
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that the number of
2 large-scale, outdoor commercial agricultural operations in
3 Hawaii has increased. Unlike the majority of Hawaii's farmers,
4 these operations regularly release high volumes of restricted
5 use pesticides into the environment. The United States
6 Environmental Protection Agency classifies pesticides as
7 restricted use pesticides if they are determined to cause
8 "unreasonable adverse effects on the environment" when used
9 "without additional regulatory restrictions." Information
10 pertaining to the intensive use of pesticides in large-scale
11 commercial agriculture within the State is not readily available
12 to the public.

13 The purpose of this Act is to require certain commercial
14 agricultural entities to issue public reports regarding their
15 pesticide use.



1 SECTION 2. Chapter 149A, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . PESTICIDE MANDATORY DISCLOSURE

5 **§149A-A Definitions.** As used in this part:

6 "Commercial agricultural entity" means any individual,
7 partnership, association, corporation, limited liability
8 company, or organized group of persons, regardless of whether
9 incorporated, that is engaged in commercial agricultural
10 production.

11 "Commercial agricultural production" means:

- 12 (1) Commercial production of any seed, crop, plant,
13 timber, livestock, poultry, fish, bees, or apiary
14 products; or
15 (2) Testing or experimental production of any seed, crop,
16 plant, timber, livestock, poultry, fish, bees, or
17 apiary products.

18 "Commercial agricultural production area" means real
19 properties and areas owned, leased, or otherwise operated or
20 controlled and used by a commercial agricultural entity for
21 commercial agricultural production.



1 "Experimental use pesticide" means a pesticide of which use
2 is authorized by an experimental use permit by either the United
3 States Environmental Protection Agency or the department.

4 **§149A-B Mandatory disclosure of commercial agricultural**
5 **pesticide use.** Effective one year following the effective date
6 of Act , Session Laws of Hawaii 2023, any commercial
7 agricultural entity that annually purchases or uses in excess of
8 pounds or gallons of non-diluted restricted use pesticides
9 during the prior calendar year shall disclose the use of all
10 pesticides, including restricted use, general use, and
11 experimental use pesticides. No later than sixty days after the
12 end of each calendar year, each commercial agricultural entity
13 subject to this section shall provide to the department annual
14 reports of all pesticides used in outdoor applications during
15 the preceding calendar year. The annual reports shall comply
16 with rules adopted pursuant to section 149A-C and shall be
17 deemed public records and posted on the department's website.

18 **§149A-C Rules; public reports; contents.** (a) The
19 department shall adopt rules, pursuant to chapter 91, to
20 implement this part, including rules requiring that the reports
21 required under section 149A-B include the following:



1 (1) A listing of all pesticides used in outdoor
2 applications, by federal and state registrations or
3 permit numbers, commercial product names, and active
4 ingredients;

5 (2) The total quantities of each pesticide used; and

6 (3) A general description of the geographic location,
7 including, at a minimum, the tax map key number, where
8 the pesticides were used.

9 (b) Rules adopted by the department shall not establish
10 exemptions not expressly authorized in this part."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. The revisor of statutes shall insert the
15 effective date of this Act in the appropriate location in
16 section 2 of this Act.

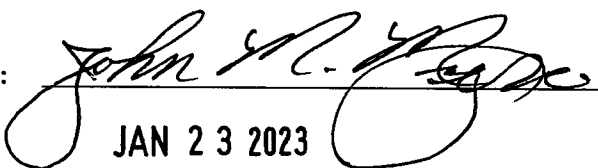
17 SECTION 5. In codifying the new sections added by
18 section 2 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

4

INTRODUCED BY: 
JAN 23 2023



H.B. NO. 915

Report Title:

Pesticide; Department of Health; Agriculture; Disclosure

Description:

Requires certain commercial agricultural entities to issue annual public reports regarding their pesticide use.

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

