### HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

### H.B. NO. 1541

### A BILL FOR AN ACT

RELATING TO THE USE OF HERBICIDES.

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

#### 1

### Part I

2 SECTION 1. The maintenance of roadsides by state agencies 3 presently involves the use of herbicides. There is growing 4 evidence that the use of herbicides may be harmful to human 5 health. There is also growing concern about their contribution 6 to nonpoint source pollution of streams and coastal and ground 7 water. Hawaii county and many jurisdictions in other parts of 8 the country have developed integrated vegetation management 9 strategies that use nonchemical methods of vegetation management 10 whenever feasible.

11 The purpose of this part is to require the development and 12 utilization of a strategy that integrates all vegetation 13 management alternatives into a cost effective, safe vegetation 14 management program to minimize the use of roadside chemicals. 15 SECTION 2. Chapter 264, Hawaii Revised Statutes, is

16 amended by adding a new section to be appropriately designated 17 and to read as follows:



1	" <u>§264-</u> Integrated vegetation management program. (a)		
2	All state agencies responsible for the maintenance of public		
3	roadsides shall adopt and all county governmental agencies with		
4	like responsibilities are encouraged to adopt, an integrated		
5	vegetation management program that includes the use of		
6	nonchemical, nonmechanical, and nonmanual methods whenever		
7	feasible.		
8	(b) An integrated vegetation management strategy for the		
9	control of weeds along public roads shall be designed to		
10	minimize maintenance costs and minimize chemical methods of		
11	integrated vegetation management. The overall goal shall be the		
12	reduction and minimization of herbicide use.		
13	(c) For the purposes of this section, unless the context		
14	clearly requires otherwise:		
15	"Integrated vegetation management" means an approach to		
16	vegetation management that uses the right tool for each		
17	situation, including mechanical, manual, cultural, biological,		
18	chemical, thermal, and structural methods. Human health and		
19	environmental, aesthetic, and economic concerns shall be		
20	incorporated into the chosen control method as part of		
21	vegetation management decisions.		



1	"Nonchemical methods" means methods that reduce or				
2	eliminate noxious plant and weed species, pest, or fungi through				
3	the use of mechanical, manual, cultural, biological, thermal,				
4	structural, and other methods of control.				
5	(d)	There is created the roadside vegetation committee to:			
6	(1)	Develop alternative roadside vegetation management			
7		strategies;			
8	(2)	Develop and recommend an efficient process for quality			
9		roadside design and management;			
10	(3)	Identify pesticides that are unsafe;			
11	(4)	Identify, explore, and review roadside vegetation			
12		management practices;			
13	(5)	Initiate environmentally safe roadside vegetation			
14		management demonstration programs; and			
15	(6)	Make advisory policy recommendations with respect to			
16		roadside vegetation management.			
17	(e)	The committee members shall be appointed by the			
18	director	of transportation not later than sixty days from the			
19	effective	date of this Act. The committee shall be composed of			
20	eight mem	bers as follows:			
21	(1)	A representative from the department of			

22 transportation;



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1	(2)	A representative from each of the respective counties			
2		of Honolulu, Maui, Hawaii, and Kauai;			
3	(3)	A representative who is an expert in the field of			
4		biodiversity;			
5	(4)	A representative from the landscape architect			
6		profession; and			
7	(5)	A representative from the environmental community.			
8	(f)	The committee shall elect a chairperson and vice-			
9	chairperson from among its members. A majority of the members				
10	shall constitute a quorum. The committee shall be placed within				
11	the department of transportation for administrative purposes.				
12	Members of the committee shall serve without compensation, but				
13	shall be reimbursed for per diem and inter-island travel				
14	expenses. The committee shall meet at least twice a year and				
15	shall submit a report on the progress made to reduce herbicide				
16	use, including any recommendations for administrative or				
17	statutory changes, to the legislature not less than twenty days				
18	prior to the convening of each regular session of the				
19	legislature."				
20	SECTION 3. The department of transportation shall submit a				
21	preliminary report to the legislature not later than twenty days				



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1	prior to the convening of the regular session of 2008 on the
2	progress and plans to comply with section 2 of this part.
3	Part II
4	SECTION 4. The legislature finds that, on the island of
5	Hawaii, in Hilo, five county beach parks have been maintained
6	using environmentally sound and aesthetically pleasing
7	nonchemical methods instead of using herbicides since 1991
8	without additional funding.
9	The purpose of this part is to require all state and county
10	agencies responsible for the maintenance of public parks to
11	maintain the parks using environmentally sound and aesthetically
12	pleasing, nonchemical methods.
13	SECTION 5. Chapter 184, Hawaii Revised Statutes, is
14	amended by adding a new section to be appropriately designated
15	and to read as follows:
16	" <u>§184-</u> Use of herbicides to be discontinued in the
17	maintenance of public parks. (a) All state governmental
18	agencies responsible for the maintenance of public parks shall
19	rely on nonchemical methods to control vegetation growth.
20	(b) For the purposes of this section, unless the context
21	clearly requires otherwise:
22	"Nonchemical methods" means:
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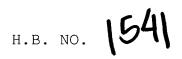
1	(1)	Using mechanical means such as mowing, side cutting,	
2		weed whacking, torch burning, or hot water (steam)	
3		applications;	
4	(2)	Planting weed resistant low-growing ground cover or	
5		mulching hard-to-treat areas; and	
6	(3)	Utilizing community groups and "adopt a park", as well	
7		as other work resources, for extra hands or special	
8		projects."	
9	SECT	ION 6. The department of land and natural resources	
10	shall develop and implement a plan for the phased reduction of		
11	herbicide use in the maintenance of public parks and report the		
12	nature and progress of the plan to the legislature twenty days		
13	prior to the convening of the regular session of 2008. The		
14	department of land and natural resources shall encourage and		
15	assist the counties to join and comply with the scheduled ban of		
16	herbicide use in public parks.		
17	Part III		
18	SECT	ION 7. New statutory material is underscored.	
19	SECTION 8. This Act shall take effect upon its approval.		
20			
10		INTRODUCED BY:	
John	M. 1 <b>1990</b>	Kill Mut	
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		William Virg Nanshans	

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### Report Title:

Herbicide Use in Public Parks and Roadways

### Description:

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Requires: (1) state and encourages county agencies to develop and implement an integrated vegetation management strategy to minimize the use of herbicides by establishing roadside vegetation committee; (2) all state agencies to stop using herbicides and to maintain public parks with nonchemical means.