

JAN 20 2017

A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

PART I

1
2 SECTION 1. The legislature finds that there are nearly
3 10,000 pesticides registered for use in Hawaii. The department
4 of agriculture is responsible for ensuring pesticides are used
5 correctly in Hawaii. The legislature further finds that it is
6 in the interest of the public to enhance the ability of the
7 department of agriculture and the University of Hawaii college
8 of tropical agriculture and human resources to respond to
9 questions about pesticide use and make recommendations regarding
10 pesticides for the protection of public safety and the
11 environment. The legislature concludes that this can best be
12 accomplished by increasing the pesticide licensing fee and
13 amending the authorized uses of the pesticide use revolving
14 fund.

15 Accordingly, the purpose of this Act is to:

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



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 training fees in accordance with
15 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]. Moneys in the revolving~~
18 ~~fund shall be expended by the department for:~~

19 (1) Registration and technical review;

20 (2) Certification, including certification of restricted

21 use pesticides or experimental use pesticides;



- 1 (3) Compliance monitoring activities;
- 2 (4) Development of an electronic data collection system
- 3 for all required pesticide reporting;
- 4 (5) Personnel costs, including the hiring of necessary
- 5 staff;
- 6 (6) Development of pesticide-related educational materials
- 7 in conjunction with the University of Hawaii college
- 8 of tropical agriculture and human resources;
- 9 (7) Demonstration trials in conjunction with the
- 10 University of Hawaii college of tropical agriculture
- 11 and human resources cooperative extension service
- 12 agents to develop integrated management and drift
- 13 management technologies; and
- 14 (8) A pesticide disposal program.

15 The department shall also expend revolving fund moneys on
16 the pesticide subsidy program created under Act 105, Session
17 Laws of Hawaii 2014, and shall partner with the University of
18 Hawaii college of tropical agriculture and human resources to
19 expend revolving fund moneys on the establishment of pesticide
20 education programs and pesticide training programs and for the
21 establishment of a position of pesticide extension specialist.



1 ~~[Moneys expended by the department from the pesticide use~~
2 ~~revolving fund for training workshops, educational programs, and~~
3 ~~other services for the agricultural pest control industry, the~~
4 ~~structural pest control industry, and consumer groups shall be~~
5 ~~expended in a manner that appropriately addresses the needs of~~
6 ~~each category of pesticide user.]~~

7 (c) The department may set fees for [the] any educational
8 ~~[services]~~ programs and training programs provided under this
9 section.

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

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

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



S.B. NO. 346

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

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

12 SECTION 6. There is appropriated out of the pesticide use
13 revolving fund the sum of \$200,000 or so much thereof as may be
14 necessary for fiscal year 2017-2018 and the same sum or so much
15 thereof as may be necessary for fiscal year 2018-2019 for
16 operating expenses and the position of environmental
17 toxicologist established under section 5 of this Act.

18 The sums appropriated shall be expended by the department
19 of 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 2017-2018 and the same sum or so much
16 thereof as may be necessary for fiscal year 2018-2019 for
17 operating expenses and the position of a pesticide extension
18 specialist established under section 7 of this Act.

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

21 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 2017-2018 and the same sum or so much
4 thereof as may be necessary for fiscal year 2018-2019 for
5 registration and technical review.

6 SECTION 10. There is appropriated out of the pesticide use
7 revolving fund the sum of \$25,000 or so much thereof as may be
8 necessary for fiscal year 2017-2018 and the same sum or so much
9 thereof as may be necessary for fiscal year 2018-2019 for
10 certification activities, including certification of restricted
11 use pesticides or experimental use pesticides.

12 SECTION 11. There is appropriated out of the pesticide use
13 revolving fund the sum of \$300,000 or so much thereof as may be
14 necessary for fiscal year 2017-2018 and the same sum or so much
15 thereof as may be necessary for fiscal year 2018-2019 for
16 compliance monitoring expenses.

17 SECTION 12. There is appropriated out of the pesticide use
18 revolving fund the sum of \$750,000 or so much thereof as may be
19 necessary for fiscal year 2017-2018 and the same sum or so much
20 thereof as may be necessary for fiscal year 2018-2019 for the
21 development of an electronic data collection system.



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1 SECTION 13. There is appropriated out of the pesticide use
2 revolving fund the sum of \$400,000 or so much thereof as may be
3 necessary for fiscal year 2017-2018 and the same sum or so much
4 thereof as may be necessary for fiscal year 2018-2019 for the
5 development of pesticide-related educational materials.

6 SECTION 14. There is appropriated out of the pesticide use
7 revolving fund the sum of \$300,000 or so much thereof as may be
8 necessary for fiscal year 2017-2018 and the same sum or so much
9 thereof as may be necessary for fiscal year 2018-2019 to conduct
10 demonstration trials in conjunction with the University of
11 Hawaii college of tropical agriculture and human resources
12 cooperative extension service agents to develop integrated
13 management and drift management technologies.

14 SECTION 15. There is appropriated out of the pesticide use
15 revolving fund the sum of \$500,000 or so much thereof as may be
16 necessary for fiscal year 2017-2018 and the same sum or so much
17 thereof as may be necessary for fiscal year 2018-2019 for the
18 pesticide disposal program.

19 SECTION 16. The sums appropriated by sections 9 to 15
20 shall be expended by the department of agriculture exclusively
21 for the purposes of this part.



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PART V

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

SECTION 18. This Act shall take effect on July 1, 2017.

INTRODUCED BY:

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S.B. NO. 346

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.

