

JAN 27 2016

S.B. NO. 3043

A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1 SECTION 1. The legislature finds that the pesticide
2 chlorpyrifos is a concern to the State. The Environmental
3 Protection Agency issued a revised human health risk assessment
4 in 2014 that showed potential risks to small watersheds with
5 high concentrations of farming where chlorpyrifos may be widely
6 used following an assessment of the Pacific northwest and
7 southwest regions; Hawaii has yet to be assessed. According to
8 the Environmental Protection Agency, chlorpyrifos can
9 overstimulate the nervous system, causing nausea, dizziness,
10 confusion, and, at very high exposures, respiratory paralysis
11 and death. Extensive scientific studies show exposing children
12 or pregnant women to chlorpyrifos in even small amounts may
13 cause developmental delays, permanently reduced cognitive
14 capacity, behavioral problems, and learning disabilities. The
15 Environmental Protection Agency issued a proposal on October 30,
16 2015, to revoke all chlorpyrifos tolerances; however, the agency
17 does not anticipate releasing a final rule until December 2016.



1 The legislature further finds that, recently, a West Kauai
2 agribusiness operation sent at least ten farm workers to the
3 hospital after exposure to chlorpyrifos and chlorpyrifos has
4 been found in the air at Waimea Canyon middle school and in the
5 water in the Kekaha ditch, as well as in streams in the county
6 of Hawaii.

7 The purpose of this Act is to impose a temporary moratorium
8 on the use of pesticides containing the active ingredient
9 chlorpyrifos pending the final decision on its use by the
10 Environmental Protection Agency; after which time the
11 legislature may revisit the issue of whether the ban should be
12 extended or made permanent.

13 SECTION 2. Section 149A-31, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§149A-31 Prohibited acts. No person shall:

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

18 (A) Apply a pesticide at any dosage, concentration,
19 or frequency less than that specified on the
20 label or labeling; provided that the efficacy of
21 the pesticide is maintained and further provided



1 that, when a pesticide is applied by a commercial
2 applicator, the deviation from the label
3 recommendations must be with the consent of the
4 purchaser of the pesticide application services;

5 (B) Apply a pesticide against any target pest not
6 specified in the labeling if the application is
7 to a crop, animal, or site specified on the label
8 or labeling; provided that the label or labeling
9 does not specifically prohibit the use on pests
10 other than those listed on the label or labeling;

11 (C) Employ any method of application not prohibited
12 by the labeling;

13 (D) Mix a pesticide or pesticides with a fertilizer
14 when such mixture is not prohibited by the label
15 or labeling; or

16 (E) Use in a manner determined by rule not to be an
17 unlawful act;

18 (2) Use, store, transport, or discard any pesticide or
19 pesticide container in any manner which would have
20 unreasonable adverse effects on the environment;



- 1 (3) Use or apply restricted use pesticides unless the
2 person is a certified pesticide applicator or under
3 the direct supervision of a certified pesticide
4 applicator with a valid certificate issued pursuant to
5 rules adopted under section 149A-33(1); provided that
6 it shall be prohibited to use or apply a restricted
7 use pesticide for structural pest control uses for a
8 fee or trading of services, unless the user or
9 applicator is a pest control operator or is employed
10 by a pest control operator licensed under chapter
11 460J;
- 12 (4) Use or apply pesticides in any manner that has been
13 suspended, canceled, or restricted pursuant to section
14 149A-32.5;
- 15 (5) Falsify any record or report required to be made or
16 maintained by rules adopted pursuant to this chapter;
17 [~~or~~]
- 18 (6) Fill with water, through a hose, pipe, or other
19 similar transmission system, any tank, implement,
20 apparatus, or equipment used to disperse pesticides,
21 unless the tank, implement, apparatus, equipment,



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1 hose, pipe, or other similar transmission system is
2 equipped with an air gap or a reduced-pressure
3 principle backflow device meeting the requirements
4 under section 340E-2 and the rules adopted
5 thereunder[-]; or

6 (7) Use pesticides containing the active ingredient
7 chlorpyrifos."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval;
11 provided that on June 30, 2017, this Act shall be repealed and
12 section 149A-31, Hawaii Revised Statutes, shall be reenacted in
13 the form in which it read on the day before the effective date
14 of this Act.

15
INTRODUCED BY:



S.B. NO. 3043

Report Title:

Pesticide Use; Chlorpyrifos; Moratorium

Description:

Temporarily bans the use of pesticides containing the active ingredient chlorpyrifos. Repeals 6/30/2017.

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