

JAN 24 2018

---

# A BILL FOR AN ACT

---

RELATING TO PESTICIDES.

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

1       SECTION 1. The legislature finds that the pesticide  
2 chlorpyrifos is a concern to the State. Following an assessment  
3 of the Pacific northwest and southwest regions, the  
4 Environmental Protection Agency issued a revised human health  
5 risk assessment in 2014 that showed potential risks to small  
6 watersheds with high concentrations of farming where  
7 chlorpyrifos may be widely used; Hawaii has yet to be assessed.  
8 According to the Environmental Protection Agency, chlorpyrifos  
9 can overstimulate the nervous system, causing nausea, dizziness,  
10 confusion, and, at very high exposures, respiratory paralysis  
11 and death. Extensive scientific studies show exposing children  
12 or pregnant women to chlorpyrifos in even small amounts may  
13 cause developmental delays, permanently reduced cognitive  
14 capacity, behavioral problems, and learning disabilities.

15       The legislature further finds that, recently, a West Kauai  
16 agribusiness operation sent at least ten farm workers to the  
17 hospital after exposure to chlorpyrifos and that chlorpyrifos



1 has been found in the air at Waimea Canyon middle school and in  
2 the water in the Kekaha ditch, as well as in streams in the  
3 county of Hawaii.

4 The legislature notes that on December 15, 2017, the  
5 California office of environmental health hazard assessment  
6 added chlorpyrifos to the list of chemicals known to the state  
7 of California to cause reproductive and developmental toxicity,  
8 according to experts on California's developmental and  
9 reproductive toxicant identification committee. Consequently,  
10 beginning on December 15, 2018, all California businesses with  
11 ten or more employees will be required to provide a clear and  
12 reasonable warning before knowingly exposing anyone to  
13 chlorpyrifos above a certain level determined by California's  
14 safe drinking water and toxic enforcement act of 1986.

15 The purpose of this Act is to ban the use of pesticides  
16 containing the active ingredient chlorpyrifos in the State.

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

19 "**§149A-31 Prohibited acts.** No person shall:

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



- 1 (A) Apply a pesticide at any dosage, concentration,  
2 or frequency less than that specified on the  
3 label or labeling; provided that the efficacy of  
4 the pesticide is maintained and further provided  
5 that, when a pesticide is applied by a commercial  
6 applicator, the deviation from the label  
7 recommendations must be with the consent of the  
8 purchaser of the pesticide application services;
- 9 (B) Apply a pesticide against any target pest not  
10 specified in the labeling if the application is  
11 to a crop, animal, or site specified on the label  
12 or labeling; provided that the label or labeling  
13 does not specifically prohibit the use on pests  
14 other than those listed on the label or labeling;
- 15 (C) Employ any method of application not prohibited  
16 by the labeling;
- 17 (D) Mix a pesticide or pesticides with a fertilizer  
18 when [~~such~~] the mixture is not prohibited by the  
19 label or labeling; or
- 20 (E) Use in a manner determined by rule not to be an  
21 unlawful act;



- 1       (2) Use, store, transport, or discard any pesticide or  
2       pesticide container in any manner [~~which~~] that would  
3       have unreasonable adverse effects on the environment;
- 4       (3) Use or apply restricted use pesticides unless the  
5       person is a certified pesticide applicator or under  
6       the direct supervision of a certified pesticide  
7       applicator with a valid certificate issued pursuant to  
8       rules adopted under section 149A-33(1); provided that  
9       it shall be prohibited to use or apply a restricted  
10      use pesticide for structural pest control uses for a  
11      fee or trading of services, unless the user or  
12      applicator is a pest control operator or is employed  
13      by a pest control operator licensed under chapter  
14      460J;
- 15      (4) Use or apply pesticides in any manner that has been  
16      suspended, canceled, or restricted pursuant to section  
17      149A-32.5;
- 18      (5) Falsify any record or report required to be made or  
19      maintained by rules adopted pursuant to this chapter;  
20      [~~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.

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

INTRODUCED BY:

~~Don AC~~ ~~Each-Aqua~~  
John E. Goff  
Ronald H. Baker

Mike Gattuso  
Paul Alford  
John Green MD  
Will Egan



# S.B. NO. 2837

**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.*

