
A BILL FOR AN ACT

RELATING TO LANDSCAPE WORKFORCE.

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

1 SECTION 1. The legislature finds that many pesticides are
2 hazardous to human health, causing negative reproductive and
3 developmental effects, cancer, kidney and liver damage, and
4 endocrine disruption. However, many of the harmful effects of
5 pesticides can be avoided through proper pesticide application,
6 handling, and storage.

7 The legislature further finds that individuals who apply
8 pesticides as part of their occupations are particularly
9 susceptible to the harmful effects of pesticides due to their
10 frequent exposure. Many of these individuals lack proper
11 training on the use of pesticides, fail to take proper safety
12 precautions, and unnecessarily expose themselves to these
13 chemicals.

14 The purpose of this Act is to protect landscape workers who
15 regularly apply general use pesticides by requiring them to
16 participate in a certification program for the proper use of
17 those pesticides.



1 SECTION 2. Section 149A-2, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Certified general use pesticide applicator" means any
5 individual who is certified under section 149A-33(6) as
6 authorized to use or supervise the use of any general use
7 pesticide.

8 "Landscape workforce member" means any person who performs
9 work in the landscape industry for a fee, including gardeners,
10 groundskeepers, greenskeepers, and landscapers."

11 SECTION 3. Section 149A-11, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) It shall be unlawful [~~to~~]:

14 (1) [~~Detach,~~] To detach, alter, deface, or destroy, in
15 whole or in part, any label or alter any labeling of a
16 pesticide unless it is approved by the department to
17 correct an improper label or labeling under section
18 24(c), FIFRA;

19 (2) [~~Add~~] To add any substance to, or take any substance
20 from, a pesticide in a manner that may defeat the
21 purpose of this chapter;



- 1 (3) [Use] To use for a person's own advantage or reveal
2 any information relative to formulas of products
3 acquired in the administration of this chapter, to
4 persons other than to the chairperson or proper
5 officials or employees of the State or the federal
6 government; to the courts of this State or the federal
7 government in response to a subpoena; to physicians;
8 or, in emergencies, to pharmacists and other qualified
9 persons for use in the preparation of antidotes;
- 10 (4) For any pesticide dealer, wholesaler, or retailer to
11 expose or to offer for sale or to solicit or receive
12 orders for the sale of restricted use pesticides
13 unless the dealer, wholesaler, or retailer has applied
14 for and has obtained a license from the department;
- 15 (5) For any pesticide dealer, wholesaler, or retailer to
16 expose or to offer for sale or to solicit or receive
17 orders for the sale of restricted use pesticides to
18 any person other than a certified pesticide
19 applicator;
- 20 (6) For any pesticide dealer, wholesaler, or retailer to
21 make any verbal or written claim or representation



1 relating to any pesticide product that is inconsistent
2 with the specific pesticide product label; [~~or~~]

3 (7) For any pesticide dealer to expose to, offer for sale
4 to, or solicit or receive orders for the sale of
5 restricted use pesticides to any pest control operator
6 or to an employee of the pest control operator acting
7 on the pest control operator's behalf without
8 satisfactory proof that the pest control operator
9 holds, or has held within the previous one hundred
10 twenty days, a pest control license and, when
11 applicable, without satisfactory proof that the
12 employee is employed by the pest control operator[~~or~~];

13 or

14 (8) For any landscape workforce member to apply any
15 general use pesticide in the course of business unless
16 the landscape workforce member is a certified general
17 use pesticide applicator."

18 SECTION 4. Section 149A-33, Hawaii Revised Statutes, is
19 amended to read as follows:



1 "**§149A-33 Rules.** The department shall have the authority
2 to carry out and effectuate the purpose of this chapter by
3 rules, including but not limited to the following:

4 (1) To establish fees, procedures, conditions, and
5 standards to certify persons for the use of restricted
6 use pesticides under section 4 of FIFRA;

7 (2) To establish limitations and conditions for the
8 application of pesticides by aircraft, power rigs,
9 mist blowers, and other equipment;

10 (3) To establish, as necessary, specific standards and
11 guidelines which specify those conditions which
12 constitute unreasonable adverse effects on the
13 environment;

14 (4) To establish, as necessary, record keeping
15 requirements for pesticide use by applicators; [~~and~~]

16 (5) To establish, as necessary, procedures for the
17 issuance of guidelines to specify those conditions
18 that constitute use of a pesticide in a manner
19 inconsistent with its label[-]; and

20 (6) To establish fees, procedures, conditions, and
21 standards to certify landscape workforce members as



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1 general use pesticide applicators; provided that the
 2 certification process shall occur on an annual basis
 3 and include a requirement that a landscape workforce
 4 member participate in at least one general use
 5 pesticide training workshop or educational program
 6 prior to initial certification as a certified general
 7 use pesticide applicator."

8 SECTION 5. This Act does not affect rights and duties that
 9 matured, penalties that were incurred, and proceedings that were
 10 begun before its effective date.

11 SECTION 6. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2018.

14

INTRODUCED BY:

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JAN 18 2018



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Report Title:

Landscaping; Landscape Workers; Pesticide; Applicator
Certification

Description:

Requires that landscape workers participate in a general use pesticide training workshop or educational program and obtain a certification prior to the application of general use pesticides.

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

