

TO: Professor Coke

FROM: Zuri Aki

DATE: September 15, 2015

RE: F15 Legislative Drafting – Bill Topic – Prohibition on the Use of Non-Organic Pesticides and Herbicides in Public Places

For my bill, I chose to prohibit the use of non-organic pesticides and herbicides in public places. Non-Organic pesticides/herbicides are those that do not comply with the United States Department of Agriculture (USDA) organic agricultural standards. Public places are those places in the general sense of the phrase – places accessible to the public (i.e. schools, sidewalks, government buildings, etc.).

I. STRATEGIES INCENTIVES VS DISINCENTIVES

Non-Organic pesticides/herbicides have been linked to a substantial number of negative human and environmental impacts. The extensive use of DDT as a pesticide in public places and the subsequent national (and international) outrage following biologist, Rachel Carson's book, *Silent Spring*, which discussed the negative human health impact of DDT, ignited a world-wide movement for policymaking in environmental conservation and ultimately, the ban on DDT. This movement gave rise to the Environmental Protection Agency, the Clean Water and Clean Air Acts, and modern environmental law.

Here in Hawai'i, non-organic pesticides/herbicides have an increasingly worsening reputation. William S. Richardson School of Law's own Professor Sherry Broder was the attorney representing plaintiffs in Hawai'i's infamous heptachlor case, where it was determined that non-organic pesticides/herbicides had saturated the "green chop" that was fed to dairy cows, which produced milk hazardous to human health. Recently, Hawai'i County attempted to ban the use of pesticides/herbicides on government land.

As a matter of policy, the banning of non-organic pesticides reinforces Hawai'i's Public Trust Doctrine (Article XI and Article XII §7) specifically:

"For the benefit of present and future generations, the State and its political subdivisions 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." Haw. Const. art. XI, §1.

The banning of non-organic pesticides/herbicides also promotes public health. There are absolutely no health benefits for the use of non-organic pesticides/herbicides.

II. ADMINISTRATION AND ENFORCEMENT

Administration and enforcement would most-likely occur at the state and county levels through pre-existing agencies (i.e. Department of Land and Natural Resources, Department of Agriculture, City & County, etc.).

III. FINANCING

The prohibition on the use of non-organic pesticides/herbicides would save the state money by negating the need to purchase non-organic pesticides/herbicides. City & County workers would have to employ alternative means of pest/weed removal: 1) getting out your state vehicle and actually breaking a sweat; and 2) working instead of sleeping under the monkey pod tree.

IV. IMPLEMENTATION EFFECTS AND TECHNOLOGICAL LIMITATIONS

No technological limitations.

V. DATA GATHERING/EVALUATION

Monitoring ground water resources, stream water quality, and reef ecosystems for positive effects as a result of mitigating the use of harmful pesticides/herbicides.