

JAN 24 2007

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 "§264- 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 members as follows:

21 (1) A representative from the department of
22 transportation;



- 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



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 "§184- 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:



- 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."

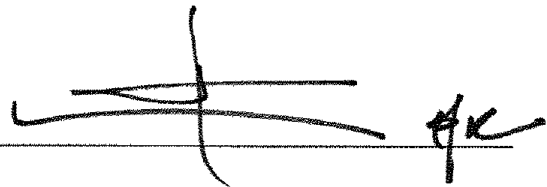
9 SECTION 6. The department of land and natural resources
10 shall develop and implement a plan for the phased reduction of
11 herbicide use in the maintenance of public parks and report the
12 nature and progress of the plan to the legislature twenty days
13 prior to the convening of the regular session 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.

Part III

18 SECTION 7. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.

20
INTRODUCED BY: _____




Report Title:

Herbicide Use in Public Parks and Roadways

Description:

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.

