
A BILL FOR AN ACT

RELATING TO PESTICIDE USE.

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

1 SECTION 1. Section 149A-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "certified pesticide
3 applicator" to read as follows:

4 "Certified pesticide applicator" means any individual who
5 is certified under section 149A-33(1) as authorized to use or
6 supervise the use of any pesticide [~~which is classified for~~
7 ~~restricted use~~]."

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

10 "§149A-31 Prohibited acts. No person shall:

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

13 (A) Apply a pesticide at any dosage, concentration,
14 or frequency less than that specified on the
15 label or labeling; provided that the efficacy of
16 the pesticide is maintained and further provided
17 that, when a pesticide is applied by a commercial



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



1 the direct supervision of a certified pesticide
2 applicator with a valid certificate issued pursuant to
3 rules adopted under section 149A-33(1); provided that
4 it shall be prohibited to use or apply a restricted
5 use pesticide for structural pest control uses for a
6 fee or trading of services, unless the user or
7 applicator is a pest control operator or is employed
8 by a pest control operator licensed under chapter
9 460J;

10 (4) Use or apply pesticides in any manner that has been
11 suspended, canceled, or restricted pursuant to section
12 149A-32.5;

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

16 (6) Fill with water, through a hose, pipe, or other
17 similar transmission system, any tank, implement,
18 apparatus, or equipment used to disperse pesticides,
19 unless the tank, implement, apparatus, equipment,
20 hose, pipe, or other similar transmission system is
21 equipped with an air gap or a reduced-pressure



1 principle backflow device meeting the requirements
2 under section 340E-2 and the rules adopted
3 thereunder."

4 SECTION 3. Section 149A-33, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§149A-33 Rules. The department shall [~~have the authority~~
7 ~~to~~] carry out and effectuate the purpose of this chapter by
8 adopting rules, including but not limited to the following:

- 9 (1) To establish fees, procedures, conditions, and
10 standards to certify persons for the use of
11 [~~restricted use~~] pesticides [~~under section 4 of~~
12 ~~FIFRA~~]; provided that the certification of persons to
13 use pesticides shall include an educational component
14 either established or approved by the department;
- 15 (2) To establish limitations and conditions for the
16 application of pesticides by aircraft, power rigs,
17 mist blowers, and other equipment;
- 18 (3) To establish, as necessary, specific standards and
19 guidelines [~~which~~] that specify those conditions
20 [~~which~~] that constitute unreasonable adverse effects
21 on the environment;



- 1 (4) To establish, as necessary, record keeping
2 requirements for pesticide use by applicators; and
3 (5) To establish, as necessary, procedures for the
4 issuance of guidelines to specify those conditions
5 that constitute use of a pesticide in a manner
6 inconsistent with its label."

7 SECTION 4. Section 149A-34, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§149A-34 Denial, suspension, or revocation of
10 certificate. The department may deny issuance of a certificate
11 for reasonable cause. Any certificate issued pursuant to rules
12 adopted under section 149A-33(1) may be suspended or revoked by
13 the department, after hearing, for violation of any condition of
14 the certificate or of any law or rule pertaining to the use of
15 any [~~restricted-use~~] pesticide. Any order made by the
16 department for the suspension or revocation of a certificate
17 shall be in writing and shall set forth the reasons for the
18 suspension or revocation. The action of the department in
19 suspending or revoking a certificate may be reviewed in the
20 manner provided by chapter 91."



1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on January 1, 2018.

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H.B. NO. ~~1302~~

Report Title:
Pesticide Use

Description:

Prohibits the use of any pesticide unless the user is certified by DOA. Requires DOA to include an educational component to the pesticide use certification process. Requires DOA to adopt rules to carry out the purposes of chapter 149A, HRS. Effective 1/1/18.

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