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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1           SECTION 1. The legislature finds that pollinators,  
2 including honeybees, are a vital part of agricultural production  
3 in the State. In Hawaii, pollinators are critical to valuable  
4 specialty crops, including melons, watermelons, cucumbers,  
5 squash, lychee, mango, macadamia nuts, coffee beans, eggplant,  
6 avocado, guava, herbs, and some flowering plants, such as  
7 sunflowers. In 2007, the department of agriculture estimated  
8 that nearly seventy per cent of the State's food crops depend on  
9 pollination by bees. In North America, one-third of the food  
10 produced depends on pollination by bees, including nearly  
11 ninety-five varieties of fruits and other foods of high  
12 nutritional value.

13           Scientists have linked the use of systemic neonicotinoid  
14 insecticides to the rapid decline of honeybees and other  
15 pollinators and to the deterioration of pollinator health. This  
16 class of insecticides damages the central nervous system of  
17 insects, causing tremors, paralysis, and death at very low



1 doses. Systemic insecticides are absorbed into treated plants  
2 and distributed throughout their vascular systems. As a result,  
3 treating a plant or coating a seed with neonicotinoids can  
4 render parts of the plant, including the roots, leaves, stems,  
5 flowers, nectar, pollen, and guttation fluid, toxic to insects.  
6 The insecticides are persistent in soil and easily transported  
7 via air, dust, and water. In addition to the acute lethal  
8 effects, neonicotinoid insecticides cause sub-lethal effects,  
9 including impaired foraging and feeding behavior,  
10 disorientation, weakened immunity, delayed larval development,  
11 and increased susceptibility to viruses, diseases, and  
12 parasites. The toxins also kill or weaken beneficial  
13 invertebrates, birds, and other wildlife, through direct and  
14 indirect effects.

15 Hawaii boasts a variety of native pollinators, including  
16 honeycreeper birds, Hawaiian yellow-faced bees, and the  
17 Kamehameha butterfly. Unfortunately, these iconic species are  
18 in peril. Native bees, beneficial insects of all kinds, and  
19 food chains of aquatic invertebrates, insects, birds, bats, and  
20 other pollinators in Hawaii are at risk from environmental  
21 contamination by highly-persistent neonicotinoids. Twenty



1 species of honeycreepers are already extinct. In 2016, the  
2 United States Fish and Wildlife Service added the following  
3 seven species of Hawaiian yellow-faced bees to the federal lists  
4 of endangered and threatened wildlife and plants: *Hylaeus*  
5 *anthracinus*, *Hylaeus longiceps*, *Hylaeus assimulans*, *Hylaeus*  
6 *facilis*, *Hylaeus hilaris*, *Hylaeus kuakea*, and *Hylaeus mana*.  
7 These native bee species are at even greater risk from the use  
8 of neonicotinoid insecticides.

9 Scientists have also found that seeds coated in  
10 neonicotinoids are harmful to birds. The consumption of a  
11 single corn kernel coated with a neonicotinoid can kill a  
12 medium-sized songbird. In 2013, the European Union voted to  
13 suspend the use of three major neonicotinoids—imidacloprid,  
14 clothianidin, and thiamethoxam—on certain agricultural crops  
15 pending a review of their safety. States in this country have  
16 also restricted some neonicotinoid uses to address their risks.

17 In 2015, the United States Environmental Protection Agency  
18 announced a moratorium on approvals for new outdoor uses of  
19 neonicotinoids. Since January 2016, the United States Fish and  
20 Wildlife Service has prohibited uses of neonicotinoid pesticides



1 in agricultural practices within the National Wildlife Refuge  
2 System.

3 The legislature also finds that glyphosate is a broad-  
4 spectrum herbicide, meaning the herbicide kills many varieties  
5 of green vegetation and is widely used in agricultural,  
6 residential, aquatic, and other settings. In fact, glyphosate  
7 is the most widely used herbicide globally and within the United  
8 States due to the widespread cultivation of "Roundup Ready"  
9 crops, i.e., crops that have been genetically engineered to  
10 withstand its application. Because of glyphosate's intensive  
11 and extensive use, it is regularly found in food, the air,  
12 rainfall, and surface waters. The increased use of glyphosate  
13 in genetically engineered agriculture has resulted in the rapid  
14 development and proliferation of previously unknown herbicide  
15 tolerant superweeds. As more crops are genetically engineered  
16 to resist glyphosate, glyphosate use and resistance in weeds  
17 both increase. Superweeds threaten to overtake the habitat of  
18 native flora and fauna in uncultivated lands and force farmers  
19 and land managers to use increasingly toxic and expensive  
20 herbicides, which further exacerbate the environmental and  
21 health-related impacts of the herbicide.



1 Increased use of glyphosate-based herbicides with  
2 glyphosate-resistant crops has substantial environmental  
3 impacts, including reduced biodiversity, the loss of milkweed, a  
4 plant that the monarch butterfly relies on which has caused a  
5 steady decline in monarch butterfly populations, and potential  
6 impacts to water and aquatic life, such as amphibians.

7 In 2015, the International Agency for Research on Cancer, a  
8 division of the World Health Organization and the world's  
9 leading authority on cancer, unanimously concluded that  
10 glyphosate is a probable carcinogen. The International Agency  
11 for Research on Cancer's determination was based on a rigorous  
12 assessment that concluded that there is sufficient evidence of  
13 carcinogenicity in experimental animals.

