

JAN 23 2015

A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

PART I

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SECTION 1. The legislature finds that there are nearly 10,000 pesticides registered for use in Hawaii. The department of agriculture is responsible for ensuring pesticides are used correctly in Hawaii. The legislature further finds that it is in the interest of the public to enhance the ability of the department of agriculture and the University of Hawaii college of tropical agriculture and human resources to respond to questions about pesticide use and make recommendations regarding pesticides for the protection of public safety and the environment. The legislature concludes that this can best be accomplished by increasing the pesticide licensing fee and amending the authorized uses of the pesticide use revolving fund.

Accordingly, the purpose of this Act is to:

- (1) Increase the pesticide licensing fee;



1 be sold, offered for sale, or distributed. [~~The term of the~~
2 ~~license shall be for a period of up to three years. A]~~ Every
3 license shall expire on December 31 [~~of the third]~~ each year.
4 In case of renewal of license, a statement shall be required
5 only with respect to information which is different from that
6 furnished when the pesticide was licensed or last relicensed."

7 SECTION 3. Section 149A-13.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§149A-13.5 Pesticide use revolving fund; [~~pesticide~~**
10 **~~training workshops,]~~ uses; training fee. (a) There is**
11 established within the treasury of the State, a pesticide use
12 revolving fund. The fund shall be administered by the
13 department for the purposes of this section. The fund shall
14 consist of:

15 (1) Licensing and registration fees and charges collected
16 by the department under section 149A-13(b);

17 (2) All fees collected by the department through the
18 collection of training fees in accordance with
19 subsection (c); and



1 (3) Funds appropriated for the pesticide subsidy program
2 established under Act 105, Session Laws of Hawaii
3 2014.

4 (b) ~~[Moneys in the pesticide use revolving fund shall be~~
5 ~~expended by the department to support the pesticide program's~~
6 ~~registration and licensing, certification and education, and~~
7 ~~compliance monitoring activities. The department shall also~~
8 ~~expend revolving fund moneys on the establishment of pesticide~~
9 ~~training workshops, educational programs, development of~~
10 ~~integrated pest management strategies, the pesticide subsidy~~
11 ~~program created under Act 105, Session Laws of Hawaii 2014, and~~
12 ~~other services for pesticide users such as the agricultural pest~~
13 ~~control industry, the structural pest control industry, and~~
14 ~~consumer users of pesticides, which provide pesticide~~
15 ~~instruction in areas including the collection, disposal, and~~
16 ~~recycling of pesticide containers and all other pesticide~~
17 ~~services deemed necessary by the department.] Moneys from the~~
18 pesticide use revolving fund may be used for personnel,
19 services, materials, and equipment for the purposes of this
20 section. Moneys in the revolving fund shall be expended by the
21 department for:



- 1 (1) Registration and technical review;
- 2 (2) Certification, including certification of restricted
- 3 use pesticides or experimental use pesticides;
- 4 (3) Compliance monitoring activities;
- 5 (4) Development of an electronic data collection system
- 6 for all required pesticide reporting;
- 7 (5) Personnel costs, including the hiring of necessary
- 8 staff;
- 9 (6) Development of pesticide-related educational materials
- 10 in conjunction with the University of Hawaii college
- 11 of tropical agriculture and human resources;
- 12 (7) Demonstration trials in conjunction with the
- 13 University of Hawaii college of tropical agriculture
- 14 and human resources cooperative extension service
- 15 agents to develop integrated management and drift
- 16 management technologies; and
- 17 (8) A pesticide disposal program.

18 The department shall also expend revolving fund moneys on
19 the pesticide subsidy program created under Act 105, Session
20 Laws of Hawaii 2014, and shall partner with the University of
21 Hawaii college of tropical agriculture and human resources to



1 expend revolving fund moneys on the establishment of pesticide
2 education programs and pesticide training programs and for the
3 establishment of a position of pesticide extension specialist.

4 ~~[Moneys expended by the department from the pesticide use~~
5 ~~revolving fund for training workshops, educational programs, and~~
6 ~~other services for the agricultural pest control industry, the~~
7 ~~structural pest control industry, and consumer groups shall be~~
8 ~~expended in a manner that appropriately addresses the needs of~~
9 ~~each category of pesticide user.]~~

10 (c) The department may set fees for [the] any educational
11 ~~[services]~~ programs and training programs provided under this
12 section.

13 (d) All interest earned on the deposit or investment of
14 the moneys in the fund shall become a part of the fund.

15 ~~[(e) All unobligated, unencumbered, or unexpended funds~~
16 ~~remaining in the fund in excess of \$250,000 at the close of each~~
17 ~~fiscal year shall lapse to the state general fund.]~~

18 ~~(f)]~~ (e) The department shall submit an annual report to
19 the legislature on all moneys deposited into, and disbursed
20 from, the pesticide use revolving fund. The report shall be
21 submitted to the legislature not fewer than twenty days prior to



1 the convening of each regular session. The report shall
2 [~~group~~]:

3 (1) Group all moneys deposited into, and disbursed from,
4 the revolving fund according to the categories
5 established in subsections (a) to [~~(e)~~] (d);

6 (2) Include recommendations to improve pesticide education
7 and regulatory processes within the State; and

8 (3) Include recommendations for budget reallocations for
9 the subsequent fiscal year."

