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# 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 United States Environmental Protection  
5 Agency has demonstrated that pesticides sprayed on agricultural  
6 fields can drift off site, causing adverse health effects.  
7 Pesticide drift can occur through spray, mist, fumes, or odor  
8 during application, or through volatilization of previously  
9 treated areas.

10           The legislature further finds that Act 45, Session Laws of  
11 Hawaii 2018, created a ban on chlorpyrifos--an excellent example  
12 of state regulatory action to protect the public from  
13 neurologically damaging pesticides. However, the legislature  
14 also finds that the one hundred foot buffer zone for schools is  
15 insufficient. Pesticide drift can occur at distances up to 0.8  
16 mile, or 4,224 feet, from the site of application. The  
17 legislature additionally finds that scientific evidence supports



1 a one-half mile buffer from schools and public parks to prevent  
2 acute health effects and long-term neurological impacts on the  
3 State's children.

4 The purpose of this Act is to:

5 (1) Require the department of agriculture and biosecurity  
6 to use consistent units of measurement in its summary  
7 to the public on restricted use pesticides applied;  
8 and

9 (2) Prohibit restricted use pesticides from being applied  
10 within one-half mile of schools during normal school  
11 hours or state or county public parks, with certain  
12 exceptions.

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

15 "[~~§~~149A-27~~§~~] **Public reports; contents.** The department  
16 shall produce a summary, for public disclosure, by county, that  
17 includes:

18 (1) The total quantities used, in a consistent unit of  
19 measurement, by federal and state registrations or  
20 permit numbers, commercial product names, and active



1 ingredients, for each restricted use pesticide used;  
 2 and  
 3 (2) The amount of area in the county in which the  
 4 restricted use application occurred."

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

7 "[~~+~~]~~§149A-28~~[~~+~~] **Buffer zones.** Beginning January 1,  
 8 [~~2019,~~] 2027, no person shall apply a restricted use pesticide  
 9 on or within [~~one hundred feet~~] one-half mile of a school  
 10 property during normal school hours[~~+~~] or a state or county  
 11 public park; provided that this section shall not apply to whole  
 12 structure fumigation[~~+~~], pesticides specifically used for the  
 13 purposes of treating and preserving wood, pesticides  
 14 specifically used by the department of health for the purposes  
 15 of rapid response and control of vectors, or pesticides applied  
 16 by pest control operators licensed pursuant to chapter 460J;  
 17 provided further that if this section is determined to conflict  
 18 with any pesticide application information listed on the  
 19 pesticide label, the more restrictive provision shall apply."

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



**1** SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

DAB; Pesticides; Buffer Zones; Restricted Use Pesticides;  
Consistent Unit of Measurement; Exemptions

**Description:**

Requires the Department of Agriculture and Biosecurity to use consistent units of measurement in its summary to the public on the amounts of restricted use pesticides applied. Beginning 1/1/2027, establishes a one-half mile buffer zone for pesticides around schools during normal school hours and state and county public parks. Establishes certain exemptions. (SD1)

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

