agricultural users of restricted use pesticides. That is because their use of restricted use pesticides is so small in comparison to the heaviest users of these chemicals – Dow, Syngenta, Pioneer, BASF, and a coffee farm.

Why is Bill 2491 important?

We need the Right to Know about restricted use pesticides to protect the health of our children and families. Doctors need to know when, where and what is being sprayed so that they can treat their patients more effectively. Farmers need to know to protect their crops from drift. Workers need to know more about the chemicals they handle. Everyone on our island has the Right to Know what chemicals they are being subjected to.

There are no laws yet that give the people of Kaua'i the right to know which RUPs are being used, where and in what amounts. No studies have been conducted on the cumulative impacts on Kaua'i. We lack the necessary information to even begin to investigate the health impacts of 18 tons of restricted use pesticides in our neighborhoods. A Right to Know allows us to begin to protect ourselves.

Who supports this bill?

Bill 2491 has tremendous voter support, as indicated by the greatest number of testimonies in strong support of this bill by Kaua'i residents in the history of the County Council.

- **Moms, dads and those with ohana and friends** living within the wind and cloud drift of GMO fields support this bill because it helps them to protect their children's and their own health.
- **Health care professionals** support this bill because it will help them deliver more effective patient care.
- **Farmers who grow produce for human consumption** (ie, food and other health-friendly crops) support this bill because their crops and land are protected from the unknown consequences of pesticide drift and experimental GMOs.
- **Teachers** support this bill because they have witnessed their students falling ill immediately after chemical application activities of these agrochemical / GMO companies.
- **Fishermen, surfers and ocean users** support this bill because the Right to Know helps them to protect their waters and fragile ecosystems.
- **Even visitors and tourists** support this bill because they care about this

- island and its people.
- We should all support this bill. If you have the honor to call Kaua'i your home, **it is YOUR *kuleana* to protect life and health** of our future generations, our land, and our water.

Is this bill good for the Kaua'i economy?

Yes. Our island's reputation as a pure, untouched Garden Island is our greatest asset. Our treasure and greatest job generator is at risk.

Kaua'i hosted over 1 million visitors in 2011 (7 million visitors statewide), and this number increases each year. Total visitor spending statewide reached \$12.581 billion in 2011. Tourism contributed \$1.06 billion to total state tax revenue in 2010. Our visitor industry is the biggest generator of jobs, over 145,000 statewide in 2010 – more than 17.4% of total employment.

As our island and Hawaii becomes known as a ground zero for seed corn experiments and the massive pesticide use associated with test activities, **our key economic industry and generator of jobs is at risk.**

Our visitors want to come to a place where the *`aina* is healthy and the spirit of *aloha*, of caring for one another, is truly strong. They do not want to come to a pesticide island that is making people sick.

To elevate people's lives, we need safe, well paying jobs where our people can advance. We need farming and agriculture that uses sustainable practices that are not chemical dependent. In this way, we build an economy that creates profits from life giving, aloha-based values.

Passage of Bill 2491 may create MORE jobs because the companies will need to construct and maintain enclosures to contain their experimental and GMO pesticide uses, and will need to put up warning signs for the community before each spray cycle

Do the agrochemical / GMO companies provide many jobs on our island?

Even by the industry's own numbers, they provide only 400 full time equivalent jobs and 250 seasonal worker jobs, or 2% of jobs on Kauai. Many of the jobs are part time, contract work that makes use of seasonal low wage workers that come for a few months from the mainland. Some of the workers are hired as "human scarecrows" to manually chase birds and wildlife away from the agrochemical fields. These are not high quality jobs, and our *ohana* and workers deserve better alternatives and life opportunities. Most of the highest paying and well-paying jobs go to those who come from the mainland.

The GMO companies have not been willing to provide a breakdown of their

employment figures based on pay scale and job terms. They consider their numbers proprietary and not for the public to see.

Will all the workers really lose those jobs if this bill passes?

Not likely, but that depends on the companies themselves -- How much monetary profit do they want, and how many workers' lives are they willing to sacrifice to make that profit? The cost of doing business on Kaua'i includes the cost of being accountable and transparent to our island's people.

The agrochemical companies will incur little disclosure cost under Bill 2491. The companies already need to keep internal records on pesticide application activity. Bill 2491 requires that they make this information readily accessible to the public. There is no reason from a financial standpoint for the agrochemical companies to tell all of their employees that they will be fired if Bill 2491 is passed. If workers lose their jobs it is because the agrochemical companies considered that profits at any cost were more important.

