

A Bill for an Act Relating to Environmental Quality.

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

SECTION 1. Title 19, Hawaii Revised Statutes, is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
PESTICIDES AND ENVIRONMENTAL QUALITY**

§ -1 **Findings and purpose.** The legislature finds that the problem of pesticide contamination has increased in scope and urgency, requiring a comprehensive and innovative approach in statewide efforts to address recent problems in our various communities. The legislature further finds that the enhancement of the authority of the office of environmental quality and control and the delegation to the office of additional responsibilities to protect and preserve the health of Hawaii’s people are appropriate responses to a compelling state interest.

Accordingly, the purpose of this chapter is to delegate to the office of environmental quality control the following additional and specific responsibilities: coordinating the establishment of an integrated pesticide policy; coordinating agency responsibilities and programs in the area of pesticide use and environmental quality; conducting, contracting for, and coordinating research on pesticide use; and serving as a central clearinghouse for information collection, classification, and dissemination.

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Affected agencies” means the department of health, department of agriculture, the department of land and natural resources; the boards of water supply for Maui county, Kauai county, Hawaii county, and the city and county of Honolulu; the college of tropical agriculture and human resources, the pesticide hazard assessment project, and the water resources research center of the University of Hawaii; and other agencies as may be determined by the director.

“Director” means the director of environmental quality control.

“Office” means the office of environmental quality control.

§ -3 **Duties and responsibilities in general.** The office shall coordinate all affected agencies involved in the prevention, monitoring, and mitigation of ground water contamination. To further the purposes of this chapter, the office shall:

- (1) Coordinate studies of potentially toxic and hazardous pesticides used in the State to determine the movement and fate of such pesticides in soils, potable water sources, animal feed, and food products.
- (2) Coordinate systematic monitoring by the department of health and board of water supply of all aquifers and surface water sources, regardless of whether they are used as drinking water sources, for locally-suspected pesticides and chemical by-products. Monitoring priority shall be given to potable aquifers and surface water resources.
- (3) Assist the department of agriculture in developing, compiling, and maintaining a data base of historical and current pesticide use patterns and practices to assist in identifying areas where ground water contamination resulting from the field application of pesticides is most likely to occur.
- (4) Coordinate the development, by each of the affected agencies, of a pesticides action plan which clearly defines each agency’s responsibilities, needs, and procedures for preventing or mitigating pesticide-related contamination.
- (5) Coordinate the establishment of a mandatory reporting system for all pesticides sold and distributed in Hawaii.
- (6) Assess the feasibility of a record-keeping requirement for the application of all restricted use pesticides in Hawaii.
- (7) Coordinate the preparation by the affected agencies of a contingency plan to provide for the State’s preparedness and ability to respond effectively in the event of any emergency or crisis situation involving pesticides or other toxic or hazardous substance. The plan shall provide for the establishment of a communication and information network of the affected agencies and shall include

recommendations for improved coordination of information dissemination and public education.

- (8) Develop criteria to assess the risks associated with the contamination of water, food products, and the environment by pesticides, supplementing federal standards in this area.
- (9) Coordinate and disseminate on behalf of the affected agencies all public information on pesticide-related environmental and health matters.

§ -4 **Powers and duties of the director.** (a) To further the purposes of this chapter, the director shall have the power to:

- (1) Accept grants-in-aid or outright grants;
- (2) Contract for services;
- (3) Enlist the aid of community organizations and private entities in information gathering and dissemination activities; and
- (4) Hire on a contractual basis individuals from relevant fields, to include at least one environmental toxicologist.

(b) The powers and duties provided in this section are in addition to those assigned the director in section 341-4.

§ -5 **Rules.** In conformity with and subject to chapter 91, after consultation with the affected agencies the director shall make rules deemed necessary for or conducive to proper application and enforcement of this chapter.

§ -6 **Advisory committee.** There shall be established a technical advisory committee on pesticides to assist and advise the office in carrying out the purposes of this chapter. The committee shall be composed of the chairperson of the environmental council, one representative each from the department of agriculture, the department of health, the department of land and natural resources, the Honolulu board of water supply, and the University of Hawaii, and five at-large members representing a mixture of disciplines and including at least one member each from the U.S. military in Hawaii, the agricultural industry, an environmental organization, and a community organization. Members of the advisory committee shall be appointed by the governor in accordance with section 26-34. The committee shall be chaired by the director or the director's designated representative.

