
A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1 PART I

2 SECTION 1. The legislature finds that there are nearly ten
3 thousand pesticides registered for use in Hawaii. The
4 department of agriculture is responsible for ensuring pesticides
5 are used correctly in Hawaii. The legislature further finds
6 that it is in the interest of the public to enhance the ability
7 of the department of agriculture and the University of Hawaii
8 college of tropical agriculture and human resources to respond
9 to questions about pesticide use and make recommendations
10 regarding pesticides for the protection of public safety and the
11 environment. The legislature concludes that this can best be
12 accomplished by increasing the pesticide licensing fee and
13 amending the authorized uses of the pesticide use revolving
14 fund.

15 Accordingly, the purpose of this Act is to:

16 (1) Increase the pesticide licensing fee and require
17 annual renewal of the license;



- 1 (2) Amend authorized uses for moneys in the pesticide use
- 2 revolving fund;
- 3 (3) Require a memorandum of understanding between the
- 4 department of agriculture and the University of Hawaii
- 5 college of tropical agriculture and human resources
- 6 regarding the expenditure of funds from the pesticide
- 7 use revolving fund and a report to the legislature;
- 8 (4) Establish an environmental toxicologist position
- 9 within the department of agriculture and a pesticide
- 10 extension specialist, through a contract with the
- 11 department of agriculture, within the University of
- 12 Hawaii college of tropical agriculture and human
- 13 resources; and
- 14 (5) Appropriate funds out of the pesticide use revolving
- 15 fund for specific purposes.

PART II

17 SECTION 2. Section 149A-13, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) The licensee shall pay [~~\$75~~] \$310 for each year, or
20 fraction thereof, that the pesticide is licensed. Licensing
21 fees may be increased or decreased from time to time by rules



1 and may vary according to the amount or quantity of pesticide to
2 be sold, offered for sale, or distributed. [~~The term of the~~
3 ~~license shall be for a period of up to three years.~~ A] Every
4 license shall expire on December 31 [~~of the third~~] each year.
5 In case of renewal of license, a statement shall be required
6 only with respect to information which is different from that
7 furnished when the pesticide was licensed or last relicensed."

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

10 "**§149A-13.5 Pesticide use revolving fund; [~~pesticide~~**
11 **~~training workshops~~]; uses; training fee.** (a) There is
12 established within the treasury of the State, a pesticide use
13 revolving fund. The fund shall be administered by the
14 department for the purposes of this section. The fund shall
15 consist of:

- 16 (1) Licensing and registration fees and charges collected
17 by the department under section 149A-13(b);
- 18 (2) All fees collected by the department through the
19 collection of training fees in accordance with
20 subsection (c); and



1 (3) Funds appropriated for the pesticide subsidy program
 2 established under Act 105, Session Laws of Hawaii
 3 2014.

4 (b) ~~[Moneys in the pesticide use revolving fund shall be~~
 5 ~~expended by the department to support the pesticide program's~~
 6 ~~registration and licensing, certification and education, and~~
 7 ~~compliance monitoring activities. The department shall also~~
 8 ~~expend revolving fund moneys on the establishment of pesticide~~
 9 ~~training workshops, educational programs, development of~~
 10 ~~integrated pest management strategies, the pesticide subsidy~~
 11 ~~program created under Act 105, Session Laws of Hawaii 2014, and~~
 12 ~~other services for pesticide users such as the agricultural pest~~
 13 ~~control industry, the structural pest control industry, and~~
 14 ~~consumer users of pesticides, which provide pesticide~~
 15 ~~instruction in areas including but not limited to the~~
 16 ~~collection, disposal, and recycling of pesticide containers and~~
 17 ~~all other pesticide services deemed necessary by the~~
 18 ~~department.] Moneys from the pesticide use revolving fund may~~
 19 ~~be used for personnel, services, materials, and equipment for~~
 20 ~~the purposes of this section[; provided that the use of moneys~~
 21 ~~from the revolving fund for personnel costs shall be limited to~~



1 ~~these employees under the registration and education section of~~
2 ~~the department's pesticides branch].~~ Moneys in the revolving
3 fund shall be expended by the department for:

- 4 (1) Registration and technical review;
- 5 (2) Certification, including certification of restricted
6 use pesticides or experimental use pesticides;
- 7 (3) Compliance monitoring activities;
- 8 (4) Development of an electronic data collection system
9 for all required pesticide reporting;
- 10 (5) Personnel costs, including the hiring of necessary
11 staff;
- 12 (6) Development of pesticide-related educational materials
13 in conjunction with the University of Hawaii college
14 of tropical agriculture and human resources;
- 15 (7) Demonstration trials in conjunction with the
16 University of Hawaii college of tropical agriculture
17 and human resources cooperative extension service
18 agents to develop integrated management and drift
19 management technologies; and
- 20 (8) A pesticide disposal program.



1 The department shall also expend revolving fund moneys on
2 the pesticide subsidy program created under Act 105, Session
3 Laws of Hawaii 2014, and shall partner with the University of
4 Hawaii college of tropical agriculture and human resources to
5 expend revolving fund moneys on the establishment of pesticide
6 education programs and pesticide training programs and for the
7 establishment of a position of pesticide extension specialist.

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

14 (c) The department may set fees for [the] any educational
15 [services] programs and training programs provided under this
16 section.

