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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

July 31 2017

[REDACTED]

Re: Request to investigate the restricted use pesticide Diphacinone

Dear [REDACTED]

This letter serves to acknowledge receipt of your request to conduct an investigation of the restricted use pesticide DITRAC D-50 PELLETS, which contains the active ingredient DIPHACINONE. Pursuant to section 4-66-32.1, *Hawai'i Administrative Rules (2006)* ("HAR"), you have provided the head of the Division of Plant Industry, Hawai'i Department of Agriculture ("HDOA"), John McHugh, PhD. ("Head"), with information regarding three incidents that involve Diphacinone applications at: 1) Keauhou Ranch in 2003; 2) Mokapu Island in 2008; and 3) Lehua Island in 2009. You claim these three incidents demonstrate that DITRAC D-50 PELLETS may have caused, or is likely to cause, unreasonable adverse effects to humans or the environment. See HAR section 4-66-32.1(a).

Please be advised that HDOA will conduct an investigation of the restricted use pesticide DITRAC D-50 PELLETS based upon the three events you reported. The investigation will be conducted by the Head. In the event that the investigation reveals unreasonable adverse effects to humans or the environment have occurred, or are likely to occur, an evaluation of the restricted use pesticide DITRAC D-50 PELLETS will be conducted. See HAR section 4-66-32.1(a)-(b).

DITRAC D-50 PELLETS is registered as a restricted use pesticide with the Environmental Protection Agency (EPA Reg. No. 12455-147) and licensed as a restricted use pesticide in the State of Hawai'i (License No. 9138.68). Pursuant to section 149A-14, *Hawai'i Revised Statutes* ("HRS"), a pesticide license may be cancelled after HDOA determines that continued use of the pesticide product would result in unreasonable adverse effects on the environment. HDOA is also required to hold a hearing before the licensee may be deprived of the license.

HDOA may suspend the license of a pesticide immediately if necessary to prevent an imminent hazard. See HRS section 149A-14(c). A license cancellation hearing is still required. The results of the investigation conducted pursuant to HAR section 4-66-32.1(a), and if necessary the Diphacinone evaluation, will be used to determine if an imminent hazard exists.



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HDOA is currently experiencing a staff shortage, which interferes with HDOA's ability to provide a definitive timeframe within which the investigation will be completed. Please be assured that HDOA takes your claims very seriously and hopes to complete the investigation into the registered and licensed Diphacinone product in a timely manner.

As a reminder, the investigation will focus on enforcement of Hawai'i statutes and rules. Any matters of federal concern will be referred to the United States Environmental Protection Agency

Should you have any questions of concerns, please contact the undersigned at (808) 973-9535 or via email at john.mchugh@hawaii.gov.

Sincerely yours,

John McHugh, PhD
Administrator
Plant Industry Division
Hawai'i Department of Agriculture

cc: file
EPA