

JAN 21 2022

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 public health
2 and welfare require more strict regulation of pesticides on
3 properties owned and controlled by the State. Particularly,
4 glyphosate; 2,4-D; chlorpyrifos; dicamba; and malathion are
5 dangerous carcinogenic pesticides, the use of which should be
6 strictly curtailed on state property, including at state parks,
7 recreational facilities, schools, roadways, correctional
8 institutions, office buildings, and other places owned or
9 controlled by the State.

10 The purpose of this Act is to prohibit the use of dangerous
11 pesticides on state lands and at state facilities.

12 SECTION 2. Chapter 149A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§149A- Dangerous pesticides; state lands. (a)
16 Dangerous pesticides shall be prohibited on any property owned
17 or controlled by the State on or after July 1, 2022.



1 (b) This section does not prohibit the use of dangerous
2 pesticides on private property or privately controlled land
3 adjacent to a state road easement or on any other privately
4 owned property;

5 (c) Should an emergency arise that necessitates the
6 temporary use of dangerous pesticides, the department
7 administering a property on which the dangerous pesticides are
8 to be used shall submit a formal request for exemption to the
9 governor; provided that:

10 (1) Actions taken under an exemption are solely for the
11 purpose of mitigating the emergency;

12 (2) All other methods available to mitigate the emergency
13 have been demonstrated to be inadequate; and

14 (3) The time frame for the exemption is established and
15 presented by the department.

16 Requests for emergency exemptions under this subsection shall be
17 made by official communication from the applicable department to
18 the governor.

19 (d) Other pesticides not considered dangerous pesticides
20 shall be used on state lands or by state entities pursuant to
21 the following:



1 (1) Pesticide use shall comply with section 149A-31;

2 (2) Any area on which the pesticide is applied shall be
3 made inaccessible to the public until the product has
4 dried or for an amount of time directed on the product
5 label; provided that the area must be made
6 inaccessible for no less than four hours after the
7 pesticide was applied; and

8 (3) A visible notice in the form of a temporary sign shall
9 be posted at the location of pesticide application
10 identifying the pesticide used by name and listing
11 known hazards and risks of the pesticide.

12 (e) As used in this section:

13 "Dangerous pesticide" means Glyphosate; 2,4-D;
14 Chlorpyrifos; Dicamba; and Malathion-based pesticides.

15 "Emergency" means an urgent need to mitigate or eliminate a
16 plant pest that threatens public health and safety.

17 "Minimum risk products and methods" are products and
18 methods that are not regulated by the Environmental Protection
19 Agency."

20 SECTION 3. If any provision of this Act, or the
21 application thereof to any person or circumstance, is held



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1 invalid, the invalidity does not affect other provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2022.

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INTRODUCED BY: _____

Jana Acasio



S.B. NO. 2849

Report Title:

Dangerous Pesticides; State Land; State Government; Regulation

Description:

Prohibits the use of certain dangerous pesticides on state lands, except as needed to respond to emergencies.

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