
A BILL FOR AN ACT

RELATING TO HAWAII PESTICIDES LAW.

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

1 SECTION 1. Moneys in the pesticide use revolving fund are
2 required to be expended by the department of agriculture to
3 support, among other things, the pesticide program's
4 registration and licensing, certification and education, and
5 compliance monitoring activities. Increasing the funds in the
6 pesticide use revolving fund will allow the department of
7 agriculture to have a greater amount of dedicated funding for
8 the State's efforts in providing pesticide regulation with
9 informed and educated studies.

10 The number of large-scale, outdoor commercial agricultural
11 operations in Hawaii has been increasing. Unlike the majority
12 of Hawaii's farmers, these operations regularly release high
13 volumes of restricted use pesticides into the environment. The
14 United States Environmental Protection Agency classifies
15 pesticides as restricted use pesticides if they are determined
16 to cause "unreasonable adverse effects on the environment" when
17 used "without additional regulatory restrictions." Information



1 pertaining to the intensive use of pesticides in large-scale
2 commercial agriculture within the State is not readily available
3 to the public.

4 Therefore, the purpose of this Act is to increase the
5 pesticide use revolving fund moneys in order to allow the
6 department of agriculture to have the necessary funds available
7 to carry out its statutory mandate and to protect the State's
8 environment and residents from the unintended impacts of large-
9 scale pesticide use by implementing the recommendation of the
10 JFF Study Group's report that the good neighbor program be
11 revised and expanded. Specifically, this Act implements the JFF
12 Study Group's recommendation by making the reporting guidelines
13 of the Kauai agricultural good neighbor program mandatory for
14 large-scale, outdoor commercial agricultural operations across
15 the State.

16 SECTION 2. Chapter 149A, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:

19 **"PART . PESTICIDE MANDATORY DISCLOSURE**

20 **§149A-A Definitions.** As used in this part:

21 "Ahupuaa" shall have the same meaning as in section 226-2.



1 "Commercial agricultural entity" means any individual,
2 partnership, association, corporation, limited liability
3 company, or organized group of persons, regardless of whether
4 incorporated, that is engaged in commercial agricultural
5 production.

6 "Commercial agricultural production" means:

7 (1) Commercial production of any seed, crop, plant,
8 timber, livestock, poultry, fish, bees, or apiary
9 products; or

10 (2) Testing or experimental production of any seed, crop,
11 plant, timber, livestock, poultry, fish, bees, or
12 apiary products.

13 "Commercial agricultural production area" means real
14 properties and areas owned, leased, or otherwise operated or
15 controlled and used by a commercial agricultural entity for
16 commercial agricultural production.

17 "Experimental use pesticide" means a pesticide whose use is
18 authorized by an experimental use permit by either the United
19 States Environmental Protection Agency or the department.

20 **§149A-B Mandatory disclosure of commercial agricultural**
21 **pesticide use.** Effective one year following the effective date



1 of Act , Session Laws of Hawaii 2017, any commercial
2 agricultural entity that annually purchases or uses in excess of
3 ten pounds or ten gallons of restricted use pesticides during
4 the prior calendar year shall disclose the use of all
5 pesticides, including restricted use, general use, and
6 experimental use pesticides. No later than sixty days following
7 the end of each calendar year, each commercial agricultural
8 entity subject to this section shall provide to the department
9 annual reports of all pesticides used in outdoor applications
10 during the preceding calendar year. The annual reports shall
11 comply with section 149A-C and shall be deemed public records
12 and posted online on the department's website.

13 **§149A-C Public reports; contents.** The department shall
14 adopt rules, pursuant to chapter 91, requiring that public
15 annual reports required under section 149A-B include the
16 following information:

- 17 (1) A listing of all pesticides used in outdoor
18 applications, by federal and state registrations or
19 permit numbers, commercial product names, and active
20 ingredients;
- 21 (2) The total quantities used for each pesticide; and



1 (3) A general description of the geographic location,
2 including, at a minimum, the tax map key number and
3 ahupuaa, in which the pesticides were used.

4 **§149A-D Rules.** The department shall adopt rules pursuant
5 to chapter 91 to implement this part; provided that the
6 department may not establish exemptions not expressly authorized
7 in this part."

8 SECTION 3. Section 149A-13.5, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsection (b) to read:

11 "(b) Moneys in the pesticide use revolving fund shall be
12 expended by the department to support the pesticide program's
13 registration and licensing, certification and education, and
14 compliance monitoring activities. The department shall also
15 expend revolving fund moneys on the establishment of pesticide
16 training workshops, educational programs, development of
17 integrated pest management strategies, the pesticide subsidy
18 program created under Act 105, Session Laws of Hawaii 2014, and
19 other services for pesticide users such as the agricultural pest
20 control industry, the structural pest control industry, and
21 consumer users of pesticides, which provide pesticide



1 instruction in areas including but not limited to the
2 collection, disposal, and recycling of pesticide containers;
3 clinical studies on pesticides; and all other pesticide services
4 deemed necessary by the department. Moneys from the revolving
5 fund may be used for personnel, services, materials, and
6 equipment for the purposes of this section[; ~~provided that the~~
7 ~~use of moneys from the revolving fund for personnel costs shall~~
8 ~~be limited to those employees under the registration and~~
9 ~~education section of the department's pesticides branch~~].

10 Moneys expended by the department from the pesticide use
11 revolving fund for training workshops, educational programs, and
12 other services for the agricultural pest control industry, the
13 structural pest control industry, and consumer groups shall be
14 expended in a manner that appropriately addresses the needs of
15 each category of pesticide user."

16 2. By amending subsection (e) to read:

17 "(e) All unobligated, unencumbered, or unexpended funds
18 remaining in the fund in excess of [~~\$250,000~~] \$ _____ at the
19 close of each fiscal year shall lapse to the state general
20 fund."



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2017-2018 to be
4 deposited into the pesticide use revolving fund.

5 There is appropriated out of the pesticide use revolving
6 fund the sum of \$ or so much thereof as may be necessary
7 for fiscal year 2017-2018 to provide a grant to the University
8 of Hawaii John A. Burns school of medicine to develop a study
9 that will determine the exposure of chlorpyrifos to one hundred
10 pregnant mothers on Hawaii island, Oahu, and Kauai by examining
11 the meconium of newborn babies.

12 The sums appropriated shall be expended by the University
13 of Hawaii for the purposes of this Act.

14 SECTION 5. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 6. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 7. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

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

9 SECTION 9. This Act shall take effect on March 9, 2092.



Report Title:

Pesticide Use Revolving Fund; Reporting of Pesticide Use

Description:

Increases the amount of moneys from the pesticide use revolving fund that the Department of Agriculture may retain to carry out its statutory mandate. Establishes disclosure requirements for commercial agricultural pesticide use. (SB804 HD1 PROPOSED)

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