
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 . PESTICIDE BUFFER ZONES AROUND SCHOOLS
5 §321-A Definitions. As used in this part, unless the
6 context clearly requires otherwise:
7 "Certified pesticide applicator" has the same meaning as in
8 section 149A-2.
9 "Commercial pesticide applicator" has the same meaning as
10 in section 149A-2.
11 "Department" means the department of health.
12 "Experimental use pesticide" means a pesticide whose use is
13 authorized by an experimental use permit by either the
14 Environmental Protection Agency or the department.
15 "General use pesticide" has the same meaning as in section
16 149A-2.
17 "Health" means physical and mental health.



1 "Outdoor application" means an application of a pesticide
2 made outside of a building or enclosed structure. The term
3 excludes indoor applications of pesticides and structural or
4 termite application of pesticides, regardless of whether such
5 applications are applied inside or outside of a building or
6 enclosed structure.

7 "Pest control operator" has the same meaning as in section
8 149A-2.

9 "Pesticide" has the same meaning as in section 149A-2.

10 "Public school" has the same meaning as in section 302A-
11 101.

12 "Restricted use pesticide" has the same meaning as in
13 section 149A-2.

14 **§321-B Pesticide buffer zones for schools.** (a) Beginning
15 on July 1, 2018, any entity or person that uses or purchases in
16 excess of pounds or gallons of pesticides annually
17 shall restrict the outdoor application of all pesticides,
18 including restricted use, general use, or experimental use
19 pesticides, to no closer than feet from the property line
20 of any public school.



1 (b) If a more restrictive standard is set forth in the
2 information contained on the label of the pesticide, or by other
3 regulations, including county ordinances or rules, the more
4 restrictive standard shall apply.

5 (c) Any entity or person subject to this section shall
6 ensure that prior to any outdoor application of pesticides
7 pursuant to subsection (a), the application site is positively
8 identified using a unique and verifiable method, including:

- 9 (1) An onboard, geo-referenced electronic mapping and
10 navigation system, such as the Global Positioning
11 System;
12 (2) Effective site markings visible to the pesticide
13 applicator; or
14 (3) Other methods approved by the department.

15 (d) Any entity or person that is subject to this section,
16 prior to any application of pesticides, shall provide the
17 certified pesticide applicator, commercial pesticide applicator,
18 or pest control operator with a site plan that includes a site
19 map that:

- 20 (1) Delineates the boundaries of the application area and
21 the property lines;



- 1 (2) Depicts the location of public schools within
- 2 feet of the application areas; and
- 3 (3) Depicts the pesticide buffer zones for public schools
- 4 where no pesticide application is allowed, as provided
- 5 in subsection (a).

6 **§321-C Exemptions.** Notwithstanding the provisions of this
 7 part, any entity or person subject to section 321-B may obtain
 8 from the department a single-use exemption from the prohibition
 9 on outdoor applications of pesticides in pesticide buffer zones
 10 for public schools, as provided in section 321-B(a). The
 11 department shall issue a single-use exemption if it determines
 12 that:

- 13 (1) The pest situation poses an immediate threat to human
- 14 health and the environment; and
- 15 (2) There is no viable alternative to the use of the
- 16 proposed pesticide.

17 **§321-D Rules.** The department of health shall adopt rules
 18 pursuant to chapter 91 necessary to effectuate this part.

19 **§321-E County authority.** Nothing in this part shall be
 20 construed to prohibit or preempt the authority of a unit of
 21 local government in the State of Hawaii, including counties and



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1 any other political subdivisions created under article VIII,
 2 section 1, of the Hawaii State Constitution, to regulate
 3 pesticide disclosure, notification, and use in a manner that is
 4 equivalent to or more restrictive than the provisions contained
 5 in this part."

6 SECTION 2. If any provision of this Act, or the
 7 application thereof to any person or circumstance, is held
 8 invalid, the invalidity does not affect other provisions or
 9 applications of the Act that can be given effect without the
 10 invalid provision or application, and to this end the provisions
 11 of this Act are severable.

12 SECTION 3. In codifying the new sections added by section
 13 1 of this Act, the revisor of statutes shall substitute
 14 appropriate section numbers for the letters used in designating
 15 the new sections in this Act.

16 SECTION 4. This Act shall take effect upon its approval.
 17

INTRODUCED BY: _____

Keef

Richard Lewis

JAN 25 2017



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Report Title:

Pesticides; Buffer Zones; Public Schools

Description:

Establishes buffer zones around public schools that restrict pesticide use by an entity or person.

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