

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 . PESTICIDE BUFFER ZONES AROUND SCHOOLS**

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.



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

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

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

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

20 (d) Any entity or person that is subject to this section,
21 prior to any application of pesticides, shall provide the



1 certified pesticide applicator, commercial pesticide applicator,
2 or pest control operator with a site plan that includes a site
3 map that:

- 4 (1) Delineates the boundaries of the application area and
5 the property lines;
- 6 (2) Depicts the location of schools within feet of
7 the application areas; and
- 8 (3) Depicts the pesticide buffer zones for schools where
9 no pesticide application is allowed.

10 **§321-C Exemptions.** Notwithstanding the provisions of this
11 part, any entity or person subject to section 321-B may obtain
12 from the department a single use exemption from the prohibition
13 on outdoor applications of pesticides in pesticide buffer zones
14 around schools. The department shall issue a single use
15 exemption if it determines that:

- 16 (1) The pest situation poses an immediate threat to human
17 health and the environment; and
- 18 (2) That there is no viable alternative to the use of the
19 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.

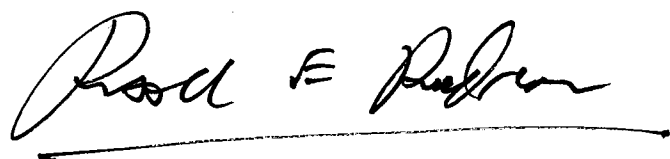
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1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 





S.B. NO. 800

Report Title:

Pesticides; Buffer Zones; Schools

Description:

Establishes buffer zones around schools that restrict pesticide use for any entity or person.

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

