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# A BILL FOR AN ACT

RELATING TO COFFEE PEST CONTROL.

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

1           SECTION 1. The legislature finds that coffee is one of the  
2 largest agricultural crops in the State and is a highly valued  
3 commodity in Hawaii's economy. In recent years, the coffee  
4 berry borer, a small beetle, has infested coffee crops in the  
5 Kona and Kau regions of Hawaii island, and more recently has  
6 been detected on Oahu, Maui, Kauai, and Lanai. In 2020, coffee  
7 leaf rust, caused by a fungal pathogen, was discovered for the  
8 first time in the State on Maui and Hawaii island. These two  
9 pests threaten the viability of the State's entire coffee  
10 industry. Efforts to control coffee berry borer and coffee leaf  
11 rust, including the use of United States Food and Drug  
12 Administration-approved pesticides, are critical to the local  
13 coffee industry, and it is incumbent upon the State to continue  
14 to support these efforts.

15           The legislature further finds that in response to these  
16 threats to the industry, the coffee berry borer pesticide  
17 subsidy program was established by Act 105, Session Laws of



1 Hawaii 2014 (Act 105), to assist Hawaii coffee farmers with  
2 offsetting the cost of pesticides containing the fungus  
3 *Beauveria bassiana*, which is known to control coffee berry  
4 borer. Due to a longer-than-anticipated implementation of Act  
5 105, in 2017, the legislature extended the pesticide subsidy  
6 program from its original sunset date of June 30, 2019, to  
7 June 30, 2021, via Act 65, Session Laws of Hawaii 2017 (Act 65).  
8 After continued programmatic success and the initial discovery  
9 of coffee leaf rust in the islands, in 2021, the legislature  
10 extended the pesticide subsidy program for another two years,  
11 adding a subsidy for coffee leaf rust pesticides.

12 As of December 9, 2022, the department of agriculture had  
13 received nine hundred eighty receipts for reimbursement under  
14 the coffee berry borer pesticide subsidy program, expending a  
15 total of \$812,319.99 for the mitigation of coffee berry borer  
16 and coffee leaf rust throughout the State. The legislature  
17 finds that, as illustrated by program demand, coffee berry borer  
18 and coffee leaf rust continue to pose a severe threat to the  
19 State's coffee industry, and it is incumbent upon the State to  
20 continue supporting farmers' mitigative efforts, including



1 through reducing the financial burden of having to purchase  
2 certain pesticides at market value.

3 Accordingly, the purpose of this Act is to temporarily  
4 reestablish the pesticide subsidy program and pesticide subsidy  
5 manager position and appropriate funds for the program.

6 SECTION 2. As used in this Act, "department" means the  
7 department of agriculture and biosecurity.

8 SECTION 3. (a) There is established a pesticide subsidy  
9 program, to be administered by the department, beginning on  
10 July 1, 2026, and ending on June 30, 2028. The department shall  
11 grant subsidies to coffee growers to assist the coffee growers  
12 in offsetting the costs of purchasing any pesticide that is  
13 listed by the department pursuant to subsection (f).

14 (b) Applications for subsidies by coffee growers shall be  
15 submitted on a form furnished by the department and shall be  
16 filed with accompanying documentation of the costs of purchasing  
17 the pesticide; provided that:

18 (1) The applicant shall indemnify and hold harmless the  
19 State and its officers, agents, and employees from all  
20 claims arising out of or resulting from the pesticide  
21 purchased; and



1           (2) The department may request that an applicant provide  
2           necessary information for the purposes of verifying  
3           the size or sale weight, as applicable, and amount of  
4           the pesticide purchased.

5           (c) Documentation of pesticide costs, as requested by the  
6           department, shall be filed for pesticides purchased within the  
7           immediately preceding fiscal year of filing and shall be  
8           effective for pesticide costs incurred after June 30, 2026, and  
9           before July 1, 2028.

10          (d) Funds shall be disbursed upon approval on an annual  
11          basis by the department to the coffee grower for up to seventy-  
12          five per cent of the costs incurred for the purchase of the  
13          pesticide for the period beginning July 1, 2026, through  
14          June 30, 2028.

15          (e) The department shall aggregate the total subsidy  
16          applications pursuant to this section and divide and distribute  
17          the available subsidy funds on a pro rata basis; provided that:

18           (1) No single coffee grower shall receive subsidies that  
19           are more than \$600 per year for coffee berry borer  
20           control and more than \$600 per year for coffee leaf



1 rust control per acre of land in coffee production;  
2 and

3 (2) No single coffee grower shall receive subsidies that  
4 total more than \$12,000 per year for the period after  
5 June 30, 2026, and before July 1, 2028.

