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# 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       .   PESTICIDE DRIFT PROTECTIONS**

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

7           "Department" means the department of health.

8           "Experimental use pesticide" means a pesticide whose use is  
9 authorized by an experimental use permit by either the  
10 Environmental Protection Agency or the department.

11           "Health" means physical and mental health.

12           "Outdoor application" means an application of a pesticide  
13 made outside of a building or enclosed structure. The term  
14 excludes indoor applications of pesticides and structural or  
15 termite application of pesticides, regardless of whether such  
16 applications are applied inside or outside of a building or  
17 enclosed structure.

18           "Sensitive area" includes:



1 (1) Any school, hospital licensed pursuant to section  
 2 321-14.5, adult residential care home, assisted living  
 3 facility, child care facility, family child care home,  
 4 group child care center, group child care home,  
 5 hospice home, extended care adult residential care  
 6 home, expanded adult residential care home, health  
 7 care facility, primary care clinic, and place of  
 8 worship; and

9 (2) Any shoreline, watershed, and body of perennial  
 10 waters.

11 **§321-B Disclosure and notification of agricultural**

12 **pesticide use.** (a) Beginning July 1, 2016, any entity or  
 13 person that annually uses or purchases in excess of pounds  
 14 or gallons of restricted use pesticides during a prior  
 15 calendar year shall disclose the use of all pesticides,  
 16 including restricted use, general use, or experimental use  
 17 pesticides, in compliance with the following disclosure and  
 18 notification requirements:

19 (1) Provide public posting of warning signs in the area in  
 20 which pesticides are to be applied a minimum of  
 21 twenty-four hours prior to the outdoor application of



1 any pesticide, including any restricted use, general  
2 use, or experimental use pesticide. The warning signs  
3 shall remain posted during the outdoor application of  
4 any pesticide and until expiration of the applicable  
5 restricted-entry interval established by the  
6 Environmental Protection Agency for the particular  
7 pesticide. The posting of warning signs during and  
8 after the outdoor application of any pesticide shall  
9 conform to the worker protection standard established  
10 by the Environmental Protection Agency. The pesticide  
11 warning signs shall contain but not be limited to the  
12 following information:

- 13 (A) The trade name of the pesticide to be applied;  
14 (B) The name of the active ingredient or ingredients  
15 of the pesticide to be applied;  
16 (C) The potential hazards to humans and domestic  
17 animals as listed in the precautionary statements  
18 of the pesticide's label; and  
19 (D) Emergency telephone numbers to call in case of  
20 poisoning from the pesticide;



- 1           (2) Provide pre-application written notification to any  
2           entity or person within           feet of the property  
3           line where the pesticide is anticipated to be applied  
4           outdoors a minimum of twenty-four hours prior to the  
5           outdoor application of any pesticide, including any  
6           restricted use, general use, or experimental use  
7           pesticide. The pre-application written notifications  
8           shall contain but not be limited to the following  
9           information:
- 10           (A) The trade name of the pesticide to be applied;
  - 11           (B) The name of the active ingredient or ingredients  
12           of the pesticide to be applied;
  - 13           (C) The potential hazards to humans and domestic  
14           animals as listed in the precautionary statements  
15           of the pesticide's label; and
  - 16           (D) Emergency telephone numbers to call in case of  
17           poisoning from the pesticide; and
- 18           (3) No later than sixty days following the end of each  
19           calendar year, any entity or person subject to this  
20           section shall provide annual public reports of all  
21           pesticides, including restricted use, general use, or



1 experimental use pesticides, used in outdoor  
2 applications during the prior calendar year to the  
3 department of health and department of agriculture.  
4 The annual public reports shall be posted online on  
5 each of the department's websites. The annual public  
6 reports shall contain but not be limited to the  
7 following information:

8 (A) A listing of all pesticides used in outdoor  
9 applications by federal and state registrations  
10 or permit numbers, commercial product names, and  
11 active ingredients;

12 (B) The total quantities used for each pesticide; and

13 (C) A general description of the geographic location,  
14 including at minimum the tax map key and ahupuaa  
15 where the pesticides were used.

16 (b) Any entity or person subject to this section shall not  
17 conduct any outdoor application of pesticides when the wind  
18 speed is more than miles per hour. If a more restrictive  
19 standard is set forth in information contained on the label of  
20 the pesticide, or by other regulations, including county or  
21 local regulations, the more restrictive standard shall apply.



1           **§321-C Pesticide buffer zones for sensitive areas.** (a)  
2 Beginning July 1, 2016, any entity or person that uses or  
3 purchases in excess of           pounds or           gallons of  
4 restricted use pesticides annually shall restrict the outdoor  
5 application of all pesticides, including restricted use, general  
6 use, or experimental use pesticides, within           feet of any  
7 sensitive area.

8           (b) If a more restrictive standard is set forth in the  
9 information contained on the label of the pesticide, or by other  
10 regulations, including county or local regulations, the more  
11 restrictive standard shall apply.

12           (c) Any entity or person that is subject to section 321-B  
13 shall ensure that prior to any outdoor application of  
14 pesticides, the application site is positively identified using  
15 a unique and verifiable method, including:

- 16           (1) An onboard, geo-referenced electronic mapping and  
17               navigation system, such as Global Positioning System;
- 18           (2) Effective site markings visible to the pesticide  
19               applicator; or
- 20           (3) Other methods approved by the department.



1 (d) Any entity or person that is subject to section 321-B,  
2 prior to any application of pesticides, shall provide the  
3 certified pesticide applicator, commercial pesticide applicator,  
4 or pest control operator with a site plan that includes a site  
5 map that:

6 (1) Delineates the boundaries of the application area and  
7 the property lines;

8 (2) Depicts the type and location of sensitive areas  
9 within feet of the application areas; and

10 (3) Depicts the pesticide buffer zones for sensitive areas  
11 where no pesticide application is allowed.

12 **§321-D Exemptions.** Notwithstanding the provisions of this  
13 part, any entity or person subject to section 321-B may obtain  
14 from the department a single use exemption from the prohibition  
15 on outdoor applications of pesticides in pesticide buffer zones  
16 around sensitive areas. The department shall issue a single use  
17 exemption if it determines that:

18 (1) The pest situation poses an immediate threat to human  
19 health and the environment; and

20 (2) That there is no viable alternative to the use of the  
21 proposed pesticide."



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

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

11 SECTION 4. 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 5. In codifying the new sections added by section  
18 1 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.

21 SECTION 6. This Act shall take effect upon its approval.





**Report Title:**

Pesticide; Health; Disclosure

**Description:**

Establishes notice, reporting, and use requirements for any entity or person that uses pesticides 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.*

