

A Bill for an Act Relating to the Sale and Use of Pesticides and Amending Chapter 149, Hawaii Revised Statutes, and Repealing Chapter 151, Hawaii Revised Statutes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII PESTICIDES LAW
PART I. GENERAL PROVISIONS**

Sec. -1 Short Title. This chapter may be cited as the “Hawaii Pesticides Law”.

Sec. -2 Definitions. As used in this chapter, unless the content clearly requires otherwise:

- (1) “Active ingredient” means:
 - (A) In the case of pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pests;
 - (B) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;
 - (C) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and
 - (D) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissues.
- (2) “Adulterated means any pesticide if its strength or purity falls below the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or

- in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.
- (3) "Animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.
 - (4) "Board" means board of agriculture.
 - (5) "Certified pesticide applicator" means any individual who is certified under section -20(1) as authorized to use or supervise the use of any pesticide which is classified for restricted use.
 - (6) "Chairman" means chairman of the board of agriculture.
 - (7) "Commercial pesticide applicator" means any certified pesticide applicator, whether or not he is a private pesticide applicator with respect to some uses, who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by section -2(27).
 - (8) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.
 - (9) "Department" means department of agriculture.
 - (10) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.
 - (11) "Device" means any instrument or contrivance, other than a fire-arm, intended for trapping, destroying, repelling, or mitigating pests and classified within a class of devices which has been determined by the board.
 - (12) "Environment" includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.
 - (13) "Fungi" means all nonchlorophyll-bearing thallophytes including rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or living in man or other animals and those on or in processed foods, beverages, or pharmaceuticals.
 - (14) "General use pesticide" means a pesticide other than one designated as restricted pesticide.
 - (15) "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would likely result in substantial adverse effects on the environment.
 - (16) "Inert ingredient" means an ingredient which is not an active ingredient.
 - (17) "Ingredient statement" means:
 - (A) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide;
 - (B) A statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any, in the pesticide;

- (C) In case the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic; and
 - (D) In case the pesticide is highly toxic to man, as determined in section -13 a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients.
- (18) "Insect" means invertebrate animals belonging to the class insecta including beetles, bugs, bees, flies, and other allied classes of arthropods, including spiders, mites, ticks, centipedes, and wood lice.
 - (19) "Label" means the written, printed, or graphic matter, on or attached to the pesticide or device, or any of its containers or wrappers.
 - (20) "Labeling" means all labels and other written, printed, or graphic matter accompanying the pesticide or device at any time or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Department of Agriculture and the Interior, the United States Department of Health, Education, and Welfare, state experiment stations, state agriculture colleges, or other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.
 - (21) "Misbranded" means any pesticide or device if:
 - (A) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.
 - (B) It is contained in a package or other container or wrapping which does not conform to the standards established by the board pursuant to section -13(c).
 - (C) It is an imitation of and is offered for sale under the name of another pesticide or device.
 - (D) Its labeling does not bear the federal registration number.
 - (E) Any advertisement by means of newspaper, leaflet, radio, or television is false or misleading in any particular.
 - (F) The labeling accompanying it does not contain instructions for use which are necessary, proper, and adequate for the protection of the public.
 - (G) The label does not contain warning or caution statements, which are necessary, proper, and adequate to prevent injury to living man and other vertebrate animals.
 - (H) The label does not bear an ingredient statement on the immediate container, or if there is an outside container or wrapper through which the ingredient statement on the immediate container cannot be clearly read, then on the outside container or wrapper.
 - (I) Any word, statement, or other information required by or under this chapter to appear on the labeling is not prominently placed thereon with such conspicuousness and in such terms as to ren-

der it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

- (J) In the case of an insecticide, nematocide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it is injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide.
 - (K) In the case of a plant regulator, defoliant, or desiccant when used as directed it is injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such pesticides; provided that physical or physiological effects on plants or parts thereof shall not be deemed to be injury when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.
- (22) "Nematode" means invertebrate animals of the phylum nemathelminthes and the class nematoda including unsegmented round worms with elongated fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts.
 - (23) "Person" means any individual, firm, corporation, association, or partnership, or any organized group of persons whether incorporated or not.
 - (24) "Pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, which the board declares to be a pest.
 - (25) "Pesticide" means:
 - (A) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
 - (B) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
 - (26) "Plant regulator" means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.
 - (27) "Private pesticide applicator" means a certified pesticide applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person.
 - (28) "Producer" means any person who manufactures, prepares, compounds, propagates, or processes any pesticide or device. "Produce"

means to manufacture, prepare, compound, propagate, or process any pesticide or device.

