A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

SECTION 1. The legislature finds that glyphosate is a broad-spectrum herbicide, meaning that the herbicide kills many varieties of green vegetation and is widely used in agricultural, residential, aquatic, and other settings. In fact, glyphosate is the most widely used herbicide globally and within the United States due to the widespread cultivation of "Roundup Ready" crops, i.e., crops that have been genetically engineered to withstand its application.

The legislature further finds that there is growing yet mixed evidence on the potential harmful effects of glyphosate. For example, in 2015, the International Agency for Research on Cancer, a division of the World Health Organization and the world's leading authority on cancer, unanimously concluded that glyphosate is a probable carcinogen. The International Agency for Research on Cancer's determination was based on a rigorous assessment that concluded that there is sufficient evidence of carcinogenicity in experimental animals. In 2018, a California
1 jury awarded $289 million to a school groundskeeper after ruling
2 the groundskeeper contracted non-Hodgkin's lymphoma because of
3 his repeated exposure to glyphosate. As part of his job duties,
4 the groundskeeper was responsible for applying herbicides
5 containing glyphosate on weeds and shrubs throughout the school
6 district in which he was employed.

7 Given the probable environmental and human health risks
8 posed by exposure to glyphosate, many jurisdictions have moved
9 to restrict its use. For example, at least two municipalities
10 in California have banned the use of glyphosate herbicides from
11 use on public lands within their localities. These
12 municipalities have found organic alternatives to glyphosate,
13 such as "avenger," to be effective. California's Office of
14 Environmental Health Hazard Assessment lists glyphosate as a
15 possible carcinogen under the state's Safe Drinking Water and
16 Toxic Enforcement Act of 1986 (Proposition 65), which requires
17 California to publish chemicals known to cause cancer or birth
18 defects or other reproductive harm. Finally, in 2016, the
19 European Commission, the executive body of the European Union,
20 made a series of recommendations to restrict the use of
21 glyphosate while the European Chemical Agency concludes its
review of the chemical. One of the recommendations calls for minimizing the use of glyphosate herbicides in public parks, public playgrounds, and gardens.

The legislature expressed its commitment to the health and safety of its schoolchildren by its passage of Act 45, Session Laws of Hawaii 2018, which prohibited the use of restricted use pesticides on or within one hundred feet of a school property during normal school hours. The legislature admits there has been mixed research regarding the effects of glyphosate, such as a human health risk assessment released by the United States Environmental Protection Agency suggesting a correlation between glyphosate and cancer is unlikely. However, given the potential harm cited by other studies, including the aforementioned findings of the World Health Organization, in addition to the evidence and ruling in the case of the school groundskeeper, the legislature feels it is prudent to err on the side of caution in the use of glyphosate on state school grounds.

The purpose of this Act is to restrict the use of glyphosate on school properties.
SECTION 2. Section 149A-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

""Glyphosate" or "glyphosate herbicides" includes all herbicides that contain glyphosate as one of the active ingredients and tank mixes of herbicides containing glyphosate as one of the active ingredients."

SECTION 3. Section 149A-28, Hawaii Revised Statutes, is amended to read as follows:

"[+]§149A-28[+] Buffer zones. [Beginning January 1, 2019, no] No person shall apply a restricted use pesticide and beginning on January 1, 2020, no person shall apply glyphosate on or within one hundred feet of a school property during normal school hours; provided that this section shall not apply to whole structure fumigation; provided further that if this section is determined to conflict with any pesticide application information listed on the pesticide label, the more restrictive provision shall apply."

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

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

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

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY: Richard Cruz
Report Title:
Environmental Protection; Buffer Zones; Glyphosate Herbicides; Prohibition

Description:
Prohibits the use of glyphosate herbicides on or within 100 feet of a school during normal hours.

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