

JAN 19 2018

A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

PART I

SECTION 1. The legislature finds that there are nearly 10,000 pesticides registered for use in Hawaii. The department of agriculture is responsible for ensuring pesticides are used correctly in Hawaii. The legislature further finds that it is in the interest of the public to enhance the ability of the department of agriculture and the University of Hawaii college of tropical agriculture and human resources to respond to questions about pesticide use and make recommendations regarding pesticides for the protection of public safety and the environment. The legislature concludes that this can best be accomplished by increasing the pesticide licensing fee and amending the authorized uses of the pesticide use revolving fund.

Accordingly, the purpose of this Act is to:

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



S.B. NO. 2295

(2) Amend authorized uses for moneys in the pesticide use revolving fund;

(3) Establish an environmental toxicologist position within the department of agriculture and a pesticide extension specialist, through a contract with the department of agriculture, within the University of Hawaii college of tropical agriculture and human resources; and

(4) Appropriate funds out of the pesticide use revolving fund for specific purposes.

PART II

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

"(b) The licensee shall pay [~~\$75~~] \$310 for each year, or fraction thereof, that the pesticide is licensed. Licensing fees may be increased or decreased from time to time by rules and may vary according to the amount or quantity of pesticide to be sold, offered for sale, or distributed. [~~The term of the license shall be for a period of up to three years. A]~~ Every license shall expire on December 31 [~~of the third~~] each year. In case of renewal of license, a statement shall be required



1 only with respect to information which is different from that
2 furnished when the pesticide was licensed or last relicensed."

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

5 "§149A-13.5 Pesticide use revolving fund; ~~[pesticide~~
6 ~~training workshops,]~~ uses; training fee. (a) There is
7 established within the treasury of the State, a pesticide use
8 revolving fund. The fund shall be administered by the
9 department for the purposes of this section. The fund shall
10 consist of:

11 (1) Licensing and registration fees and charges collected
12 by the department under section 149A-13(b);

13 (2) All fees collected by the department ~~[through the~~
14 ~~collection of]~~ for educational programs and training
15 ~~[fees]~~ programs in accordance with subsection (c); and

16 (3) Funds appropriated for the pesticide subsidy program
17 established under Act 105, Session Laws of Hawaii
18 2014.

19 (b) ~~[Moneys in the pesticide use revolving fund shall be~~
20 ~~expended by the department to support the pesticide program's~~
21 ~~registration and licensing, certification and education, and~~



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

18 ~~Moneys expended by the department from the pesticide use~~
19 ~~revolving fund for training workshops, educational programs, and~~
20 ~~other services for the agricultural pest control industry, the~~
21 ~~structural pest control industry, and consumer groups shall be~~



~~expended in a manner that appropriately addresses the needs of each category of pesticide user].~~

Moneys in the pesticide use revolving fund shall be expended by the department for:

- (1) Pesticide registration and technical review;
- (2) Certification, including certification of restricted use pesticides or experimental use pesticides;
- (3) Compliance monitoring activities;
- (4) Development of an electronic data collection system for all required pesticide reporting;
- (5) Personnel costs, including the hiring of necessary staff;
- (6) Development of pesticide-related educational materials in conjunction with the University of Hawaii college of tropical agriculture and human resources;
- (7) Demonstration trials in conjunction with the University of Hawaii college of tropical agriculture and human resources cooperative extension service agents to develop integrated management and drift management technologies; and
- (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 (c) The department may set fees for [the] any educational
9 [services] programs and training programs provided under this
10 section.

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

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

16 ~~+(f)]~~ (e) The department shall submit an annual report to
17 the legislature on all moneys deposited into, and disbursed
18 from, the pesticide use revolving fund. The report shall be
19 submitted to the legislature not fewer than twenty days prior to
20 the convening of each regular session. The report shall
21 [group] :



1 (1) Group all moneys deposited into, and disbursed from,
2 the revolving fund according to the categories
3 established in subsections (a) to [~~(e)~~] (d);

4 (2) Include recommendations to improve pesticide education
5 and regulatory processes within the State; and

6 (3) Include recommendations for budget reallocations for
7 the subsequent fiscal year."

8 **PART III**

9 SECTION 4. (a) The department of agriculture and the
10 University of Hawaii college of tropical agriculture and human
11 resources shall execute a memorandum of understanding regarding
12 the expenditure of moneys from the pesticide use revolving fund
13 pursuant to section 149A-13.5(b), Hawaii Revised Statutes.