14 In light of glyphosate's proven environmental and human  
15 health risks, many jurisdictions have moved to restrict its use.  
16 For example, at least two municipalities in California have  
17 banned the use of glyphosate herbicides from use on public lands  
18 within their localities. These municipalities have found  
19 organic alternatives to glyphosate, such as "avenger," to be  
20 effective. California has also proposed listing glyphosate as a  
21 possible carcinogen under the state's Safe Drinking Water and



1 Toxic Enforcement Act of 1986 (Proposition 65), which requires  
2 California to publish chemicals known to cause cancer or birth  
3 defects or other reproductive harm. Finally, in 2016, the  
4 European Commission, the executive body of the European Union,  
5 made a series of recommendations to restrict the use of  
6 glyphosate while the European Chemical Agency concludes its  
7 review of the chemical. One of the recommendations calls for  
8 minimizing the use of glyphosate herbicides in public parks,  
9 public playgrounds, and gardens.

10 The purpose of this Act is to defend and protect Hawaii's  
11 public health, agricultural economy, and natural ecosystems by  
12 restricting the exposure of:

- 13 (1) Hawaii's honeybees, native bees, insects, birds, and  
14 other pollinators to neonicotinoid insecticides; and
- 15 (2) Hawaii's residents, plants, animals, and natural  
16 resources to glyphosate herbicides.

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

20 "Glyphosate" or "glyphosate herbicides" includes all  
21 herbicides that contain glyphosate as one of the active



1 ingredients and tank mixes of herbicides containing glyphosate  
2 as one of the active ingredients.

3 "Neonicotinoid insecticides" means a class of systemic  
4 pesticides with a common mode of action that affects the central  
5 nervous system of insects that includes the following active  
6 ingredients: acetamiprid, clothianidin, dinoteluran,  
7 imidacloprid, thiamethoxam, or other new neonicotinoid  
8 insecticides as specified by the department pursuant to rule."

9 SECTION 3. Section 149A-31, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§149A-31 Prohibited acts.** No person shall:

12 (1) Use any pesticide in a manner inconsistent with its  
13 label, except that it shall not be unlawful to:

14 (A) Apply a pesticide at any dosage, concentration,  
15 or frequency less than that specified on the  
16 label or labeling; provided that the efficacy of  
17 the pesticide is maintained and further provided  
18 that, when a pesticide is applied by a commercial  
19 applicator, the deviation from the label  
20 recommendations must be with the consent of the  
21 purchaser of the pesticide application services;



- 1 (B) Apply a pesticide against any target pest not
- 2 specified in the labeling if the application is
- 3 to a crop, animal, or site specified on the label
- 4 or labeling; provided that the label or labeling
- 5 does not specifically prohibit the use on pests
- 6 other than those listed on the label or labeling;
- 7 (C) Employ any method of application not prohibited
- 8 by the labeling;
- 9 (D) Mix a pesticide or pesticides with a fertilizer
- 10 when such mixture is not prohibited by the label
- 11 or labeling; or
- 12 (E) Use in a manner determined by rule not to be an
- 13 unlawful act;
- 14 (2) Use, store, transport, or discard any pesticide or
- 15 pesticide container in any manner which would have
- 16 unreasonable adverse effects on the environment;
- 17 (3) Use or apply restricted use pesticides unless the
- 18 person is a certified pesticide applicator or under
- 19 the direct supervision of a certified pesticide
- 20 applicator with a valid certificate issued pursuant to
- 21 rules adopted under section 149A-33(1); provided that





1           it shall be prohibited to use or apply a restricted  
 2           use pesticide for structural pest control uses for a  
 3           fee or trading of services, unless the user or  
 4           applicator is a pest control operator or is employed  
 5           by a pest control operator licensed under chapter  
 6           460J;

7           (4) Use or apply pesticides in any manner that has been  
 8           suspended, canceled, or restricted pursuant to section  
 9           149A-32.5;

10          (5) Falsify any record or report required to be made or  
 11          maintained by rules adopted pursuant to this chapter;  
 12          ~~[or]~~

13          (6) Fill with water, through a hose, pipe, or other  
 14          similar transmission system, any tank, implement,  
 15          apparatus, or equipment used to disperse pesticides,  
 16          unless the tank, implement, apparatus, equipment,  
 17          hose, pipe, or other similar transmission system is  
 18          equipped with an air gap or a reduced-pressure  
 19          principle backflow device meeting the requirements  
 20          under section 340E-2 and the rules adopted  
 21          ~~[thereunder-]~~; or



1        (7) After December 31, 2020, apply any neonicotinoid  
 2        insecticide or glyphosate herbicide, including the  
 3        planting of any seed or plant pretreated with any  
 4        neonicotinoid insecticide, on any public land owned or  
 5        maintained by the State, except for the use of  
 6        structural pest control, without a:

7        (A) License issued by the State or any agency of the  
 8        federal government to conduct neonicotinoid  
 9        insecticide research; or

10       (B) Permit issued by the State to apply any  
 11       neonicotinoid insecticide or glyphosate herbicide  
 12       because:

13       (i) The situation poses an immediate threat to  
 14       human health and the environment; and

15       (ii) There is no viable alternative to the use of  
 16       the proposed neonicotinoid insecticide or  
 17       glyphosate herbicide."

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



1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on January 28, 2045.



**Report Title:**

Environmental Protection; Neonicotinoid Insecticides; Glyphosate Herbicides; Public Lands; Prohibitions

**Description:**

Prohibits the application of neonicotinoid insecticides and glyphosate herbicides after December 31, 2020, without a license or permit issued by the State on State public lands under certain conditions. (HB2722 HD1)

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