- (29) "Protect health and the environment" or "protection of health and the environment" means protection against any injury to man and protection against any substantial adverse effects on environmental values, taking into account the public interest, including benefits from the use of the pesticide.
- (30) "Restricted pesticide" means:
 - (A) A pesticide so designated by regulations under the Federal Environmental Pesticide Control Act and so designated on its label; or
 - (B) A pesticide determined by the board to be unsafe for use by persons other than a certified applicator.
- (31) "Registrant" means the person registering any pesticide pursuant to this chapter.
- (32) "Sell or distribute" means to distribute, solicit, sell, offer for sale, hold for sale, transport, or deliver for transportation in intrastate commerce or between points within the State through any point outside the State.
- (33) "Substantial adverse effects on the environment" means any injury to man or any substantial adverse effects on environmental values, taking into account the public interest, including benefits from the use of the pesticide.
- (34) "Weed" means any plant which grows where not wanted.

Sec. -3 Delegation of duties. All authority vested in the board or chairman by virtue of this chapter may with like force and effect be exercised by such employees of the department as the board or chairman may from time to time designate for the purpose.

Sec. -4 Effect of chapter on department of health. Nothing in this chapter shall be construed to amend or alter the functions, duties, and powers of the department of health relative to chapters 321, 322, 328, 330, and 450.

PART II. PESTICIDE REGISTRATION AND SALE

Sec. -5 Prohibited acts. (a) Except as otherwise exempted in section -6, it shall be unlawful for any person to distribute, solicit, sell, offer for sale, hold for sale, transport, deliver for transportation, or receive and having so received, deliver or offer to deliver to any person in intrastate commerce or between points within this State through any point outside this State any of the following:

- (1) Any pesticide which is not registered pursuant to section -7, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its

registration; provided that, in the discretion of the chairman, a change in the labeling or formula of a pesticide may be made within a registration period without requiring an additional registration of the product.

- (2) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to the container, and to the outside container or wrapper of the retail package, if any, through which the required information on the immediate container cannot be clearly read, a label bearing such information pursuant to section -9.
- (3) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in section -13, unless the label bears, in addition to any other matter required by this part:
 - (A) A symbol of the skull and crossbones;
 - (B) The word "POISON" prominently, in red, on a background of distinctly contrasting color; and
 - (C) A statement of an antidote for the pesticide.
- (4) The pesticides containing any of the ingredients commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, or barium fluosilicate, unless they have been distinctly colored or discolored or any other white powder pesticide which the board, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, requires to be distinctly colored or discolored, unless it has been so colored or discolored pursuant to section -10.
- (5) Any pesticide which is adulterated or misbranded.
- (6) Any pesticide or device that is an imitation of another pesticide or device.
- (7) Any restricted pesticides unless the person has a license issued in accordance with section -11.
- (8) Any restricted pesticides to persons other than a certified pesticide applicator or a licensed dealer, wholesaler, or retailer.
- (b) It shall be unlawful to:
 - (1) Detach, alter, deface, or destroy, in whole or in part, any label or alter any labeling of a pesticide unless such action is taken with the approval of the chairman to correct an improper label or labeling.
 - (2) Add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this part.
 - (3) Use for a person's own advantage or to reveal any information relative to formulas of products acquired in the administration of this chapter, to persons other than to the chairman or proper officials or employees of the State, or the courts of this State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes.

- (4) For any pesticide dealer, wholesaler, or retailer to expose or to offer for sale or to solicit or receive orders for the sale of restricted pesticides unless the dealer, wholesaler, or retailer has applied for and has obtained an annual license from the department.
- (5) For any pesticide dealer, wholesaler, or retailer to expose or to offer for sale or to solicit or receive orders for the sale of restricted pesticides to any person other than a certified pesticide applicator.

