



1           (2)   Increase the civil and criminal penalties for  
2                   violating the Hawaii pesticides law.

3           SECTION 2.   (a)   The department of agriculture, in  
4   consultation with the department of health, shall develop and  
5   implement a pesticide disposal collection program to provide a  
6   one-time, affordable, and accessible means for bona fide  
7   agricultural entities to dispose of restricted use and  
8   nonrestricted use pesticides.

9           (b)   The department of agriculture shall establish on the  
10   islands of Hawaii, Kauai, Lanai, Maui, Molokai, and Oahu  
11   disposal locations for restricted use and nonrestricted use  
12   pesticides to effectuate the purposes of this Act.   Each  
13   disposal location shall offer the opportunity for bona fide  
14   agricultural entities to dispose of restricted use and  
15   nonrestricted use pesticides for a duration to be determined by  
16   the department.

17           (c)   The department of agriculture shall operate the  
18   pesticide disposal collection program as a free or low-cost  
19   program to encourage the safe and legal disposal of restricted  
20   use and nonrestricted use pesticides; provided that:



1           (1) The department of agriculture shall not charge a fee  
2           for the disposal, up to a maximum weight or volume to  
3           be determined by the department, of restricted use  
4           pesticides or nonrestricted use pesticides containing  
5           a restricted use ingredient; provided that the  
6           financial obligation of the department to accept  
7           pesticides for disposal is limited to the monetary  
8           amount appropriated by this Act, less the cost of  
9           pesticide storage; and

10          (2) The department may impose a fee schedule, which shall  
11          be exempt from chapters 91 and 201M, Hawaii Revised  
12          Statutes, for disposing of restricted use pesticides  
13          or nonrestricted use pesticides containing a  
14          restricted use ingredient in weights or volumes that  
15          exceed the amount determined by the department  
16          pursuant to paragraph (1).

17          (d) The department of agriculture shall implement the  
18          pesticide disposal collection program no later than June 30,  
19          2022, and operate the program for a duration to be determined by  
20          the department.



1 (e) For purposes of this Act, "bona fide agricultural  
2 entity" means one or more individuals or a company, corporation,  
3 partnership, association, or other legal entity in the State  
4 that engages in or has engaged in an agricultural operation as  
5 defined in section 46-88(d), Hawaii Revised Statutes, provided  
6 that a bona fide agricultural entity shall include any  
7 successor, heir, or beneficiary that received from a bona fide  
8 agricultural entity any restricted use or nonrestricted use  
9 pesticide.

10 (f) No later than July 31, 2021, the department of  
11 agriculture shall convene a pesticide disposal collection  
12 program steering committee to guide and monitor the pesticide  
13 disposal collection program. The steering committee shall  
14 comprise the advisory committee on pesticides established  
15 pursuant to section 149A-51, Hawaii Revised Statutes; provided  
16 that a representative of the Hawaii Agriculture Research Center  
17 and representatives of any other entities deemed necessary by  
18 the chairperson of the board of agriculture shall be invited to  
19 participate.

20 SECTION 3. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$800,000 or so much



1 thereof as may be necessary for fiscal year 2021-2022 and the  
2 same sum or so much thereof as may be necessary is appropriated  
3 for fiscal year 2022-2023 for establishing and operating the  
4 pesticide disposal collection program.

5 The sums appropriated shall be expended by the department  
6 of agriculture for the purposes of this Act.

7 PART II

8 SECTION 4. Section 149A-41, Hawaii Revised Statutes, is  
9 amended by amending subsections (b) and (c) to read as follows:

10 "(b) Administrative penalties.

11 (1) In general, any registrant, commercial applicator,  
12 wholesaler, dealer, retailer, or other distributor who  
13 violates any provision of this chapter may be assessed  
14 an administrative penalty by the board of not more  
15 than [~~\$5,000~~] \$10,000 for each offense;

16 (2) Any private applicator or other person not included in  
17 paragraph (1) who violates any provision of this  
18 chapter relating to the use of pesticides while on  
19 property owned or rented by that person or the  
20 person's employer, subsequent to receiving a written  
21 warning from the department or following a citation



1 for a prior violation, may be assessed an  
2 administrative penalty by the board of not more than  
3 [~~\$1,000~~] \$5,000 for each offense. Any private  
4 applicator or other person not included in paragraph  
5 (1) who violates any provision of this chapter  
6 relating to licensing, transport, sale, distribution,  
7 or application of a pesticide for commercial purposes  
8 may be assessed an administrative penalty as provided  
9 in paragraph (1);

10 (3) No administrative penalty shall be assessed unless the  
11 person charged shall have been given notice and an  
12 opportunity for a hearing on the specific charge in  
13 the county of the residence of the person charged.  
14 The administrative penalty and any proposed action  
15 contained in the notice of finding of violation shall  
16 become a final order unless, within twenty days of  
17 receipt of the notice, the person or persons charged  
18 make a written request for a hearing. In determining  
19 the amount of penalty, the board shall consider the  
20 appropriateness of the penalty to the size of the  
21 business of the person charged, the effect on the



1 person's ability to continue business, and the gravity  
2 of the violation; and

3 (4) In case of inability to collect the administrative  
4 penalty or failure of any person to pay all or such  
5 portion of the administrative penalty as the board may  
6 determine, the board shall refer the matter to the  
7 attorney general, who shall recover the amount by  
8 action in the appropriate court. For any judicial  
9 proceeding to recover the administrative penalty  
10 imposed, the attorney general need only show that  
11 notice was given, a hearing was held or the time  
12 granted for requesting a hearing has expired without  
13 such a request, the administrative penalty was  
14 imposed, and that the penalty remains unpaid.

15 (c) Criminal penalties.

16 (1) In general, any registrant, commercial applicator,  
17 wholesaler, dealer, retailer, or other distributor who  
18 knowingly violates any provision of this chapter shall  
19 be guilty of a misdemeanor and shall on conviction be  
20 fined not more than [~~\$25,000,~~] \$35,000, or imprisoned  
21 for not more than one year, or both.







**Report Title:**

Department of Agriculture; Department of Health; Pesticide Disposal; Steering Committee; Penalties; Appropriation

**Description:**

Requires the department of agriculture, in consultation with the department of health, to develop and implement a one-time pesticide disposal collection program, for a duration to be determined by the department. Requires the department of agriculture to convene a steering committee to guide and monitor the pesticide disposal collection program. Increases the civil and criminal penalties for violating the Hawaii pesticides law. Appropriates moneys. (SD1)

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