17 (d) All interest earned on the deposit or investment of
18 the moneys in the fund shall become a part of the fund.

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



1 agriculture and University of Hawaii college of tropical
 2 agriculture and human resources shall submit a report to the
 3 legislature on all moneys expended from the pesticide use
 4 revolving fund in accordance with the memorandum of
 5 understanding required under subsection (a).

6 SECTION 5. (a) There is established within the department
 7 of agriculture the position of an environmental toxicologist.
 8 The position shall be exempt from chapter 76, Hawaii Revised
 9 Statutes. The position shall partner with the department of
 10 health toxicologist to expand the technical capacity of the
 11 departments of agriculture and health to analyze findings and
 12 make recommendations regarding environmental and human health.

13 (b) There shall be a memorandum of understanding between
 14 the department of agriculture environmental toxicologist and the
 15 department of health toxicologist that defines a collaborative
 16 relationship between the two positions.

17 SECTION 6. There is appropriated out of the pesticide use
 18 revolving fund the sum of \$ or so much thereof as may be
 19 necessary for fiscal year 2017-2018 and the same sum or so much
 20 thereof as may be necessary for fiscal year 2018-2019 for



1 operating expenses and the position of environmental
2 toxicologist established under section 5 of this Act.

3 The sums appropriated shall be expended by the department
4 of agriculture exclusively for the purposes of this Act.

5 SECTION 7. There is established within the University of
6 Hawaii college of tropical agriculture and human resources the
7 position of pesticide extension specialist, to be funded by the
8 pesticide use revolving fund through a contract with the
9 department of agriculture. The pesticide extension specialist
10 shall be responsible for:

11 (1) Developing educational materials in conjunction with
12 the department of agriculture pursuant to section
13 149A-13.5(b), Hawaii Revised Statutes;

14 (2) Working with the environmental toxicologist
15 established under section 5 of this Act to design
16 experiments; and

17 (3) Exploring partnerships with other agencies for funding
18 opportunities.

19 SECTION 8. There is appropriated out of the pesticide use
20 revolving fund the sum of \$ or so much thereof as may be
21 necessary for fiscal year 2017-2018 and the same sum or so much



1 thereof as may be necessary for fiscal year 2018-2019 for
2 operating expenses and the position of a pesticide extension
3 specialist established under section 7 of this Act.

4 The sums appropriated shall be expended by the department
5 of agriculture exclusively for the purposes of this Act.

6 PART IV

7 SECTION 9. There is appropriated out of the pesticide use
8 revolving fund the sum of \$ or so much thereof as may be
9 necessary for fiscal year 2017-2018 and the same sum or so much
10 thereof as may be necessary for fiscal year 2018-2019 for
11 registration and technical review.

12 SECTION 10. There is appropriated out of the pesticide use
13 revolving fund the sum of \$ or so much thereof as may be
14 necessary for fiscal year 2017-2018 and the same sum or so much
15 thereof as may be necessary for fiscal year 2018-2019 for
16 certification activities, including certification of restricted
17 use pesticides or experimental use pesticides.

18 SECTION 11. There is appropriated out of the pesticide use
19 revolving fund the sum of \$ or so much thereof as may be
20 necessary for fiscal year 2017-2018 and the same sum or so much



1 thereof as may be necessary for fiscal year 2018-2019 for
2 compliance monitoring expenses.

3 SECTION 12. There is appropriated out of the pesticide use
4 revolving fund the sum of \$ or so much thereof as may be
5 necessary for fiscal year 2017-2018 and the same sum or so much
6 thereof as may be necessary for fiscal year 2018-2019 for the
7 development of an electronic data collection system.

8 SECTION 13. There is appropriated out of the pesticide use
9 revolving fund the sum of \$ or so much thereof as may be
10 necessary for fiscal year 2017-2018 and the same sum or so much
11 thereof as may be necessary for fiscal year 2018-2019 for the
12 development of pesticide-related educational materials.

13 SECTION 14. There is appropriated out of the pesticide use
14 revolving fund the sum of \$ or so much thereof as may be
15 necessary for fiscal year 2017-2018 and the same sum or so much
16 thereof as may be necessary for fiscal year 2018-2019 to conduct
17 demonstration trials in conjunction with the University of
18 Hawaii college of tropical agriculture and human resources
19 cooperative extension service agents to develop integrated
20 management and drift management technologies.



1 SECTION 15. There is appropriated out of the pesticide use
2 revolving fund the sum of \$ or so much thereof as may be
3 necessary for fiscal year 2017-2018 and the same sum or so much
4 thereof as may be necessary for fiscal year 2018-2019 for the
5 pesticide disposal program.

6 SECTION 16. The sums appropriated by sections 9 to 15
7 shall be expended by the department of agriculture exclusively
8 for the purposes of this part.

9 PART V

10 SECTION 17. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 18. This Act shall take effect on July 31, 2150.



Report Title:

Pesticides; Licensing; Fees; Pesticide Use Revolving Fund;
Appropriation

Description:

Increases the pesticide licensing fee and requires annual renewal of the license. Amends authorized uses for moneys in the pesticide use revolving fund. Requires MOA between Department of Agriculture and UH regarding the expenditure of funds from the revolving fund and a report to the legislature. Establishes an environmental toxicologist position and a pesticide extension specialist position. Appropriates funds out of the revolving fund for specific purposes.

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