Sec. -6 Exemptions. (a) The prohibitions of section -5(a) shall not apply to:

- (1) Any carrier while lawfully engaged in transporting a pesticide within this State, if the carrier, upon request, permits the chairman or his designated agent to copy all records showing the transactions in and movement of the articles;
 - (2) Public officials of the State and the federal government engaged in the performance of their official duties in administering state or federal pesticide law or regulation or while engaged in pesticide research; and
 - (3) The manufacturer or shipper of a pesticide intended only for experimental use:
 - (A) By or under the supervision of an agency of the State or of the federal government authorized by law to conduct research in the field of pesticides;
 - (B) If the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold" together with the manufacturer's name and address;
 - (C) If a written permit has been obtained from the chairman, authorizing pesticides to be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.
- (b) No article shall be deemed in violation of this part when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this part shall apply.

Sec. -7 Pesticide registration. (a) Any pesticide which is sold, offered for sale, or distributed, within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered with the board; provided that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide, may be registered as a single pesticide, and additional names and labels shall be added by supplemental statements during the current period of registration. To be acceptable for registration, any pesticide, subject to any federal act providing for registration of pesticides, must have been registered under this chapter. The registrant shall file with the chairman a statement including:

- (1) The name and address of the registrant and the name and address of

the person whose name will appear on the label, if other than the registrant;

- (2) The name of the pesticide;
- (3) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use; and
- (4) If requested by the chairman a full description of the tests made and the results thereof upon which the claims are based.

(b) The registrant shall pay a minimum annual fee of \$10 for each pesticide registered. Registration fee may be increased from time to time by regulation but such increases shall not be in excess of \$5 for any one year. The registration shall expire on December 31 of each year and shall be renewed annually. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered. All fees collected shall be deposited in the general fund of the State.

(c) The chairman, whenever he deems it necessary in the administration of this part, may require the submission of the complete formula of any pesticide. If it appears to the chairman that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section -9, he shall register the article.

(d) Notwithstanding any other provision of this part, registration is not required in the case of a pesticide shipped from one plant within this State to another plant within this State when both plants are operated by the same person.

Sec. -8 Refusal, cancellation, or suspension of registration.

(a) The chairman may refuse to register a pesticide when he determines that:

- (1) The pesticide or its labeling does not comply with this chapter or the regulations promulgated thereunder; or
- (2) The registrant fails to comply with the registration procedures set forth by regulation; or
- (3) The claims, representations, or other statements on the label are false or misleading; or
- (4) The proposed use would result in substantial adverse effect on the environment.

(b) To protect the health and environment, the chairman may, after hearing, cancel the registration of a pesticide. Such cancellation shall be made after the chairman has determined that the continued use of the pesticide would result in substantial adverse effects on the environment.

(c) If the chairman determines that action is necessary to prevent an imminent hazard during the time required for cancellation proceedings, he may, by order, suspend the registration of a pesticide immediately. The suspension order shall be in effect until the chairman issues his final order either cancelling or denying the cancellation of the registration.

(d) The registrant shall be entitled to contest under chapter 91, the determinations of the chairman relative to refusing, cancelling, or suspending a pesticide registration.

Sec. -9 Labeling requirements. (a) Each container of pesticides shall bear thereon or attached thereto in a conspicuous place, a plainly written or printed label in the English language providing the following information:

- (1) Name, brand, or trade-mark under which the pesticide is sold or distributed;
- (2) Ingredient statement as specified by regulation;
- (3) Direction for use which if complied with will adequately protect the health and environment;
- (4) Warning or caution statement as specified by regulation;
- (5) Name and address of the manufacturer, registrant, or person for whom manufactured; and
- (6) Weight or measure of content.

Sec. -10 Coloration of certain pesticides. (a) Pesticides known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, or barium fluosilicate shall be distinctly colored as specified by regulation.

(b) The chairman may, after hearing, require the coloration of other pesticides that he determines to be necessary to protect the health and environment.

(c) The chairman may exempt the coloration requirements for certain uses that he determines not to have substantial adverse effect on the environment.