Supporters of the bill care very much about the workers and their families. This bill will help to protect worker's health, as with all families on Kaua'i. Its disclosure provisions achieve better worker protections than the low level regulations of the EPA. There are currently several projects that are trying to find ways to give farm workers and current agrochemical employees safer, more sustainable alternatives to agrochemical field work on our land.

Do workers really oppose the bill, or are many being told to do so by their employers?

Testifiers who work for the agrochemical companies have been told by their employers that they would lose their jobs if Bill 2491 passed.

Creating worker fear and threats like these are a cruel way to make employees, our *ohana* and friends, do the fighting for corporate activities on our island that endanger life, health and our collective future.

Workers were paid, transported, and required by the agrochemical companies to show up at the County Council first hearing of the bill, to read testimonies for the agrochemical companies. But workers are speaking with friends and family now, and they are learning more about the benefits of Bill 2491 for them and their families.

What is the cost of disclosure to these companies?

Disclosure of already-collected information is not a significant cost to a multibillion-dollar industry. There is no reason from a financial standpoint for

the agrochemical companies to tell all of their employees that they will be fired if Bill 2491 passes. If workers are fired, it is only because the agrochemical companies' decision makers considered that profits at any cost were more important than their workers lives.

The companies already keep internal records on pesticide application activity. Bill 2491 requires that they make this information readily accessible to the public. Our County leaders must require that disclosure is a cost of doing business on our island.

Do Restricted Use Pesticides (RUP's) really cause illness?

Yes. There is more and more research being released that shows links between RUP's and health impacts.

Atrazine, for example, is known to cause birth defects, cancer and reproductive issues. Lorsban is known to cause impaired brain and nervous system functions in children and fetuses, even in minute amounts. Some RUPs are shown to effect brain cancer, autism, and heart and liver problems. Children are at especially high risk of illness from pesticide exposure. For these reasons, many of the RUPs used on Kaua'i are banned in other countries.

There are also peer reviewed studies that show that between 1996-2011, GMO activity accounted for an additional 404 million pounds of pesticides during that period. Much of that additional pesticide was used for testing activities, such as the agrochemical activities on Kaua'i.

Do the people of Kaua'i have the right to decide on this law?

Yes. The County Council is legally allowed to protect the people of Kaua'i.

Bill 2491 has been reviewed by many attorneys at the state and national level who concluded that there is nothing in the law that prevents Kaua'i from deciding how we want to protect the `aina, our children and communities.

Additionally, our State Constitution requires that the State and counties:

“shall provide for the protection and promotion of the public health” and

“shall have the power to promote and maintain a healthful environment” and

“shall conserve and protect Hawaii’s natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the

development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.”

But shouldn't the Federal government, EPA and State be protecting us? Don't they have the resources and knowledge to do so?

Ideally, all levels of government would be working to protect the public good. **But the simple fact is that they are not, and we need to address this serious current issue of massive pesticide use now.** Because Kauai has more experimental pesticide and GMO operations than any other county in the State, our circumstances are unique and we must lead the way.

The agrochemical industry claims that the EPA already regulates restricted use pesticides, but the US Government Accountability Office has officially found that the EPA is severely lacking in its ability to regulate pesticide use. Read the **US General Accountability Office Report here.**

What is the Waimea residents' lawsuit against Pioneer about?

Waimea citizens are concerned about the impacts of Pioneer's (Dupont) experimental pesticide and GMO operations on their health, property, the environment, and farmers. In 2011, residents filed a suit citing multiple violations of law in pesticide and land management upwind of homes and schools. **Read the official Court claim by Waimea residents here.**

How can I get involved?

Submit your testimony to **CouncilTestimony@kauai.gov**. Every voice counts, and the **Council NEEDS to hear from you.**

You can also testify in person, or just come to show support, on July 31 at the Kauai Community College Performing Arts Center. **Click here for the Garden Island announcement for this public hearing.**

Sign the petition and learn more about Bill 2491 at the Bill 2491 Campaign website, **StopPoisoningParadise.org**.

Educate yourself. Stay connected to through **StopPoisoningParadise.org** and join the movement of thousands that want the Right to Know on Kaua'i.