6 (f) The department shall establish a list of pesticides  
7 that are registered with the United States Environmental  
8 Protection Agency and are licensed with the State that contain  
9 *Beauveria bassiana*, a fungus known to eradicate the coffee berry  
10 borer, as an active ingredient. The department shall also  
11 establish a list of pesticides that are registered with the  
12 United States Environmental Protection Agency; are licensed with  
13 the State; and are contact and systemic fungicides that, when  
14 combined, are effective against coffee leaf rust.

15 (g) No later than twenty days prior to the convening of  
16 the regular session of 2028, the department shall submit a  
17 report of its findings and recommendations, including any  
18 proposed legislation, to the legislature on the results of the  
19 subsidy program and whether the program should be allowed to  
20 expire or be extended, and if extended, with or without  
21 modification.



1 (h) Actions taken by the department pursuant to this  
2 section shall be exempt from the rulemaking requirements of  
3 section 91-3, Hawaii Revised Statutes.

4 SECTION 4. There is established within the department a  
5 pesticide subsidy program manager position, which shall be a  
6 full-time, temporary position exempt from chapters 76 and 89,  
7 Hawaii Revised Statutes. The pesticide subsidy program manager  
8 shall possess a requisite level of knowledge and expertise in  
9 the area of program management necessary to carry out the duties  
10 of the position. The pesticide subsidy program manager shall:

11 (1) Facilitate the efficient division and distribution of  
12 available subsidy funds under the pesticide subsidy  
13 program; and

14 (2) Manage the day-to-day coordination for the pesticide  
15 subsidy program.

16 The pesticide subsidy program manager shall receive a  
17 salary of no more than \$50,000 per year. The pesticide subsidy  
18 program manager position, including the position's exemption  
19 from chapters 76 and 89, Hawaii Revised Statutes, shall expire  
20 on June 30, 2029.



1 SECTION 5. Section 149A-13.5, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) There is established within the treasury of the  
4 State, a pesticide use revolving fund. The fund shall be  
5 administered by the department for the purposes of this section.  
6 The fund shall consist of:

7 (1) Licensing and registration fees and charges collected  
8 by the department under section 149A-13(b);

9 (2) All fees collected by the department through the  
10 collection of training fees in accordance with  
11 subsection (c);

12 (3) Funds appropriated for the pesticide subsidy program  
13 established under Act [~~1057~~] \_\_\_\_, Session Laws of  
14 Hawaii [~~2014~~] 2026; and

15 (4) All penalties and fines collected by the department  
16 under section 149A-41.

17 (b) Moneys in the pesticide use revolving fund shall be  
18 expended by the department:

19 (1) To support the pesticide program's registration and  
20 licensing, certification and education, and compliance  
21 monitoring activities;



- 1           (2) To establish pesticide training workshops and  
2           educational programs, including, but not limited to,  
3           eradication and control programs for pests designated  
4           in section 141-3, using the best available technology  
5           and best practices in a manner consistent with state  
6           and federal law;
- 7           (3) To develop integrated pest management strategies, the  
8           pesticide subsidy program created under Act  
9           [~~1057~~] \_\_\_\_, Session Laws of Hawaii [~~20147~~] 2026, and  
10          other services for pesticide users such as the  
11          agricultural pest control industry, the structural  
12          pest control industry, and consumer users of  
13          pesticides, which provide pesticide instruction in  
14          areas, including but not limited to the collection,  
15          disposal, and recycling of pesticide containers; and
- 16          (4) For all other pesticide services deemed necessary by  
17          the department.

18          Moneys from the revolving fund may be used for personnel,  
19          services, materials, and equipment for the purposes of this  
20          section.



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 SECTION 6. There is appropriated out of the general  
 8 revenues of the State of Hawaii the sum of \$ or so  
 9 much thereof as may be necessary for fiscal year 2026-2027 to be  
 10 deposited into the pesticide use revolving fund established  
 11 under section 149A-13.5, Hawaii Revised Statutes.

12 SECTION 7. There is appropriated out of the pesticide use  
 13 revolving fund the sum of \$ or so much thereof as may  
 14 be necessary for fiscal year 2026-2027 for the operation and  
 15 implementation of the pesticide subsidy program.

16 The sum appropriated shall be expended by the department of  
 17 agriculture and biosecurity for the purposes of this Act.

18 SECTION 8. Statutory material to be repealed is bracketed  
 19 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 3000;  
2 provided that section 3 shall be repealed on June 30, 2028, and  
3 section 4 shall be repealed on June 30, 2029.



**Report Title:**

DAB; Coffee Berry Borer; Coffee Leaf Rust; Pesticide Subsidy Program; Appropriation

**Description:**

Temporarily reestablishes the Coffee Berry Borer and Coffee Leaf Rust Pesticide Subsidy Program and the program manager position, including the position's civil service and collective bargaining laws exemption. Requires the Department of Agriculture and Biosecurity to report to the Legislature. Appropriates funds for the operation and implementation of the Pesticide Subsidy Program. Effective 7/1/3000. (HD1)

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