Sec. -11 Sales, license, and record. (a) Every person who sells or distributes restricted pesticides shall obtain an annual license from the department. Conditions, procedures, and fees for license shall conform to the regulations promulgated hereunder.

(b) All persons licensed to sell restricted pesticides shall keep records of the individual sales of such pesticides. Records shall be kept at the principal place of business of the licensee for a period specified by rules and regulations and shall be available to the chairman on request.

Sec. -12 Suspension or revocation of license. Any license issued pursuant to regulations adopted under section -11(a) may be suspended or revoked by the board, after due hearing, for violation of any condition of the license or of any law or regulation pertaining to the sale of pesticides.

Any order made by the board for the suspension or revocation of a license shall be in writing and shall set forth the reasons for the suspension or revocation.

The action of the board in suspending or in revoking a license may be reviewed in the manner provided by chapter 91.

Sec. -13 Determination; rules and regulations; uniformity.

(a) The board shall after having afforded interested and affected parties an opportunity to be heard and, in instances in which human health is affected,

after consultation with the director of health, make and adopt regulations:

- (1) To declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles, or substances;
- (2) To determine the pesticides which are highly toxic to man; to designate pesticides as restricted or general use; and to establish a system of control over the distribution and use of certain pesticides purchased by the consuming public;
- (3) To determine standards of coloring for pesticides, and to subject pesticides to the requirements of section -10;
- (4) To establish procedures, conditions, and fees for the issuance of licenses for sale of restricted pesticides;
- (5) To establish fees for the registration of pesticides within the limitations of section -7(b);
- (6) To establish procedures for the registration of pesticides; and
- (7) To establish procedures for the disposal of pesticides.

(b) The board shall, after public hearing, make and adopt appropriate rules and regulations for carrying out this part, including rules and regulations providing for the collection and examination of samples of pesticides or devices.

(c) The board shall, after public hearing, adopt such regulations, applicable to and in conformity with the primary standards established by this part, as have been or may be prescribed by the appropriate federal agency with respect to pesticides.

Sec. -14 Seizures; "stop-sale" and "removal from sale" orders. (a)

Any pesticide or device that is distributed, sold, offered for sale, transported, or delivered for transportation in violation of this part, may be seized. Any article seized hereunder shall, after entry of decree, be disposed of by destruction or sale as the court directs and the proceeds, if the article is sold, less legal costs, shall be paid to the general fund of the State; provided that the article shall not be sold contrary to this part; and provided that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct the article to be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(b) The chairman or his authorized agent may issue and enforce a written or printed "stop-sale" or "removal from sale" order to withhold from sale any pesticide or device that is distributed, sold, offered for sale, transported, or delivered for transportation in violation of this part.

Sec. -15 Enforcement. (a)

If it appears that a pesticide or device fails to comply with this part, the chairman may refer the facts with a copy of the results of the analysis or the examination of the articles to the appropriate governmental agency for prosecution. A warning notice shall be issued before prosecution proceedings are initiated.

(b) The governmental agency to which any violation is reported may cause appropriate proceedings to be instituted in the appropriate court without delay if so warranted.

(c) The chairman shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under this part.

Sec. -16 Violations, warning notice, and penalty.

(a) Any person who violates this part or any rule or regulation issued hereunder shall upon the first violation be issued a written warning notice citing the specific violation and necessary corrective action.

(b) Any person who knowingly violates this part or any rule or regulation hereunder after receipt of a notice issued pursuant to subsection (a) shall be punished by a fine of not more than \$1,000.

Sec. -17 Cooperation. The board may cooperate with, and enter into agreements with, any other agency of the State or the federal government, or any agency thereof for the purpose of carrying out this part and securing uniformity of regulations.

PART III. PESTICIDE USE

Sec. -18 Prohibited acts. No person shall:

- (1) Apply any pesticide in excess of dosage or inconsistent with time or other limitations specified on its label registered under section -7;
- (2) Apply any pesticide on any agricultural crop, livestock, or residential, recreational, watershed, or any other area that is prohibited or not specified on its label registered under section -7;
- (3) Use, store, transport, or discard any pesticide or the containers of such pesticide in any manner which would have substantial adverse effect on the environment;
- (4) Use or apply restricted pesticides unless the person is a certified pesticide applicator with a valid certificate issued pursuant to regulations adopted under section -20(1); or
- (5) Use or apply pesticides in any manner that has been banned pursuant to section -19.

