

JAN 19 2018

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# A BILL FOR AN ACT

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RELATING TO PESTICIDES.

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

1       SECTION 1. The legislature finds that use of the pesticide  
2 chlorpyrifos is a concern to the State. Chlorpyrifos is a  
3 restricted use pesticide in the State and is also the most  
4 widely used conventional insecticide in the country by pounds of  
5 active ingredient. Chlorpyrifos is most commonly used to  
6 control pests on crops like almonds, broccoli, and cauliflower.

7       In previous studies, the Environmental Protection Agency  
8 found that chlorpyrifos can overstimulate the nervous system,  
9 causing nausea, dizziness, confusion, and, at very high  
10 exposures, respiratory paralysis and death. Extensive  
11 scientific studies show that exposing children or pregnant women  
12 to chlorpyrifos in even small amounts may cause developmental  
13 delays, permanently reduced cognitive capacity, behavioral  
14 problems, and learning disabilities.

15       In response to a petition by advocacy groups, under the  
16 Obama Administration, the Environmental Protection Agency twice  
17 issued proposals to revoke all chlorpyrifos tolerances – the



1 maximum amount of pesticides allowed on a food product.

2 However, the Environmental Protection Agency failed to finalize  
3 the ban on chlorpyrifos. After multiple delays, a federal judge  
4 gave the agency a March 31, 2017, deadline to take action.

5 Under the Trump Administration, in March 2017, the  
6 Environmental Protection Agency reversed its direction and  
7 announced that it would formally postpone action on the use of  
8 chlorpyrifos on food-grade products and instead study the  
9 unresolved effects of chlorpyrifos through 2022. Despite a  
10 legal challenge by several organizations and seven states to the  
11 Environmental Protection Agency's decision, a federal appeals  
12 court declined to direct the Environmental Protection Agency to  
13 decide whether to ban the use of chlorpyrifos.

14 In Hawaii, in 2016, at least ten farm workers of a West  
15 Kauai agribusiness operation were taken to the hospital after  
16 exposure to chlorpyrifos. Despite the failure of the  
17 Environmental Protection Agency to ban chlorpyrifos, the  
18 legislature finds that it must take action to eliminate the  
19 health risks posed by the use of chlorpyrifos by prohibiting its  
20 use within the State.



1       The purpose of this Act is to ban the use of pesticides  
2 containing the active ingredient chlorpyrifos within the State.

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

5       "**§149A-31 Prohibited acts.** No person shall:

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

8       (A) Apply a pesticide at any dosage, concentration,  
9 or frequency less than that specified on the  
10 label or labeling; provided that the efficacy of  
11 the pesticide is maintained and further provided  
12 that, when a pesticide is applied by a commercial  
13 applicator, the deviation from the label  
14 recommendations must be with the consent of the  
15 purchaser of the pesticide application services;

16       (B) Apply a pesticide against any target pest not  
17 specified in the labeling if the application is  
18 to a crop, animal, or site specified on the label  
19 or labeling; provided that the label or labeling  
20 does not specifically prohibit the use on pests  
21 other than those listed on the label or labeling;



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

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

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

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

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



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

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

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

(7) Use pesticides containing the active ingredient chlorpyrifos."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



# S.B. NO. 2107

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

John M. ...  
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# S.B. NO. 2107

**Report Title:**

Pesticides; Prohibition; Chlorpyrifos

**Description:**

Prohibits the use of pesticides containing the active ingredient chlorpyrifos.

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

