
A BILL FOR AN ACT

RELATING TO COFFEE PEST CONTROL.

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

1 PART I

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

16 The legislature further finds that in response to these
17 threats to the industry, the coffee berry borer pesticide



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

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



1 mitigative efforts, including through reducing the financial
2 burden of having to purchase 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 PART II

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

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

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

19 (1) The applicant shall indemnify and hold harmless the
20 State and its officers, agents, and employees from all



1 claims arising out of or resulting from the pesticide
2 purchased; and

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

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

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

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

20 (1) No single coffee grower shall receive subsidies that
21 are more than \$600 per year for coffee berry borer



1 control and more than \$600 per year for coffee leaf
2 rust control per acre of land in coffee production;
3 and

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

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

16 (g) No later than twenty days prior to the convening of
17 the regular session of 2028, the department shall submit a
18 report of its findings and recommendations, including any
19 proposed legislation, to the legislature on the results of the
20 subsidy program and whether the program should be allowed to



1 expire or be extended, and if extended, with or without
2 modification.

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

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

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

16 (2) Manage the day-to-day coordination for the pesticide
17 subsidy program.

18 The pesticide subsidy program manager shall receive a
19 salary of no more than \$50,000 per year. The pesticide subsidy
20 program manager position, including the position's exemption



1 from chapters 76 and 89, Hawaii Revised Statutes, shall expire
2 on June 30, 2029.

3 PART III

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

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

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

12 (2) All fees collected by the department through the
13 collection of training fees in accordance with
14 subsection (c);

15 (3) Funds appropriated for the pesticide subsidy program
16 established under Act [~~1057~~] , Session Laws of
17 Hawaii [~~2014~~] 2026; and

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

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



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



1 Moneys from the revolving fund may be used for personnel,
2 services, materials, and equipment for the purposes of this
3 section.

4 Moneys expended by the department from the pesticide use
5 revolving fund for training workshops, educational programs, and
6 other services for the agricultural pest control industry, the
7 structural pest control industry, and consumer groups shall be
8 expended in a manner that appropriately addresses the needs of
9 each category of pesticide user."

10 PART IV

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

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

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



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on July 1, 2050;
4 provided that section 3 shall be repealed on June 30, 2028, and
5 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 7/1/2050. (SD1)

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