14 (b) No later than twenty days prior to the convening of
15 the regular session of 2019, and each regular session
16 thereafter, the department of agriculture and University of
17 Hawaii college of tropical agriculture and human resources shall
18 submit a report to the legislature on all moneys expended from
19 the pesticide use revolving fund in accordance with the
20 memorandum of understanding required under subsection (a).



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

9 (b) There shall be a memorandum of understanding between
10 the department of agriculture environmental toxicologist and the
11 department of health toxicologist that defines a collaborative
12 relationship between the two positions.

13 SECTION 6. There is appropriated out of the pesticide use
14 revolving fund the sum of \$200,000 or so much thereof as may be
15 necessary for fiscal year 2018-2019 for operating expenses and
16 the position of environmental toxicologist established under
17 section 5 of this Act.

18 The sum appropriated shall be expended by the department of
19 agriculture exclusively for the purposes of this Act.

20 SECTION 7. There is established within the University of
21 Hawaii college of tropical agriculture and human resources the



1 position of pesticide extension specialist, to be funded by the
2 pesticide use revolving fund through a contract with the
3 department of agriculture. The pesticide extension specialist
4 shall be responsible for:

5 (1) Developing educational materials in conjunction with
6 the department of agriculture pursuant to section
7 149A-13.5(b), Hawaii Revised Statutes;

8 (2) Working with the environmental toxicologist
9 established under section 5 of this Act to design
10 experiments; and

11 (3) Exploring partnerships with other agencies for funding
12 opportunities.

13 SECTION 8. There is appropriated out of the pesticide use
14 revolving fund the sum of \$200,000 or so much thereof as may be
15 necessary for fiscal year 2018-2019 for operating expenses and
16 the position of pesticide extension specialist established under
17 section 7 of this Act.

18 The sum appropriated shall be expended by the department of
19 agriculture exclusively for the purposes of this Act.

20 **PART IV**



1 SECTION 9. There is appropriated out of the pesticide use
2 revolving fund the sum of \$25,000 or so much thereof as may be
3 necessary for fiscal year 2018-2019 for pesticide registration
4 and technical review.

5 SECTION 10. There is appropriated out of the pesticide use
6 revolving fund the sum of \$25,000 or so much thereof as may be
7 necessary for fiscal year 2018-2019 for certification
8 activities, including certification of restricted use pesticides
9 or experimental use pesticides.

10 SECTION 11. There is appropriated out of the pesticide use
11 revolving fund the sum of \$300,000 or so much thereof as may be
12 necessary for fiscal year 2018-2019 for compliance monitoring
13 expenses.

14 SECTION 12. There is appropriated out of the pesticide use
15 revolving fund the sum of \$750,000 or so much thereof as may be
16 necessary for fiscal year 2018-2019 for the development of an
17 electronic data collection system for all required pesticide
18 reporting.

19 SECTION 13. There is appropriated out of the pesticide use
20 revolving fund the sum of \$400,000 or so much thereof as may be



1 necessary for fiscal year 2018-2019 for the development of
2 pesticide-related educational materials.

3 SECTION 14. There is appropriated out of the pesticide use
4 revolving fund the sum of \$300,000 or so much thereof as may be
5 necessary for fiscal year 2018-2019 to conduct demonstration
6 trials in conjunction with the University of Hawaii college of
7 tropical agriculture and human resources cooperative extension
8 service agents to develop integrated management and drift
9 management technologies.

10 SECTION 15. There is appropriated out of the pesticide use
11 revolving fund the sum of \$500,000 or so much thereof as may be
12 necessary for fiscal year 2018-2019 for the pesticide disposal
13 program.

14 SECTION 16. The sums appropriated by sections 9 to 15
15 shall be expended by the department of agriculture exclusively
16 for the purposes of this Act.

17 **PART V**

18 SECTION 17. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



S.B. NO. 2215

1 SECTION 18. This Act shall take effect on July 1, 2018.

2

INTRODUCED BY:

Rosaly H. Becker

BT

Clarence W. Richardson

D. J. J. J.

Jim

Lorraine R. Mowse

B

Jim



S.B. NO. 2295

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 memorandum of understanding between the department of agriculture and the University of Hawaii college of tropical agriculture and human resources regarding the expenditure of funds from the pesticide use revolving fund and a report to the legislature. Establishes an environmental toxicologist position within the department of agriculture and a pesticide extension specialist, through a contract with the department of agriculture, within the University of Hawaii college of tropical agriculture and human resources. Appropriates funds out of the pesticide use 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.

