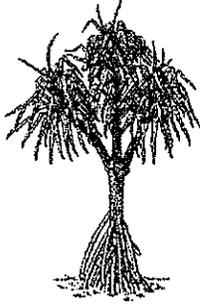


**TESTIMONY**  
**GM 266**



## **KAUAI NURSERY & LANDSCAPING, INC**

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Phone: (808) 245-7747 / Fax: (808) 245-9289  
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Friday, February 13, 2009

Senator Clayton Hee  
Chairperson  
Committee on Water, Land, Agriculture, and Hawaiian Affairs  
State Capitol  
Honolulu, HI 96813

Dear Senator Hee:

I am honored to be a nominee for the Advisory Committee on Pesticides. I wish to be selected to the Advisory Committee because I believe I can provide the knowledge and experience that will assist the other Members of the Committee in formulating recommendations. As a Committee Member, I see my role as a source of information from the perspective of the commercial sector. Other Members can gain better insight in which to base their respective opinions on matters that come before the Committee.

My role as an information source comes from my long career in commercial agriculture, primarily in the landscape industry. Throughout this career, I have been actively involved in the purchasing and application of pesticides, training and supervision of employees on the proper handling of pesticides, interacting with the Department of Agriculture on compliance issues, and attending educational classes seminars hosted by pesticide manufacturers, pesticide suppliers, the Landscape Industry Council of Hawaii, and CTAHR extension. Additionally, I have continuously maintained and updated my credentials as a Licensed Contractor, Certified Arborist, and Certified Applicator of Restricted Pesticides. I will bring this knowledge and experience I have gained from my career and credentials to the other Members of the Committee.

If selected, I hope to continuously keep the issue of how pesticide laws and rules affect the private industry at the forefront of every discussion, while maintaining a balanced perspective on matters at hand. I will bring to the Committee my abilities to listen carefully to other opinions, constructively discuss options, and efficiently resolve conflicts. These abilities will benefit the Committee, as I foresee these abilities will make me an active Member in all discussions and decision-making processes.

I wish to share a specific experience that shows my ability to perform as a Member of the Committee. At a previous meeting of the Advisory Committee, of which I was a Member, there was a discussion to suggest a pesticide collection program for unwanted pesticides. The initial list of entities eligible to participate in the program was restricted to farmers. Being in the landscape industry, and knowing the potential amount of unwanted pesticides that individuals in the landscape industry would like to properly dispose of, I was able effectively persuade the other Members of the Committee to expand the eligibility list to include the landscape industry. As I mentioned previously, I hope to continuously keep the private sector in the forefront of discussions in a balanced manner. This will benefit the Committee in generating fair and equitable advice to the Department of Agriculture.

Although I am in the private sector, I do not foresee any conflict of interest that may arise from my being on the Committee. The Hawaii Pesticides Law already ensures that the Committee be represented by the private sector, and I believe that I can be both fair and equitable without any conflict of interest. If any situation should occur during a discussion, where other Members may be concerned with my having a conflict of interest and can provide sufficient evidence that my judgment could be compromised, I would not hesitate to recuse myself from involvement in that discussion.

I hope that you will look favorably upon my declaration of why I should be considered for membership in the Advisory Committee on Pesticides. I strongly believe that I will be a benefit to the Committee and will be able to effectively contribute my services in support of what the Committee is tasked to do.

Sincerely,



Jerry Nishek  
Corporate Secretary / Treasurer

LINDA LINGLE  
Governor



State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814-2512

SANDRA LEE KUNIMOTO  
Chairperson, Board of Agriculture

DUANE K. OKAMOTO  
Deputy to the Chairperson

TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON  
WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS  
MONDAY, FEBRUARY 16, 2009  
11:00 AM  
ROOM 229

GOVERNOR'S MESSAGE NO. 266  
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE ADVISORY  
COMMITTEE ON PESTICIDES, GUBERNATORIAL NOMINEE, JERRY NISHEK, FOR  
A TERM TO EXPIRE 6-30-2013

Chairperson Hee and Members of the Committee:

Thank you for the opportunity to testify on behalf of the nomination of Jerry Nishek for the Advisory Committee on Pesticides.

The Advisory Committee on Pesticides is established pursuant to Chapter 149A-51, Hawaii Revised Statutes. The committee advises and assists the department in developing and revising laws and rules to carry out the purposes of Chapter 149A and in advising the department of pesticide problems.

Mr. Nishek has served on the committee since July 2005 and represents the landscape industry. A representative from the landscape industry was added to the committee as a result of statutory amendments in 2005. Mr. Nishek has been an active member of the committee, having attended all committee meetings since his appointment. He listens to issues, offers constructive comments concerning the impact of proposals on the landscape industry and enlists the support of industry organizations and Kauai pesticide applicators for pesticide program projects.

Mr. Nishek has over twenty years experience in the landscape industry at Kauai Nursery and Landscaping. He is a licensed Civil, General and Landscape Contractor, a member of the East Kauai Soil and Water Conservation District, and a member of the Contractors Association of Kauai.

His reappointment to the Advisory Committee on Pesticides is strongly recommended.

**Bernard P. Carvalho Jr.**  
Mayor



**Gary K. Heu**  
Administrative Assistant

**OFFICE OF THE MAYOR**

County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 235, Līhu'e, Hawai'i 96766  
TEL (808) 241-4900 FAX (808) 241-6877

**TESTIMONY OF THE  
COUNTY OF KAUA'I  
OFFICE OF THE MAYOR**

**TO THE SENATE COMMITTEE  
ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009**

February 16, 2009  
11:00 a.m.

**TESTIMONY ON GM 266, RELATING TO GUBERNATORIAL NOMINEE JERRY A. NISHEK.**

**TO THE HONORABLE CLAYTON HEE, CHAIR, AND MEMBERS OF THE COMMITTEE:**

My name is Bernard P. Carvalho, Jr., Mayor, providing testimony in support of Gubernatorial Nominee Jerry A. Nishek to the Advisory Committee on Pesticides (Committee).

Mr. Nishek is nominated for a term to expire on June 30, 2013. With his known expertise in horticulture and related activities, he will no doubt make substantial contributions to the Committee.

We ask you to confirm his nomination, and thank you for the opportunity to present testimony on this matter.

**TESTIMONY**  
**GM 266**  
**(END)**