§ -7 **Repeal date.** This chapter is repealed effective June 30, 1985."

SECTION 2. Section 341-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is created an office of environmental quality control which shall be headed by a single executive to be known as the director of environmental quality control who shall be appointed by the governor as provided in section 26-34. This office shall implement this chapter and shall be

placed within the department of health for administrative purposes. The office shall perform its duties under [chapter] chapters 343 and and shall serve the governor in an advisory capacity on all matters relating to environmental quality control.”

SECTION 3. Section 141-1, Hawaii Revised Statutes, is amended to read as follows:

“§141-1 Duties in general. The department of agriculture shall:

- (1) Information and statistics. Gather, compile, and tabulate, from time to time, information and statistics concerning:
  - (A) Entomology and plant pathology. Insects, scales, blights, and diseases injurious, or liable to become injurious, to trees, plants, or other vegetation, the ways and means of exterminating such pests and diseases as are already in the State and preventing the introduction of those not yet here;
  - (B) General agriculture. Fruits, fibres, and useful or ornamental plants and their introduction, development, and care, and concerning the manufacture or exportation of the same with a view to introducing, establishing, and fostering new and valuable plants and industries.
- (2) Cooperation with other organizations. In all respects endeavor, as far as possible, to encourage and work in harmony and cooperate with the federal Agricultural Experiment Station established in the State and all private persons or organizations doing work of an experimental or educational character coming within the scope of the subject matter of chapters 141, 142, and 144 to 149A, and to avoid, as far as practicable, duplicating the work of such persons or organizations;
- (3) Agreements with other organizations. Upon approval of the governor, enter into contracts, cooperative agreements, or other transactions with any person, agency, or instrumentality of the United States, a foreign nation, a state, a territory, or a possession, or with any political subdivision thereof, as may be necessary in the conduct of the department’s business and on such terms as the department may deem appropriate; provided that the department shall not obligate any funds of the State, except the funds that have been appropriated to the department;
- (4) Library. Secure copies of the laws of other states, territories, and countries, and other publications germane to the subject matters of chapters 141, 142, and 144 to 149A and make the same available for public information and consultation;

- (5) Buildings and apparatus. Provide such buildings, grounds, apparatus, and appurtenances as may be necessary or proper for the examination, quarantine, inspection, and fumigation provided for by chapters 141, 142, and 144 to 149A; and for the obtaining, propagation, study, and distribution of beneficial insects, growths, and antidotes for the eradication of insects, blights, scales, or diseases injurious to vegetation of value and for the destruction of injurious vegetation; and also any other apparatus or appurtenances necessary or proper for the purposes of carrying chapters 141, 142, and 144 to 149A into execution;
- (6) Further legislation. Formulate and from time to time recommend to the governor and legislature such additional legislation as it deems necessary or desirable for the better securing of the objects of chapters 141, 142, and 144 to 149A;
- (7) Annual reports. Make and publish, at the end of each year, a report of the expenditures and proceedings of the department and of the results achieved by the department, together with such other matters as are germane to the subject matter of chapters 141, 142, and 144 to 149A, and which the department may deem proper;
- (8) Planning and development. Administer a program of agricultural planning and development, including the formulation and implementation of general and special plans, including but not limited to the functional plan for agriculture; review, interpret, and make recommendations with respect to public policies and actions relating to agricultural land use; assist in research, evaluation, development, enhancement, and expansion of local agricultural industries; and serve as liaison with other public agencies and private organizations for the above purposes. In the foregoing, the department of agriculture shall act to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and ensure the availability of agriculturally suitable lands[.];
- (9) Notification to office of environmental quality control. Notify the office of environmental quality control whenever a pesticide registration exemption in Hawaii is applied for or requested from the Environmental Protection Agency or any successor agency."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$160,000, or so much thereof as may be necessary for fiscal year 1984-1985, to carry out the purpose of this Act, including the hiring

of necessary temporary staff whose employment shall terminate on June 30, 1985. The sum appropriated shall be expended by the department of health.

**SECTION 6.** This Act shall take effect upon its approval and shall be repealed on June 30, 1985.

(Approved June 7, 1984.)