

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1641
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and
Agriculture, to which was referred H.B. No. 1641 entitled:

"A BILL FOR AN ACT RELATING TO PESTICIDES,"

beg leave to report as follows:

The purpose of this measure is to limit the distribution and
application of restricted pesticides used for structural pest
control to pest control operators licensed by the Department of
Commerce and Consumer Affairs.

More specifically, the measure prohibits pesticide dealers
from selling restricted use pesticides to any applicator who is
not employed or supervised by a licensed pest control operator.
Additionally, the measure requires dealers to confirm that the
pest control operator is validly licensed.

The Department of Agriculture and the Hawaii Pest Control
Association submitted testimony in support of the bill.

Your Committees have amended this measure by incorporating
amendments suggested by the Department of Agriculture to establish
a shared responsibility on pesticide applicators for the
appropriate use and application of restricted pesticides by:

- (1) Changing the term defined from "structural pesticide
applicator" to "pest control operator;"

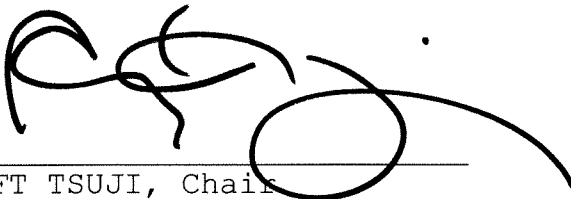


- (2) Clarifying the pesticide dealer's restriction on the sale of restricted use pesticides by requiring that the person who buys or orders such pesticides be certified in certain structural pest control categories and employed by a pest control operator or under the supervision of a certified applicator who is employed by a pest control operator;
- (3) Limiting the use or application of restricted use pesticides to individuals who are certified in certain structural pest control categories and employed by a pest control operator; and
- (4) Removing the requirement for pesticide dealers to confirm the validity of pest control operators' licenses once every one hundred twenty days.

Finally, technical nonsubstantive amendments have been made for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1641, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1641, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committees on Energy &
Environmental Protection and
Agriculture,



CLIFT TSUJI, Chair

HERMINA MORITA, Chair

HSR 496

Bill/Resolution No.: HB 1641		Date: 2/13/07		
Committee Referral: EEP / AGR , CPC		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to:				
<input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. CARROLL, Mele (VC)	✓			
3. CHONG, Pono	✓			
4. ITO, Ken	✓			
5. MAGAOAY, Michael Y.	✓			
6. SAGUM, Roland D., III	✓			
7. SAIKI, Scott K.	✓			
8. THIELEN, Cynthia				✓
TOTAL	7			1
The recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: Mele Canale				
Distribution:	Original (White) – Committee Duplicate (Yellow) – Clerk's Office			

HSCR496

Bill/Resolution No.: HB 1641	Date: February 13, 2007			
Committee Referral: EEP/AGR, CPC	<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.			
The recommendation is to: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold </div> <div> <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration </div> </div>				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	/			
2. BROWER, Tom (VC)	/			
3. BERG, Lyla B., Ph.D.	/			
4. CHANG, Jerry L.	/			
5. HANO HANO, Faye P.	/			
6. HERKES, Robert N.	/			
7. MANAHAN, Joey	/			
8. WAKAI, Glenn	/			
9. YAMANE, Ryan I.	/			
10. YAMASHITA, Kyle T.	/			
11. CHING, Corinne W.L.				/
12. MEYER, Colleen Rose				/
TOTAL	10	0	0	2
The recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> <div> If joint referral, _____ did not support recommendation. <div style="text-align: center;">committee acronym(s)</div> </div> </div> <div style="margin-top: 20px;"> Vice Chair's or designee's signature: </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				