
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. The legislature finds that pollinators,
2 including honeybees, are a vital part of agricultural production
3 in the State. In Hawaii, pollinators are critical to valuable
4 specialty crops, including melons, watermelons, cucumbers,
5 squash, lychee, mango, macadamia nuts, coffee beans, eggplant,
6 avocado, guava, herbs, and some flowering plants, such as
7 sunflowers. In 2007, the department of agriculture estimated
8 that nearly seventy per cent of the State's food crops depend on
9 pollination by bees. In North America, one-third of the food
10 produced depends on pollination by bees, including nearly
11 ninety-five varieties of fruits and other foods of high
12 nutritional value.

13 Scientists have linked the use of systemic neonicotinoid
14 insecticides to the rapid decline of honeybees and other
15 pollinators and to the deterioration of pollinator health. This
16 class of insecticides damages the central nervous system of
17 insects, causing tremors, paralysis, and death at very low



1 doses. Systemic insecticides are absorbed into treated plants
2 and distributed throughout their vascular systems. As a result,
3 treating a plant or coating a seed with neonicotinoids can
4 render parts of the plant, including the roots, leaves, stems,
5 flowers, nectar, pollen, and guttation fluid, toxic to insects.
6 The insecticides are persistent in soil and easily transported
7 via air, dust, and water. In addition to the acute lethal
8 effects, neonicotinoid insecticides cause sub-lethal effects,
9 including impaired foraging and feeding behavior,
10 disorientation, weakened immunity, delayed larval development,
11 and increased susceptibility to viruses, diseases, and
12 parasites. The toxins also kill or weaken beneficial
13 invertebrates, birds, and other wildlife, through direct and
14 indirect effects.

15 Hawaii boasts a variety of native pollinators, including
16 honeycreeper birds, Hawaiian yellow-faced bees, and the
17 Kamehameha butterfly. Unfortunately, these iconic species are
18 in peril. Native bees, beneficial insects of all kinds, and
19 food chains of aquatic invertebrates, insects, birds, bats, and
20 other pollinators in Hawaii are at risk from environmental
21 contamination by highly-persistent neonicotinoids. Twenty



1 species of honeycreepers are already extinct. In 2016, the
2 United States Fish and Wildlife Service added the following
3 seven species of Hawaiian yellow-faced bees to the federal lists
4 of endangered and threatened wildlife and plants: *Hylaeus*
5 *anthracinus*, *Hylaeus longiceps*, *Hylaeus assimulans*, *Hylaeus*
6 *facilis*, *Hylaeus hilaris*, *Hylaeus kuakea*, and *Hylaeus mana*.
7 These native bee species are at even greater risk from the use
8 of neonicotinoid insecticides.

9 Scientists have also found that seeds coated in
10 neonicotinoids are harmful to birds. The consumption of a
11 single corn kernel coated with a neonicotinoid can kill a
12 medium-sized songbird. In 2013, the European Union voted to
13 suspend the use of three major neonicotinoids—imidacloprid,
14 clothianidin, and thiamethoxam—on certain agricultural crops
15 pending a review of their safety. States in this country have
16 also restricted some neonicotinoid uses to address their risks.

17 In 2015, the United States Environmental Protection Agency
18 announced a moratorium on approvals for new outdoor uses of
19 neonicotinoids. Since January 2016, the United States Fish and
20 Wildlife Service has prohibited uses of neonicotinoid pesticides



1 in agricultural practices within the National Wildlife Refuge
2 System.

3 The legislature also finds that glyphosate is a broad-
4 spectrum herbicide, meaning the herbicide kills many varieties
5 of green vegetation and is widely used in agricultural,
6 residential, aquatic, and other settings. In fact, glyphosate
7 is the most widely used herbicide globally and within the United
8 States due to the widespread cultivation of "Roundup Ready"
9 crops, i.e., crops that have been genetically engineered to
10 withstand its application. Because of glyphosate's intensive
11 and extensive use, it is regularly found in food, the air,
12 rainfall, and surface waters. The increased use of glyphosate
13 in genetically engineered agriculture has resulted in the rapid
14 development and proliferation of previously unknown herbicide
15 tolerant superweeds. As more crops are genetically engineered
16 to resist glyphosate, glyphosate use and resistance in weeds
17 both increase. Superweeds threaten to overtake the habitat of
18 native flora and fauna in uncultivated lands and force farmers
19 and land managers to use increasingly toxic and expensive
20 herbicides, which further exacerbate the environmental and
21 health-related impacts of the herbicide.



1 Increased use of glyphosate-based herbicides with
2 glyphosate-resistant crops has substantial environmental
3 impacts, including reduced biodiversity, the loss of milkweed, a
4 plant that the monarch butterfly relies on which has caused a
5 steady decline in monarch butterfly populations, and potential
6 impacts to water and aquatic life, such as amphibians.

7 In 2015, the International Agency for Research on Cancer, a
8 division of the World Health Organization and the world's
9 leading authority on cancer, unanimously concluded that
10 glyphosate is a probable carcinogen. The International Agency
11 for Research on Cancer's determination was based on a rigorous
12 assessment that concluded that there is sufficient evidence of
13 carcinogenicity in experimental animals.

