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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 recognizes that, in November  
2   2016, the Environmental Protection Agency released a revised  
3   human health risk assessment for chlorpyrifos, a chemical  
4   pesticide. In its revised risk assessment, the Environmental  
5   Protection Agency confirmed that there are no safe uses of  
6   chlorpyrifos.

7           Specifically, the Environmental Protection Agency found  
8   that:

- 9           (1) All food and drinking water exposures to chlorpyrifos  
10           exceed safe levels;
- 11           (2) Pesticide drift reaches unsafe levels at three hundred  
12           feet from the field's edge;
- 13           (3) Chlorpyrifos is found at unsafe levels in the air at  
14           schools, homes, and communities in agricultural areas;
- 15           (4) All workers who mix and apply chlorpyrifos are exposed  
16           to unsafe levels of the pesticide even with maximum



1           personal protective equipment and engineering controls  
2           in place;

3           (5) Field workers are allowed to re-enter fields within  
4           one to five days after pesticide spraying, but unsafe  
5           exposures continue on average for eighteen days after  
6           applications; and

7           (6) Chlorpyrifos is acutely toxic and associated with  
8           neurodevelopmental harms in children.

9   As such, the legislature recognizes that children, farm workers,  
10   and residents in agricultural communities are uniquely  
11   vulnerable to chlorpyrifos.

12           The purpose of this Act is to ban the distribution, sale,  
13   use, storage, and manufacturing of chlorpyrifos within the  
14   State.

15           SECTION 2. Section 149A-11, Hawaii Revised Statutes, is  
16   amended to read as follows:

17           "**§149A-11 Prohibited acts.** (a) Except as otherwise  
18   exempted in section 149A-12, it shall be unlawful for any person  
19   to distribute, solicit, sell, offer for sale, hold for sale,  
20   transport, deliver for transportation, or receive and having so  
21   received, deliver or offer to deliver to any person in



1 intrastate commerce or between points within this State through  
2 any point outside this State any of the following:

3 (1) Any pesticide which is not licensed pursuant to  
4 section 149A-13, or any pesticide if any of the claims  
5 made for it or any of the directions for its use  
6 differ in substance from the representations made in  
7 connection with its licensing, or if the composition  
8 of a pesticide differs from its composition as  
9 represented in connection with its licensing; provided  
10 that in the discretion of the department, a change in  
11 the labeling or formula of a pesticide may be made  
12 within a licensing period without requiring an  
13 additional licensing of the product.

14 (2) Any pesticide unless it is in the licensee's or the  
15 manufacturer's unbroken immediate container, and there  
16 is affixed to the container and to the outside  
17 container or wrapper of the retail package, if any,  
18 through which the required information on the  
19 immediate container cannot be clearly read, a label  
20 bearing information pursuant to section 149A-15.



- 1           (3) Any pesticide which contains any substance or  
2           substances in quantities highly toxic to humans,  
3           determined as provided in section 149A-19, unless the  
4           label bears, in addition to any other matter required  
5           by this chapter:
- 6           (A) A symbol of the skull and crossbones;  
7           (B) The word "POISON" prominently, in red, on a  
8           background of distinctly contrasting color; and  
9           (C) A statement of emergency medical treatment or an  
10          antidote when appropriate for the pesticide.
- 11          (4) Pesticides containing any of the ingredients commonly  
12          known as standard lead arsenate, basic lead arsenate,  
13          calcium arsenate, magnesium arsenate, zinc arsenate,  
14          zinc arsenite, sodium fluoride, sodium fluosilicate,  
15          or barium fluosilicate, unless they have been  
16          distinctly colored or discolored, or any other white  
17          powder pesticide which the board requires to be  
18          distinctly colored or discolored after investigation  
19          of and after a public hearing on the necessity for and  
20          feasibility of coloring or discoloring the pesticide  
21          for the protection of the public health, unless it has



- 1           been so colored or discolored pursuant to section  
2           149A-16.
- 3           (5) Any pesticide or device which is adulterated or  
4           misbranded as defined in section 149A-2.
- 5           (6) Any pesticide or device that is an imitation of  
6           another pesticide or device.
- 7           (7) Any restricted use pesticide unless the person has a  
8           permit issued in accordance with section 149A-17.
- 9           (8) Any restricted use pesticide to persons other than a  
10          certified pesticide applicator or any uncertified  
11          personnel under the certified pesticide applicator's  
12          supervision, or a licensed dealer, wholesaler, or  
13          retailer.
- 14          (9) Chlorpyrifos.
- 15          (b) It shall be unlawful to:
- 16          (1) Detach, alter, deface, or destroy, in whole or in  
17          part, any label or alter any labeling of a pesticide  
18          unless it is approved by the department to correct an  
19          improper label or labeling under section 24(c), FIFRA;



- 1           (2) Add any substance to, or take any substance from, a  
2           pesticide in a manner that may defeat the purpose of  
3           this chapter;
- 4           (3) Use for a person's own advantage or reveal any  
5           information relative to formulas of products acquired  
6           in the administration of this chapter, to persons  
7           other than to the chairperson or proper officials or  
8           employees of the State or the federal government; to  
9           the courts of this State or the federal government in  
10          response to a subpoena; to physicians; or, in  
11          emergencies, to pharmacists and other qualified  
12          persons for use in the preparation of antidotes;
- 13          (4) For any pesticide dealer, wholesaler, or retailer to  
14          expose or to offer for sale or to solicit or receive  
15          orders for the sale of restricted use pesticides  
16          unless the dealer, wholesaler, or retailer has applied  
17          for and has obtained a license from the department;
- 18          (5) For any pesticide dealer, wholesaler, or retailer to  
19          expose or to offer for sale or to solicit or receive  
20          orders for the sale of restricted use pesticides to



- 1 any person other than a certified pesticide  
2 applicator;
- 3 (6) For any pesticide dealer, wholesaler, or retailer to  
4 make any verbal or written claim or representation  
5 relating to any pesticide product that is inconsistent  
6 with the specific pesticide product label; or
- 7 (7) For any pesticide dealer to expose to, offer for sale  
8 to, or solicit or receive orders for the sale of  
9 restricted use pesticides to any pest control operator  
10 or to an employee of the pest control operator acting  
11 on the pest control operator's behalf without  
12 satisfactory proof that the pest control operator  
13 holds, or has held within the previous one hundred  
14 twenty days, a pest control license and, when  
15 applicable, without satisfactory proof that the  
16 employee is employed by the pest control operator.
- 17 (8) Use, store, or manufacture chlorpyrifos within this  
18 State."

19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect on November 1, 2018.

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INTRODUCED BY:

Richard Lee  
Basil Kobayashi  
Tom Ben  
\_\_\_\_\_  
Matt Lopez  
Cindy Evans  
Guthrie Thibelen  
\_\_\_\_\_  
Nicole E. Louren  
Gregory  
\_\_\_\_\_

JAN 16 2018



# H.B. NO. 1756

**Report Title:**

Agriculture; Pesticides; Ban on Chlorpyrifos

**Description:**

Bans import, use, manufacture, sale, and storage of chlorpyrifos in the State.

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

