

JAN 24 2018

S.B. NO. 2726

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# A BILL FOR AN ACT

RELATING TO HEALTH EFFECTS OF PESTICIDE USE.

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

PART I

SECTION 1. The legislature finds that the State of Hawaii is required to maintain a birth defect registry. However, the most recent surveillance report only covers data from 1986 to 2005, and was published in 2011.

The legislature finds that there are obstetricians and pediatricians working in community hospitals who believe that there is a higher than average rate of birth defects in regions affected by pesticide use, up to ten times the national average. The legislature also finds that there are other serious health risks associated with pesticide exposure. For doctors to effectively treat patients who have been exposed to pesticides, it is critical that the doctors know which pesticides are involved.

The legislature additionally finds that multiple outside sources confirm a strong association between pesticide exposure and birth defect rates. For instance, in a study of births



1 between 2003 and 2005, the Environmental Protection Agency  
2 found, "Exposure to a variety of pesticides have been linked to  
3 increased risk of birth defects." The National Institutes of  
4 Health reported, "A significant association was found between  
5 the season of elevated agrochemicals and birth defects." The  
6 American Academy of Pediatrics found, "The evidence base is most  
7 robust for associations" from pesticides "to pediatric cancer  
8 and adverse neurodevelopment." Finally, the American Pregnancy  
9 Association found increased risk for neural tube defects among  
10 infants born to women living within one-quarter mile of  
11 agricultural crops, and advised limited exposure to pesticides,  
12 especially during the first trimester of pregnancy.

13 The purpose of this part is to require the department of  
14 health to take actions to protect public health by:

- 15 (1) Reviewing the methodology associated with the birth  
16 defect registry;
- 17 (2) Updating the birth defect registry in a timely manner;  
18 and
- 19 (3) Taking actions to address potential birth defects and  
20 other health problems related to exposure to



1 pesticides, particularly among those population groups  
2 that are at higher risk of exposure.

3 SECTION 2. Section 321-422, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§321-422[+] **Birth defects program.** (a) The  
6 department of health shall establish the statewide birth defects  
7 program to:

8 (1) Collect surveillance information on birth defects and  
9 other adverse reproductive outcomes;

10 (2) ~~[Report]~~ Annually report the incidence, trends, and  
11 causes of birth defects and other adverse reproductive  
12 outcomes;

13 (3) ~~[Report]~~ Annually report information for the  
14 development of prevention strategies to reduce the  
15 incidence of birth defects and other adverse  
16 reproductive outcomes; ~~[and]~~

17 (4) Develop strategies to improve the access of children  
18 with birth defects to health and early intervention  
19 services~~[-]~~; and

20 (5) Design and implement a comprehensive testing and  
21 biomonitoring program targeting pregnant women,



1           children, and newborn infants to determine the  
2           presence of pesticides, including chlorpyrifos, that  
3           may result from low-level, long-term chronic exposure.

4           This program shall particularly target those children  
5           whose families live or work in areas subject to  
6           consistent or high levels of pesticide use.

7           (b) In collecting the data required under subsection  
8           (a)(1), the department shall consult with national experts on  
9           birth defects, epidemiologists with experience in pesticide  
10           exposure, and local physicians with experience in treating birth  
11           defects and pesticide exposure for purposes of reviewing the  
12           department's data collection methodology and practices to ensure  
13           that the birth defect registry accurately reflects any risk of  
14           birth defects posed to children in Hawaii from pesticide  
15           exposure. The department shall, after consulting with national  
16           experts, epidemiologists, and local physicians and, if  
17           necessary, revising its data collection methodology and  
18           practices, move forward in an urgent manner to fully update the  
19           birth defect registry statewide."



1       SECTION 3. The department of health shall complete its  
2       consultation and revisions and fully update the birth defect  
3       registry pursuant to this part no later than .

4       SECTION 4. There is appropriated out of the general  
5       revenues of the State of Hawaii the sum of \$               or so  
6       much thereof as may be necessary for fiscal year 2018-2019 to be  
7       deposited into the birth defects special fund.

8       SECTION 5. There is appropriated out of the birth defects  
9       special fund the sum of \$               or so much thereof as may be  
10      necessary for fiscal year 2018-2019 for consultation with  
11      national and local experts on pesticide exposure and birth  
12      defects, revision of data collection methodology and processes,  
13      and updating of the birth defects registry.

14      The sum appropriated shall be expended by the department of  
15      health for the purposes of this part.

16                                   PART II

17      SECTION 6. Chapter 149A, Hawaii Revised Statutes, is  
18      amended by adding four new sections to be appropriately  
19      designated and to read as follows:

20      "§149A-       Reporting of pesticide use. (a) The department  
21      of health shall require every major pesticide user to report all



1 pesticide use, including normal use and experimental use, to the  
2 department of health.