14 In light of glyphosate's proven environmental and human
15 health risks, many jurisdictions have moved to restrict its use.
16 For example, at least two municipalities in California have
17 banned the use of glyphosate herbicides from use on public lands
18 within their localities. These municipalities have found
19 organic alternatives to glyphosate, such as "avenger," to be
20 effective. California has also proposed listing glyphosate as a
21 possible carcinogen under the state's Safe Drinking Water and



1 Toxic Enforcement Act of 1986 (Proposition 65), which requires
2 California to publish chemicals known to cause cancer or birth
3 defects or other reproductive harm. Finally, in 2016, the
4 European Commission, the executive body of the European Union,
5 made a series of recommendations to restrict the use of
6 glyphosate while the European Chemical Agency concludes its
7 review of the chemical. One of the recommendations calls for
8 minimizing the use of glyphosate herbicides in public parks,
9 public playgrounds, and gardens.

10 The purpose of this Act is to defend and protect Hawaii's
11 public health, agricultural economy, and natural ecosystems by
12 restricting the exposure of:

- 13 (1) Hawaii's honeybees, native bees, insects, birds, and
14 other pollinators to neonicotinoid insecticides; and
15 (2) Hawaii's residents, plants, animals, and natural
16 resources to glyphosate herbicides.

17 SECTION 2. Section 149A-2, Hawaii Revised Statutes, is
18 amended by adding two new definitions to be appropriately
19 inserted and to read as follows:

20 "Glyphosate" or "glyphosate herbicides" includes all
21 herbicides that contain glyphosate as one of the active



1 ingredients and tank mixes of herbicides containing glyphosate
2 as one of the active ingredients.

3 "Neonicotinoid insecticides" means a class of systemic
4 pesticides with a common mode of action that affects the central
5 nervous system of insects that includes the following active
6 ingredients: acetamiprid, clothianidin, dinoteluran,
7 imidacloprid, thiamethoxam, or other new neonicotinoid
8 insecticides as specified by the department pursuant to rule."

9 SECTION 3. Section 149A-31, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§149A-31 Prohibited acts.** No person shall:

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

14 (A) Apply a pesticide at any dosage, concentration,
15 or frequency less than that specified on the
16 label or labeling; provided that the efficacy of
17 the pesticide is maintained and further provided
18 that, when a pesticide is applied by a commercial
19 applicator, the deviation from the label
20 recommendations must be with the consent of the
21 purchaser of the pesticide application services;



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

7 (C) Employ any method of application not prohibited
8 by the labeling;

9 (D) Mix a pesticide or pesticides with a fertilizer
10 when such mixture is not prohibited by the label
11 or labeling; or

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

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

17 (3) Use or apply restricted use pesticides unless the
18 person is a certified pesticide applicator or under
19 the direct supervision of a certified pesticide
20 applicator with a valid certificate issued pursuant to
21 rules adopted under section 149A-33(1); provided that



1 it shall be prohibited to use or apply a restricted
2 use pesticide for structural pest control uses for a
3 fee or trading of services, unless the user or
4 applicator is a pest control operator or is employed
5 by a pest control operator licensed under chapter
6 460J;

7 (4) Use or apply pesticides in any manner that has been
8 suspended, canceled, or restricted pursuant to section
9 149A-32.5;

10 (5) Falsify any record or report required to be made or
11 maintained by rules adopted pursuant to this chapter;
12 [ex]

13 (6) Fill with water, through a hose, pipe, or other
14 similar transmission system, any tank, implement,
15 apparatus, or equipment used to disperse pesticides,
16 unless the tank, implement, apparatus, equipment,
17 hose, pipe, or other similar transmission system is
18 equipped with an air gap or a reduced-pressure
19 principle backflow device meeting the requirements
20 under section 340E-2 and the rules adopted
21 [thereunder.]; or



1 (7) After December 31, 2020, apply any neonicotinoid
2 insecticide or glyphosate herbicide, including the
3 planting of any seed or plant pretreated with any
4 neonicotinoid insecticide, on any public land owned or
5 maintained by the State without a:

6 (A) License issued by the State or any agency of the
7 federal government to conduct neonicotinoid
8 insecticide research; or

9 (B) Permit issued by the State to apply any
10 neonicotinoid insecticide or glyphosate herbicide
11 because:

12 (i) The situation poses an immediate threat to
13 human health and the environment; and

14 (ii) There is no viable alternative to the use of
15 the proposed neonicotinoid insecticide or
16 glyphosate herbicide."

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

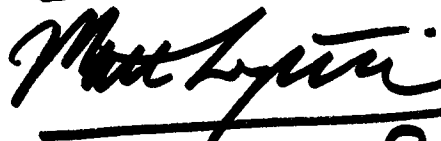
5 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

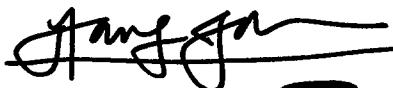














JAN 24 2018



H.B. NO. 2722

Report Title:

Environmental Protection; Neonicotinoid Insecticides; Glyphosate Herbicides; Public Lands; Prohibitions

Description:

Prohibits the application of neonicotinoid insecticides and glyphosate herbicides after December 31, 2020, without a license or permit issued by the State on State public lands under certain conditions.

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

