
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 "[~~f~~]~~§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
 12 [~~whole~~]:

- 13 (1) Whole structure fumigation;
- 14 (2) Pesticides specifically used for the purposes of
 15 treating and preserving wood or structural insulation;
- 16 (3) Pesticides specifically used by the department of
 17 health for the purposes of rapid response and control
 18 of vectors;
- 19 (4) Invasive species control conducted by the department,
 20 the department of land and natural resources, or its



1 agents, including the invasive species committees,
2 when responding to biosecurity threats; or
3 (5) Pesticides applied by pest control operators licensed
4 pursuant to chapter 460J;

5 provided further that if this section is determined to conflict
6 with any pesticide application information listed on the
7 pesticide label, the more restrictive provision shall apply."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2050.



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. Effective 7/1/2050. (SD2)

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