3 (b) Reports required pursuant to subsection (a) shall  
4 include the commercial product name, active ingredient, general  
5 geographic location of the use, and proximity to human activity.

6 (c) Reports required pursuant to subsection (a) shall be  
7 made:

8 (1) At least forty-eight hours prior to each proposed use;  
9 and

10 (2) Each month, listing all pesticide uses over the  
11 previous month.

12 (d) The department of health shall publish on its website  
13 the public information contained in the reports required  
14 pursuant to subsection (a) submitted to the department; provided  
15 that the department shall not post information on its website  
16 protected by section 92F-13.

17 (e) The department of health may prepare any forms  
18 necessary to meet the requirements of this section. In addition  
19 to any other administrative requirements, the department may  
20 also require the persons or entities filing pesticide records,  
21 reports, or forms to furnish an additional form that shall be



1 suitable for posting online in response to requests pursuant to  
2 chapter 92F or title 5 United States Code section 552; provided  
3 that the additional form may not require the disclosure of  
4 information protected by section 92F-13.

5 (f) The department of health may cease collecting and  
6 publishing the reports required under this section after the  
7 department:

8 (1) Completes its consultation with experts, revision of  
9 data collection methodology and processes, and update  
10 of the birth defects registry as required by section  
11 321-422; and

12 (2) Certifies that there is no risk to the affected  
13 community from exposure to pesticides.

14 **\$149A- Pesticide-free buffer zones.** (a) The department  
15 of health shall prohibit the use of any restricted use pesticide  
16 by a major pesticide user within one-quarter mile from any  
17 hospital, public park, public building, public beach, church, or  
18 any other public area, or within five hundred feet of any school  
19 grounds or private home.

20 (b) The department of health may rescind all or part of  
21 the prohibition in subsection (a) after the department:



(1) Completes its consultation with experts, revision of data collection methodology and processes, and update of the birth defects registry as required by section 321-422; and

(2) Certifies that there is no risk to the affected community from exposure to pesticides.

**§149A- No preemption.** Nothing in this chapter shall be construed to preempt or prohibit the authority of the State and counties, or any agency or subdivision thereof, to regulate pesticide disclosure, notification, and use, including the establishment of pesticide-free buffer zones, more stringently than under this chapter.

**§149A- Temporary ban on chlorpyrifos use.** (a) Beginning on January 1, 2019, the department of health shall prohibit the use of any pesticide containing chlorpyrifos as an active ingredient.

(b) The department of health may rescind all or part of the prohibition in subsection (a) only after the department:

(1) Completes its consultation with experts, revision of data collection methodology and processes, and update





1           of the birth defects registry as required by section  
2           321-422; and  
3           (2) Certifies that there is no risk to newborns from  
4           exposure to chlorpyrifos."

5           SECTION 7. Section 149A-2, Hawaii Revised Statutes, is  
6           amended by adding a new definition to be appropriately inserted  
7           and to read as follows:

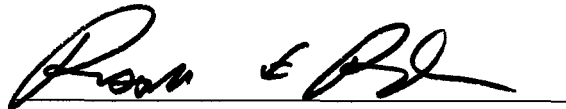
8           "Major pesticide user" means any entity that purchases or  
9           uses five or more pounds or fifteen or more gallons of  
10          restricted use pesticides in a twelve-month period."

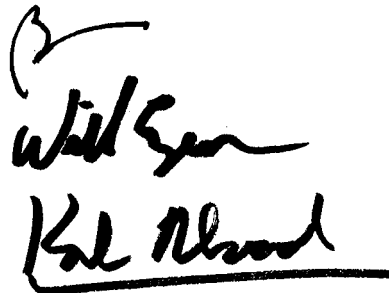
11                               PART III

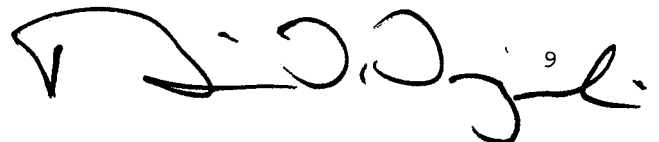
12          SECTION 8. Statutory material to be repealed is bracketed  
13          and stricken. New statutory material is underscored.

14          SECTION 9. This Act shall take effect upon its approval.

15                               INTRODUCED BY:









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**Report Title:**

Birth Defects; Pesticides; Department of Health; Temporary Ban; Reports; Database; Birth Defect Registry

**Description:**

Requires department of health to update how it obtains information for the birth defect registry with respect to pesticides, develop a comprehensive pesticide testing program, require reporting of pesticide use, ban pesticide use near public areas, and ban use of chlorpyrifos.

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

