

**ACT 127**

**S.B. NO. 702**

**A Bill for an Act Relating to Environmental Quality.**

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

SECTION 1. Act 275, Session Laws of Hawaii 1984, is amended by amending section 1 to read as follows:

"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] (a) 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] (b) Definitions. As used in this [chapter,] section, 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] (c) Duties and responsibilities in general. The office [shall] is authorized to review, evaluate, make recommendations to, and coordinate all affected agencies involved in the prevention, monitoring, and mitigation of [ground water] pesticide contamination. For the purposes of this Act, the authorization of the office may be liberally interpreted to extend to suspected or actual contamination related to, similar to, or coincidental with pesticides pollution. To further the purposes of this [chapter,] Act, the office [shall:] is authorized to:

- (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) (1) Coordinate the development of a systematic approach to 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] locally suspected pesticides and chemical by-products. Monitoring priority shall be given to potable [aquifers and surface] drinking water resources.
- (3) (2) 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)] (3) 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] (4) Assess the feasibility and usefulness of establishing a mandatory reporting system for all pesticides sold and distributed in Hawaii.
- [(6)] (5) Assess the feasibility and usefulness of a [record-keeping] record keeping requirement for the application of all restricted use pesticides in Hawaii.
- [(7)] (6) 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 contamination 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] (7) Assess the feasibility of developing criteria to assess the risks associated with the contamination of water, food products, and the environment by pesticides, supplementing federal standards in this area[.] and, if feasible, develop such criteria.
- [(9)] (8) Coordinate and disseminate on behalf of the affected agencies all public information on pesticide-related environmental and health matters.

[§ -4 (a)] (d) Powers and duties of the director. To further the purposes of this [chapter,] Act, 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] Act are in addition to those assigned the director in section 341-4[.], Hawaii Revised Statutes.

[§ -5] (e) Rules. In conformity with and subject to chapter 91, Hawaii Revised Statutes, after consultation with the affected agencies the director shall make rules deemed necessary for or conducive to proper application and enforcement of this [chapter.] Act.

[§ -6] (f) 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.] Act. 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 other than the military representative shall be appointed by the governor in accordance with section 26-34[.],

Hawaii Revised Statutes. The representative of the U.S. military shall be invited to serve without necessity of appointment by the governor. The committee shall be chaired by the director or the director's designated representative.

(g) Progress report. The office shall submit a report to the legislature prior to the convening of the regular session of 1986 on the progress of the office's actions and plans under this Act.

[§ -7] (h) Repeal date. This [chapter] section is repealed effective June 30, [1985.] 1987."

SECTION 2. Act 275, Session Law of Hawaii 1984, is amended by amending section 6 to read as follows:

"SECTION 6. This Act shall take effect upon its approval and shall be repealed on June 30, [1985.] 1987."

SECTION 3. Section 341-4, Hawaii Revised Statutes, is amended to read as follows:

"[ [§341-4] ]<sup>1</sup> **Powers and duties of the director.** (a) The director shall have such powers delegated by the governor as are necessary to coordinate and, when requested by the governor, to direct pursuant to chapter 91 all state governmental agencies in matters concerning environmental quality.

(b) To further the objective of subsection (a), the director shall:

- (1) Direct the attention of the university community and the residents of the State in general to ecological and environmental problems through the center and the council, respectively[.], and through public education programs.
- (2) Conduct research or arrange for the conduct of research through contractual relations with the center, state agencies, or other persons with competence in the field of ecology and environmental quality.
- (3) Encourage public acceptance of proposed legislative and administrative actions concerning ecology and environmental quality, and receive notice of any private or public complaints concerning ecology and environmental quality through the council.
- (4) Recommend programs for long-range implementation of environmental quality control.
- (5) [Recommend] Submit direct to the governor and to the legislature such [legislation] legislative bills and administrative policies, objectives, and actions, as is necessary to preserve and enhance the environmental quality of the State.
- (6) [Initiate] Conduct public educational programs.
- (7) Offer advice and assistance to private industry, governmental agencies, or other persons upon request."

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

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

(Approved May 28, 1985.)

Note

1. So in original.