10 **PART III**

11 SECTION 4. (a) The department of agriculture and the
12 University of Hawaii college of tropical agriculture and human
13 resources shall execute a memorandum of understanding regarding
14 the expenditure of moneys from the pesticide use revolving fund
15 pursuant to section 149A-13.5(b), Hawaii Revised Statutes.

16 (b) No later than twenty days prior to the regular session
17 of 2016, and each regular session thereafter, the department of
18 agriculture and University of Hawaii college of tropical
19 agriculture and human resources shall submit a report to the
20 legislature on all moneys expended from the pesticide use



1 revolving fund in accordance with the memorandum of
2 understanding required under subsection (a).

3 SECTION 5. (a) There is established within the department
4 of agriculture the position of an environmental toxicologist.
5 The position shall be exempt from chapter 76, Hawaii Revised
6 Statutes. The position shall partner with the department of
7 health toxicologist to expand the technical capacity of the
8 departments of agriculture and health to analyze findings and
9 make recommendations regarding environmental and human health.

10 (b) There shall be a memorandum of understanding between
11 the department of agriculture environmental toxicologist and the
12 department of health toxicologist that defines a collaborative
13 relationship between the two positions.

14 SECTION 6. There is appropriated out of the pesticide use
15 revolving fund the sum of \$200,000 or so much thereof as may be
16 necessary for fiscal year 2015-2016 and the same sum or so much
17 thereof as may be necessary for fiscal year 2016-2017 for
18 operating expenses and the position of environmental
19 toxicologist established under section 5 of this Act.

20 The sums appropriated shall be expended by the department
21 of agriculture exclusively for the purposes of this Act.



1 SECTION 7. There is established within the University of
2 Hawaii college of tropical agriculture and human resources the
3 position of pesticide extension specialist, to be funded by the
4 pesticide use revolving fund through a contract with the
5 department of agriculture. The pesticide extension specialist
6 shall be responsible for:

- 7 (1) Developing educational materials in conjunction with
8 the department of agriculture pursuant to section
9 149A-13.5(b), Hawaii Revised Statutes;
- 10 (2) Working with the environmental toxicologist
11 established under section 5 of this Act to design
12 experiments; and
- 13 (3) Exploring partnerships with other agencies for funding
14 opportunities.

15 SECTION 8. There is appropriated out of the pesticide use
16 revolving fund the sum of \$200,000 or so much thereof as may be
17 necessary for fiscal year 2015-2016 and the same sum or so much
18 thereof as may be necessary for fiscal year 2016-2017 for
19 operating expenses and the position of a pesticide extension
20 specialist established under section 7 of this Act.



1 necessary for fiscal year 2015-2016 and the same sum or so much
2 thereof as may be necessary for fiscal year 2016-2017 for the
3 development of an electronic data collection system.

4 SECTION 13. There is appropriated out of the pesticide use
5 revolving fund the sum of \$400,000 or so much thereof as may be
6 necessary for fiscal year 2015-2016 and the same sum or so much
7 thereof as may be necessary for fiscal year 2016-2017 for the
8 development of pesticide-related educational materials.

9 SECTION 14. There is appropriated out of the pesticide use
10 revolving fund the sum of \$300,000 or so much thereof as may be
11 necessary for fiscal year 2015-2016 and the same sum or so much
12 thereof as may be necessary for fiscal year 2016-2017 to conduct
13 demonstration trials in conjunction with the University of
14 Hawaii college of tropical agriculture and human resources
15 cooperative extension service agents to develop integrated
16 management and drift management technologies.

17 SECTION 15. There is appropriated out of the pesticide use
18 revolving fund the sum of \$500,000 or so much thereof as may be
19 necessary for fiscal year 2015-2016 and the same sum or so much
20 thereof as may be necessary for fiscal year 2016-2017 for the
21 pesticide disposal program.



S.B. NO. 734

Report Title:

Pesticides; Licensing; Fees; Pesticide Use Revolving Fund; Appropriation

Description:

Increases the pesticide licensing fee. Amends authorized uses for moneys in the pesticide use revolving fund. Requires memorandum of understanding between the department of agriculture and the University of Hawaii college of tropical agriculture and human resources regarding the expenditure of funds from the pesticide use revolving fund and a report to the legislature. Establishes an environmental toxicologist position within the department of agriculture and a pesticide extension specialist, through a contract with the department of agriculture, within the University of Hawaii college of tropical agriculture and human resources. Appropriates funds out of the pesticide use revolving fund for specific purposes. Removes the sunset date of Act 168, Session Laws of Hawaii 2010.

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

