JAN 2 3 2015

### A BILL FOR AN ACT

RELATING TO THE HEALTH IMPACT OF PESTICIDES.

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

- 1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is 2 amended by adding a new part to be appropriately designated and
- 3 to read as follows:
- 4 "PART . PESTICIDES
- 5 §321- Definitions. As used in this part, unless the 6 context clearly requires otherwise:
- 7 "Department" means the department of health.
- 8 "Outdoor application" means an application of a pesticide
- 9 made outside of a building or enclosed structure. The term
- 10 excludes indoor applications of pesticides and structural or
- 11 termite application of pesticides, regardless of whether such
- 12 applications are applied inside or outside of a building or
- 13 enclosed structure.
- 14 §321- Disclosure and notification of pesticide use.
- 15 Beginning July 1, 2016, any entity or person that annually uses
- 16 or purchases in excess of pounds or gallons of
- 17 pesticides during a prior calendar year shall disclose the use

1	of all	l pesticides	in	compliance	with	the	following	disclosure
2	and no	otification	requ	uirements:				

- 3 Provide public posting of warning signs in the area in (1)4 which pesticides are to be applied a minimum of twenty-four hours prior to the outdoor application of 5 6 any pesticide. The warning signs shall remain posted 7 during the outdoor application of any pesticide and 8 until expiration of the applicable restricted-entry 9 interval established by the Environmental Protection 10 Agency for the particular pesticide. The posting of 11 warning signs during and after the outdoor application of any pesticide shall conform to the worker 12 13 protection standard established by the Environmental 14 Protection Agency. The pesticide warning signs shall contain but not be limited to the following 15 16 information:
  - (A) The trade name of the pesticide to be applied;
  - (B) The name of the active ingredient or ingredients of the pesticide to be applied;

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1		(C)	The potential hazards to humans and domestic
2			animals as listed in the precautionary statements
3			of the pesticide's label; and
4		(D)	Emergency telephone numbers to call in case of
5		/	poisoning from the pesticide.
6	(2)	Prov	ide pre-application written notification to any
7		enti	ty or person within feet of the property
8		line	where the pesticide is anticipated to be applied
9		outd	oors a minimum of twenty-four hours prior to the
10		outd	oor application of any pesticide. The pre-
11		appl	ication written notifications shall contain but
12		not	be limited to the following information:
13		(A)	The trade name of the pesticide to be applied;
14		(B)	The name of the active ingredient or ingredients
15			of the pesticide to be applied;
16		(C)	The potential hazards to humans and domestic
17			animals as listed in the precautionary statements
18		•	of the pesticide's label; and
19		(D)	Emergency telephone numbers to call in case of
20			poisoning from the pesticide.

1	(3)	No later than sixty days following the end of each
2		calendar year, any entity or person subject to this
3		section shall provide annual public reports of all
4		pesticides used in outdoor applications during the
5		prior calendar year to the department of health and
6		department of agriculture. The annual public reports
7		shall be posted online on each of the departments'
8		websites. The annual public reports shall contain but
9		not be limited to the following information:
10		(A) A listing of all pesticides used in outdoor
11		applications by federal and state registrations
12		or permit numbers, commercial product names, and
13		active ingredients;
14		(B) The total quantities used for each pesticide; and
15		(C) A general description of the geographic location,
16		including at minimum the tax map key and ahupuaa
17		where the pesticides were used."
18	SECT	ION 2. The department of health shall adopt rules,
19	pursuant	to chapter 91, Hawaii Revised Statutes, necessary for
20	the purpo	ses of this Act.

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1	SECTION 3. Nothing in this Act shall be construed to
2	prohibit or preempt the authority of an unit of local government
3	in the State of Hawaii, including counties and any other
4	political subdivisions created under article VIII, section 1, of
5	the Hawaii State Constitution, to regulate pesticide disclosure,
6	notification, and use in a manner that is equivalent to or more
7	restrictive than the provisions contained in this Act.
8	SECTION 4. If any provision of this Act, or the
9	application thereof to any person or circumstance, is held
10	invalid, the invalidity does not affect other provisions or
11	applications of the Act that can be given effect without the
12	invalid provision or application, and to this end the provisions
13	of this Act are severable.
14	SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

#### Report Title:

Pesticide; Disclosure; Notification

#### Description:

Establishes notice and reporting requirements for any entity or person that uses pesticides under certain circumstances.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.