Sec. -19 Banning of pesticides. In order to protect the public and the environment, the chairman, in consultation with advisory committee on pesticide and approval of the director of health, may ban the use of certain pesticides or specific uses of certain pesticides when such usage is deemed to have substantial adverse effects on the environment. The chairman shall take necessary action to cancel the registration of such banned pesticides or uses as provided in section -8(b).

Sec. -20 Rules and regulations. The department shall have the authority to carry out and effectuate the purpose of this part by rules and regulations, including but not limited to the following:

- (1) To establish procedures, conditions, and standards to certify persons for the use of restricted pesticides;
- (2) To establish limitations and conditions for the application of pesticides by aircraft, power rigs, mist blowers, and other equipment; and

- (3) To establish, as necessary, specific standards and guidelines which specify those conditions which constitute substantial adverse effect on the environment.

Sec. -21 Suspension or revocation of certificate. Any certificate issued pursuant to regulations adopted under section -20(1) may be suspended or revoked by the board, after hearing, for violation of any condition of the certificate or of any law or regulation pertaining to the use of any restricted pesticide. Any order made by the board for the suspension or revocation of a certificate shall be in writing and shall set forth the reasons for the suspension or revocation. The action of the board in suspending, or in revoking a certificate may be reviewed in the manner provided by chapter 91.

Sec. -22 Cooperation. The department is authorized and empowered to cooperate with and enter into agreements with any agency of the State, the federal government, or any other agency for the purpose of carrying out this part. The University of Hawaii cooperative extension service and other educational agencies shall provide educational programs aimed at assisting users and prospective users of pesticides and shall solicit the aid of the department in providing technical assistance and advice on the authorized use of pesticides.

Sec. -23 Authority to inspect. The department or any authorized representative or employee of the department may enter upon any public or private property, according to law at any reasonable time to examine and inspect application methods and equipment, to examine and collect samples of plants, soil, and other materials, and to perform any other duty for the purpose of carrying out and effectuating the purposes of this part.

Sec. -24 Exemptions. Exemption from this part may be granted by the chairman to the University of Hawaii and other state and federal agencies for experimental or research work directed toward obtaining knowledge of the characteristics and proper usage of unspecified or experimental pesticides. Research and experimental work conducted by private agencies with adequate research facilities may also be similarly exempted upon approval by the chairman. Approval must be in writing stating the specific exemptions and conditions.

Sec. -25 Violations, warning notice, and penalty.

(a) Any person who violates this part or any rule or regulation issued hereunder shall upon the first violation be issued a written warning notice citing the specific violation and necessary corrective action.

(b) Any person who knowingly violates this part or any rule or regulation hereunder after receipt of a notice issued pursuant to subsection (a) shall be punished by a fine of not more than \$1,000.

PART IV. ADVISORY COMMITTEE

Sec. -26 Advisory committee. There shall be an advisory committee on pesticides composed of but not limited to the chairman, or his designated

representative, who shall head the committee and one representative each from the department of health, department of land and natural resources, University of Hawaii agricultural experiment station, University of Hawaii cooperative extension service, state environmental organization, sugar industry, pineapple industry, livestock industry, Hawaii farm bureau federation, diversified crop industry, pesticide industry, structural pest control industry and three at-large members. Members of the advisory committee shall be appointed by the governor from a list of persons recommended by the respective agencies and industries in accordance with section 26-34. The committee shall advise and assist the department in developing or revising laws and regulations to carry out and effectuate the purposes of this chapter and in advising the department in pesticide problems.

Sec. -27 Severability. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this chapter and applicability thereof to other persons and circumstances shall not be affected.

Sec. -28 Applicability of chapter 91. The board shall, in the administration of this chapter, conform to the provisions of chapter 91.”

SECTION 2. Chapter 149 and chapter 151, Hawaii Revised Statutes, are repealed.

SECTION 3. This Act shall take effect upon its approval except that the certification required by section -17(1) shall be effective one year from the effective date of this Act.

(Approved May 19, 1972.)