

JAN 28 2015

A BILL FOR AN ACT

RELATING TO THE HEALTH IMPACTS OF PESTICIDES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . MANDATORY DISCLOSURE OF PESTICIDE USE

5 §321- Definitions. As used in this part, unless the
6 context clearly requires otherwise:

7 "Active ingredient" means:

8 (1) In the case of a pesticide other than a plant
9 regulator, defoliant, or desiccant, an ingredient that
10 will prevent, destroy, repel, or mitigate any pest;

11 (2) In the case of a plant regulator, an ingredient that,
12 through physiological action, will accelerate or
13 retard the rate of growth or maturation or otherwise
14 alter the behavior of ornamental or crop plants or the
15 produce thereof;



1 (3) In the case of a defoliant, an ingredient that will
2 cause the leaves or foliage to drop from the plant;
3 and

4 (4) In the case of a desiccant, an ingredient that will
5 artificially accelerate the drying of plant tissues.

6 "Crops" means commodities produced from the earth that are
7 planted, raised, and gathered within the course of a single
8 season.

9 "Department" means the department of health.

10 "Defoliant" means any substance or mixture of substances
11 intended for causing the leaves or foliage to drop from the
12 plant, with or without causing abscission.

13 "Desiccant" means any substance or mixture of substances
14 intended for artificially accelerating the drying of plant
15 tissue.

16 "Inert ingredient" means an ingredient that is not an
17 active ingredient.

18 "Pest" means any insect, rodent, nematode, fungus, weed, or
19 any other form of terrestrial or aquatic plant or animal life or
20 virus, bacterium, or any other microorganism, except viruses,
21 bacterium, or any other microorganisms on or in living humans or



1 other living animals, that the Administrator of the United
2 States Environmental Protection Agency determines to be a pest.

3 "Pesticide" means any substance or mixture of substances
4 intended for preventing, destroying, repelling, or mitigating
5 any pest, and any substance or mixture of substances intended
6 for use as an attractant, plant regulator, defoliant, or
7 desiccant. A product shall be deemed to be a pesticide
8 regardless of whether it is intended for use as packaged, or as
9 a dilution or mixture with substances such as carriers or baits.

10 Products not considered pesticides include:

- 11 (1) Deodorants, bleaching agents, and cleaning agents for
12 which no pesticidal claims are made or implied;
- 13 (2) Embalming fluids;
- 14 (3) Building materials that have been treated to protect
15 the material itself against any pest and bear no
16 claims for protection of other surfaces or objects;
- 17 (4) Fabrics that have been treated to protect the fabric
18 itself from insects, fungi, or any other pests;
- 19 (5) Fertilizer and other plant nutrients; and



1 (6) Products intended only for use after further
2 processing or manufacturing, such as grinding to dust
3 or other operations.

4 §321- Establishment; program. The department shall
5 establish and administer a program relating to disclosure of
6 pesticide use by any person or entity. The department shall
7 develop a standardized reporting form.

8 §321- Mandatory disclosure requirements. (a) Beginning
9 July 1, 2016, all persons or entities that cultivate crops on
10 two hundred or more acres within a single county in any calendar
11 year shall disclose the use of all pesticides in accordance with
12 this section.

13 (b) For each month of the reporting year, the person or
14 entity shall report to the department the use of all pesticides
15 used in the preceding month. For each use, the report shall
16 include:

17 (1) The pesticide's trade name, federal and state
18 registration or permit number, commercial product
19 name, active and inert ingredients, and gallons or
20 pounds used;

1 (2) The method, date, and total quantity of each
2 application;

3 (3) The geographic location of each application, by
4 address and tax map key number, and, where
5 appropriate, field number; and

6 (4) The total acreage and the area size where the
7 pesticide was used.

8 §321- Public disclosure requirements. Beginning
9 October 1, 2016, the department shall post online on the
10 department's website a summary of each monthly report received
11 under this part and, for each month, the failure of any person
12 or entity to comply with this part."

13 SECTION 2. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

John B. ...
...



S.B. NO. 1037

Report Title:

Pesticides; Disclosure

Description:

Requires the department of health to establish a mandatory disclosure program for pesticide use by all persons or entities under certain circumstances.

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