
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 pesticide use is
2 associated with neurological deficits and acute health effects
3 in children. Scientific research conducted by academic
4 institutions and the Environmental Protection Agency has
5 demonstrated that pesticides sprayed on agricultural fields can
6 drift off site, causing adverse health effects. Drift can occur
7 through:

- 8 (1) Spray, mist, or fumes;
9 (2) Odor during application; or
10 (3) Volatilization of previously treated areas.

11 The legislature further finds that Act 45, Session Laws of
12 Hawaii 2018, is an excellent example of state regulatory action
13 to protect the public from neurologically damaging pesticides,
14 as it bans the use of chlorpyrifos, establishes a one hundred
15 foot buffer zone around school property within which no person
16 shall apply a restricted use pesticide, and requires the
17 department of agriculture to produce a summary to the public of



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1 certain information on restricted use pesticides used. However,
2 the legislature also finds that the one hundred foot buffer zone
3 for schools is insufficient. Pesticide drift can occur at
4 distances up to 0.8 mile, or 4,224 feet, from the site of
5 application. The legislature additionally finds that scientific
6 evidence supports a one-half mile buffer from schools, as well
7 as public parks, to prevent acute health effects and long-term
8 neurological impacts on Hawaii's children.

9 The purpose of this Act is to:

- 10 (1) Require the department of agriculture to use
11 consistent units of measurement in its summary to the
12 public on restricted use pesticides used; and
13 (2) Prohibit restricted use pesticides from being applied
14 within one-half mile of schools during normal school
15 hours and expands the prohibition to areas around
16 state or county public parks.

17 SECTION 2. Section 149A-27, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~f~~]**S149A-27**[~~f~~] **Public reports; contents.** The department
20 shall produce a summary, for public disclosure, by county, that
21 includes:



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1 (1) The total quantities used, in a consistent unit of
2 measurement, by federal and state registrations or
3 permit numbers, commercial product names, and active
4 ingredients, for each restricted use pesticide used;
5 and

6 (2) The amount of area in the county in which the
7 restricted use application occurred."

8 SECTION 3. Section 149A-28, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[+]§149A-28[+]~~ **Buffer zones.** Beginning January 1,
11 ~~[2019,]~~ 2025, no person shall apply a restricted use pesticide
12 on or within ~~[one hundred feet]~~ one-half mile of a school
13 property during normal school hours~~[+]~~ or a state or county
14 public park; provided that this section shall not apply to whole
15 structure fumigation; provided further that if this section is
16 determined to conflict with any pesticide application
17 information listed on the pesticide label, the more restrictive
18 provision shall apply."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.



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INTRODUCED BY:

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JAN 22 2024



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Report Title:

Pesticides; Buffer Zones; Restricted Use Pesticides; Consistent Unit of Measurement; Public Parks; Department of Agriculture

Description:

Requires the Department of Agriculture to use consistent units of measurement in its summary to the public on the amounts of restricted use pesticides used. Effective 1/1/2025, prohibits restricted use pesticides from being applied within one-half mile of schools during normal school hours and of state or county public parks.

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