

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE HEALTH IMPACT 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 . RESTRICTED USE PESTICIDE DISCLOSURE REQUIREMENTS**

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

7 "Department" means the department of health.

8 "Outdoor application" means an application of a restricted
9 use pesticide made outside of a building or enclosed structure.
10 The term excludes indoor applications of restricted use

11 pesticides and structural or termite application of restricted
12 use pesticides, regardless of whether such applications are
13 applied inside or outside of a building or enclosed structure.

14 **§321- Disclosure and notification of restricted use**
15 **pesticide use.** Beginning July 1, 2016, any entity or person
16 that annually uses or purchases in excess of pounds or
17 gallons of restricted use pesticides during a prior



1 calendar year shall disclose the use of restricted use
2 pesticides in compliance with the following disclosure and
3 notification requirements:

4 (1) Provide public posting of warning signs in the area in
5 which restricted use pesticides are to be applied a
6 minimum of twenty-four hours prior to the outdoor
7 application of any restricted use pesticide. The
8 warning signs shall remain posted during the outdoor
9 application of any restricted use pesticide and until
10 expiration of the applicable restricted-entry interval
11 established by the Environmental Protection Agency for
12 the particular restricted use pesticide. The posting
13 of warning signs during and after the outdoor
14 application of any restricted use pesticide shall
15 conform to the worker protection standard established
16 by the Environmental Protection Agency. The pesticide
17 warning signs shall contain but not be limited to the
18 following information:

19 (A) The trade name of the restricted use pesticide to
20 be applied;



- 1 (B) The name of the active ingredient or ingredients
- 2 of the restricted use pesticide to be applied;
- 3 (C) The potential hazards to humans and domestic
- 4 animals as listed in the precautionary statements
- 5 of the restricted use pesticide's label; and
- 6 (D) Emergency telephone numbers to call in case of
- 7 poisoning from the restricted use pesticide.
- 8 (2) Provide pre-application written notification to any
- 9 entity or person within feet of the property
- 10 line where the restricted use pesticide is anticipated
- 11 to be applied outdoors a minimum of twenty-four hours
- 12 prior to the outdoor application of any restricted use
- 13 pesticide. The pre-application written notifications
- 14 shall contain but not be limited to the following
- 15 information:
- 16 (A) The trade name of the restricted use pesticide to
- 17 be applied;
- 18 (B) The name of the active ingredient or ingredients
- 19 of the restricted use pesticide to be applied;



- 1 (C) The potential hazards to humans and domestic
2 animals as listed in the precautionary statements
3 of the restricted use pesticide's label; and
4 (D) Emergency telephone numbers to call in case of
5 poisoning from the restricted use pesticide.
- 6 (3) No later than sixty days following the end of each
7 calendar year, any entity or person subject to this
8 section shall provide annual public reports of all
9 restricted use pesticides used in outdoor applications
10 during the prior calendar year to the department of
11 health and department of agriculture. The annual
12 public reports shall be posted online on each of the
13 departments' websites. The annual public reports
14 shall contain but not be limited to the following
15 information:
- 16 (A) A listing of all restricted use pesticides used
17 in outdoor applications by federal and state
18 registrations or permit numbers, commercial
19 product names, and active ingredients;
- 20 (B) The total quantities used for each restricted use
21 pesticide; and



1 (C) A general description of the geographic location,
2 including at minimum the tax map key and ahupuaa
3 where the restricted use pesticides were used."

4 SECTION 2. The department of health shall adopt rules,
5 pursuant to chapter 91, Hawaii Revised Statutes, necessary for
6 the purposes of this Act.

7 SECTION 3. Nothing in this Act shall be construed to
8 prohibit or preempt the authority of an unit of local government
9 in the State of Hawaii, including counties and any other
10 political subdivisions created under article VIII, section 1, of
11 the Hawaii State Constitution, to regulate restricted use
12 pesticide disclosure, notification, and use in a manner that is
13 equivalent to or more restrictive than the provisions contained
14 in this Act.

15 SECTION 4. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.

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

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INTRODUCED BY: *John A.*

Russell E. Pugh



S.B. NO. 801

Report Title:

Restricted Use Pesticides; Disclosure; Notification

Description:

Establishes notice and reporting requirements for any entity or person that uses restricted use pesticides under certain conditions.

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

