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



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

3 "Crops" means commodities produced from the earth that are
4 planted, raised, and gathered within the course of a single
5 season.

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

9 "Department" means the department of health.

10 "Desiccant" means any substance or mixture of substances
11 intended for artificially accelerating the drying of plant
12 tissue.

13 "Inert ingredient" means an ingredient that is not an
14 active ingredient.

15 "Pest" means any insect, rodent, nematode, fungus, weed, or
16 any other form of terrestrial or aquatic plant or animal life or
17 virus, bacterium, or any other microorganism, except viruses,
18 bacterium, or any other microorganisms on or in living humans or
19 other living animals, that the Administrator of the United
20 States Environmental Protection Agency determines to be a pest.



1 "Pesticide" means any substance or mixture of substances
2 intended for preventing, destroying, repelling, or mitigating
3 any pest, and any substance or mixture of substances intended
4 for use as an attractant, plant regulator, defoliant, or
5 desiccant. A product shall be deemed to be a pesticide
6 regardless of whether it is intended for use as packaged, or as
7 a dilution or mixture with substances such as carriers or baits.
8 Products not considered pesticides include:

- 9 (1) Deodorants, bleaching agents, and cleaning agents for
10 which no pesticidal claims are made or implied;
- 11 (2) Embalming fluids;
- 12 (3) Building materials that have been treated to protect
13 the material itself against any pest and bear no
14 claims for protection of other surfaces or objects;
- 15 (4) Fabrics that have been treated to protect the fabric
16 itself from insects, fungi, or any other pests;
- 17 (5) Fertilizer and other plant nutrients; and
- 18 (6) Products intended only for use after further
19 processing or manufacturing, such as grinding to dust
20 or other operations.



1 **§321- Establishment; program.** The department shall
2 establish and administer a program relating to disclosure of
3 pesticide use by any person or entity. The department shall
4 develop a standardized reporting form.

5 **§321- Mandatory disclosure requirements.** (a) Beginning
6 July 1, 2016, all persons or entities that cultivate crops on
7 two hundred or more acres within a single county in any calendar
8 year shall disclose the use of all pesticides in accordance with
9 this section.

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

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

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



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

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

6 **§321- Public disclosure requirements.** Beginning
7 October 1, 2016, the department shall post online on the
8 department's website a summary of each monthly report received
9 under this part and, for each month, the failure of any person
10 or entity to comply with this part."

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

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



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. (SD1)

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

