



GOV. MSG. NO. 829

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 16, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 16, 2007, the following bill was signed into law:

HB1641 HD2 SD2

A BILL FOR AN ACT RELATING TO PESTICIDES.
(ACT 071)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO PESTICIDES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 149A-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to read as follows:

3 "Pest control operator" means a commercial pesticide
4 applicator, who is required to possess a valid license for pest
5 control under chapter 460J."

6 SECTION 2. Section 149A-11, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) It shall be unlawful to:

9 (1) Detach, alter, deface, or destroy, in whole or in
10 part, any label or alter any labeling of a pesticide
11 unless it is approved by the department to correct an
12 improper label or labeling under section 24(c),
13 FIFRA[-];

14 (2) Add any substance to, or take any substance from, a
15 pesticide in a manner that may defeat the purpose of
16 this chapter[-];

17 (3) Use for a person's own advantage or [te] reveal any
18 information relative to formulas of products acquired



1 in the administration of this chapter, to persons
 2 other than to the chairperson or proper officials or
 3 employees of the State or the federal government; to
 4 the courts of this State or the federal government in
 5 response to a subpoena; to physicians; or, in
 6 emergencies, to pharmacists and other qualified
 7 persons for use in the preparation of antidotes[-];i

8 (4) For any pesticide dealer, wholesaler, or retailer to
 9 expose or to offer for sale or to solicit or receive
 10 orders for the sale of restricted use pesticides
 11 unless the dealer, wholesaler, or retailer has applied
 12 for and has obtained a license from the department[-];i

13 (5) For any pesticide dealer, wholesaler, or retailer to
 14 expose or to offer for sale or to solicit or receive
 15 orders for the sale of restricted use pesticides to
 16 any person other than a certified pesticide
 17 applicator[-];i

18 (6) For any pesticide dealer, wholesaler, or retailer to
 19 make any verbal or written claim or representation
 20 relating to any pesticide product that is inconsistent
 21 with the specific pesticide product label[-];or

1 (7) For any pesticide dealer to expose to, offer for sale
2 to, or solicit or receive orders for the sale of
3 restricted use pesticides to any pest control operator
4 or to an employee of the pest control operator acting
5 on the pest control operator's behalf without
6 satisfactory proof that the pest control operator
7 holds, or has held within the previous one hundred
8 twenty days, a pest control license and, when
9 applicable, without satisfactory proof that the
10 employee is employed by the pest control operator."

11 SECTION 3. Section 149A-31, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§149A-31 Prohibited acts. No person shall:**

14 (1) Use any pesticide in a manner inconsistent with its
15 label, except that it shall not be unlawful to:

16 (A) Apply a pesticide at any dosage, concentration,
17 or frequency less than that specified on the
18 label or labeling; provided that the efficacy of
19 the pesticide is maintained and further provided
20 that, when a pesticide is applied by a commercial
21 applicator, the deviation from the label



- 1 recommendations must be with the consent of the
2 purchaser of the pesticide application services;
- 3 (B) Apply a pesticide against any target pest not
4 specified in the labeling if the application is
5 to a crop, animal, or site specified on the label
6 or labeling; provided that the label or labeling
7 does not specifically prohibit the use on pests
8 other than those listed on the label or labeling;
- 9 (C) Employ any method of application not prohibited
10 by the labeling;
- 11 (D) Mix a pesticide or pesticides with a fertilizer
12 when such mixture is not prohibited by the label
13 or labeling; or
- 14 (E) Use in a manner determined by rule not to be an
15 unlawful act;
- 16 (2) Use, store, transport, or discard any pesticide or
17 pesticide container in any manner which would have
18 unreasonable adverse effects on the environment;
- 19 (3) Use or apply restricted use pesticides unless the
20 person is a certified pesticide applicator or under
21 the direct supervision of a certified pesticide
22 applicator with a valid certificate issued pursuant to



1 rules adopted under section 149A-33(1); provided that
2 it shall be prohibited to use or apply a restricted
3 use pesticide for structural pest control uses for a
4 fee or trading of services, unless the user or
5 applicator is a pest control operator or is employed
6 by a pest control operator licensed under chapter
7 460J;

8 (4) Use or apply pesticides in any manner that has been
9 suspended, canceled, or restricted pursuant to section
10 149A-32.5;

11 (5) Falsify any record or report required to be made or
12 maintained by rules adopted pursuant to this chapter;
13 or

14 (6) Fill with water, through a hose, pipe, or other
15 similar transmission system, any tank, implement,
16 apparatus, or equipment used to disperse pesticides,
17 unless the tank, implement, apparatus, equipment,
18 hose, pipe, or other similar transmission system is
19 equipped with an air gap or a reduced-pressure
20 principle backflow device meeting the requirements
21 under section 340E-2 and the rules adopted
22 thereunder."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 16 day of MAY, 2007



GOVERNOR OF THE STATE OF HAWAII

