

JAN 19 2018

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. Pollination by honeybees and other pollinators
2 is a vital part of agricultural production. One-third of the
3 food produced in North America and nearly ninety-five varieties
4 of fruits and other foods rely on pollination by honeybees.
5 Over the past several years, however, bee colony collapses and
6 excessive bee mortality have reached record highs, with some
7 beekeepers losing large portions of their operations and
8 suffering reduced production of honey.

9 Scientists have linked the use of systemic neonicotinoid
10 insecticides to the rapid decline of honeybees and other
11 pollinators as well as to the deterioration of pollinator
12 health. As systemic insecticides, the neonicotinoid
13 insecticides are absorbed into treated plants and distributed
14 throughout their vascular systems. As a result, treating a
15 plant or coating a seed with a neonicotinoid insecticide can
16 render many parts of the plant toxic to insects, including the
17 roots, leaves, stems, flowers, nectar, pollen, and guttation



1 fluid. Neonicotinoid insecticides are also persistent in soil
2 and are easily transported through air, dust, and water.

3 Neonicotinoid insecticides damage the central nervous
4 system of insects, causing tremors, paralysis, and death.
5 Neonicotinoid insecticides also have sublethal effects on
6 insects, including impaired foraging and feeding behavior,
7 disorientation, weakened immunity, delayed larval development,
8 and increased susceptibility to viruses, diseases, and
9 parasites.

10 Neonicotinoids can also kill or weaken beneficial
11 invertebrates, birds, and other wildlife through direct and
12 indirect effects. Scientists have found that seed coatings
13 containing neonicotinoid insecticide are harmful to birds. A
14 2013 scientific study has demonstrated that consumption of a
15 single corn kernel coated with neonicotinoid insecticide can
16 kill a songbird. Environmental contaminations by neonicotinoid
17 insecticides harm not only honeybees, but other pollinators,
18 including beneficial insects, birds, and bats.

19 In 2013, the European Union voted to suspend use of three
20 major neonicotinoid insecticides, imidacloprid, clothianidin,
21 and thiamethoxam, on certain agricultural crops pending a review



1 of their safety. Other states, including New York, have
2 restricted the use of some neonicotinoid insecticides because of
3 their risks. In 2014, the United States Fish and Wildlife
4 Service announced that it would phase out uses of neonicotinoid
5 insecticides in all national wildlife refuges, including those
6 in Hawaii, by January 2016 due to their harmful effects on
7 wildlife.

8 The purpose of this Act is to protect Hawaii's honeybees,
9 insects, bats, birds, and other pollinators from exposure to
10 neonicotinoid insecticides and to defend and protect Hawaii's
11 agricultural economy and natural ecosystems.

12 This Act shall be liberally construed to fulfill these
13 purposes.

14 SECTION 2. Section 149A-2, Hawaii Revised Statutes, is
15 amended by adding a new definition to be appropriately inserted
16 and to read as follows:

17 "Neonicotinoid insecticide" means any systemic pesticide
18 that has a common mode of action that affects the central
19 nervous system of insects and that contains any of the following
20 as active ingredients: acetamiprid, clothianidin, dinotefuran,
21 imidacloprid, thiacloprid, thiamethoxam, and any other new



1 ingredients as may be identified by rule adopted by the
2 department pursuant to chapter 91."

3 SECTION 3. 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;



1 (4) Use or apply pesticides in any manner that has been
2 suspended, canceled, or restricted pursuant to section
3 149A-32.5;

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

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

16 (7) After June 30, 2019, apply any neonicotinoid
17 insecticide without a permit issued by the department
18 of agriculture or any agency of the federal
19 government. For the purposes of this paragraph,
20 application of any neonicotinoid insecticide shall



1 include planting any seeds coated with any
2 neonicotinoid insecticide."

3 SECTION 4. No later than January 1, 2019, the department
4 of agriculture shall adopt rules, pursuant to chapter 91, Hawaii
5 Revised Statutes, to carry out and effectuate the purposes of
6 this Act. The rules shall contain procedures to obtain a permit
7 for the one-time use of a neonicotinoid insecticide in instances
8 where:

- 9 (1) The pest situation poses an immediate threat to human
10 health or the environment; and
11 (2) There is no viable alternative to the proposed use of
12 the neonicotinoid insecticide.

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

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



S.B. NO. 2469

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

3 SECTION 8. This Act shall take effect on July 1, 2018.
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S.B. NO. 2469

Report Title:

Neonicotinoid Insecticide; Pesticides; Agriculture;
Environmental Protection

Description:

After 6/30/2019, prohibits application of neonicotinoid insecticides, including planting any seeds coated with neonicotinoid insecticide, without a permit.

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