

JAN 23 2008

A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1 SECTION 1. The legislature finds that, although pesticides
2 can help limit the environmental and economic damage that can be
3 caused by insects, weeds, and plant diseases, they can also pose
4 tremendous risks to human health and the environment.

5 Pesticides can cause harm to humans, animals, or the
6 environment because they are designed to kill, or adversely
7 affect, living organisms. According to scientists, pesticides
8 can cause brain damage and trigger conditions such as epilepsy,
9 multiple sclerosis, and Parkinson's disease. In recent research
10 on the impact of pesticides on health, funded by the United
11 States Department of Health at the Energy & Environmental
12 Research Center in the University of North Dakota laboratory,
13 tests on rats revealed exposure to pesticides caused damage to
14 the brain and to the gastrointestinal system. Results also
15 showed pesticide exposure damages the same brain areas that are
16 linked to epilepsy, Parkinson's disease and Alzheimer's.
17 Research by a team from the Harvard School of Public Health in



1 June 2006 found that respondents who were in contact with
2 pesticides in 1992 were seventy per cent more likely to develop
3 Parkinson's disease within the following ten years.
4 Furthermore, scientists also report that there are still huge
5 gaps in our knowledge regarding the impact of pesticides on
6 public health.

7 Children and infants are particularly susceptible to
8 pesticide exposure, as their bodies are undergoing rapid
9 development. Numerous scientific studies have linked both
10 cancer and asthma to pesticide exposure. Childhood cancer has
11 increased ten per cent between 1974 and 1991, and is continuing
12 to increase at an alarming rate of one per cent per year. This
13 makes cancer the leading cause of childhood death from disease.
14 The incidence of asthma is also on the rise and is the nation's
15 leading cause of absenteeism among school children with chronic
16 illnesses.

17 Airborne particles, including pesticides carried on tiny
18 bits of pollen, are an extremely efficient route for exposure.
19 Additionally, pesticides can travel by water runoff or by
20 seeping into the ground. Therefore, the strong trade winds and
21 winter rainy season make Hawaii particularly susceptible to
22 pesticide contamination.



1 The purpose of this Act is protect children from the
2 dangers associated with pesticide exposure by creating a
3 pesticide-free buffer zone around elementary schools and
4 requiring that all schools be given notice of pesticide use in
5 the immediate area.

6 SECTION 2. Chapter 149A, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§149A- Pesticide use in the proximity of schools. (a)

10 Pesticides shall not be applied commercially, by backpack
11 application or otherwise, within a fifteen hundred foot radius
12 of elementary school property. With the exception of law
13 enforcement or state emergency application, this radius shall
14 operate as an absolute buffer protecting elementary school
15 property from aerial pesticide spraying.

16 (b) Pesticides shall not be sprayed by aircraft within a
17 half-mile radius of elementary school property. With the
18 exception of law enforcement or state emergency application,
19 this radius shall operate as an absolute buffer protecting
20 elementary school property from aerial pesticide spraying.

21 (c) Commercial use of pesticides within a five-mile radius
22 of any school or educational institution property shall be



1 reported to the department a minimum of one week before
2 application. The report shall contain:

3 (1) The name of the person for whom the pesticide is to be
4 applied;

5 (2) The date and approximate time of application of the
6 pesticide;

7 (3) The trade name and the strength of the pesticide;

8 (4) The amount or concentration of the pesticide, stated
9 as pounds or gallons of active ingredient per acre or
10 as approximate concentration per one hundred gallons;

11 (5) The specific location of the land or property and the
12 crop or crops to which the pesticide is to be applied;

13 (6) Information regarding the equipment, device, or
14 apparatus to be used and, if the pesticide is to be
15 applied by aircraft, the Federal Aviation
16 Administration number of the aircraft;

17 (7) The name of the pesticide operator or, if the
18 pesticide application will be conducted by a public
19 applicator or public trainee, the employer of the
20 public applicator or public trainee;

21 (8) A list of schools within a five mile radius of the
22 location; and



1 (9) A detailed written plan to prevent the applied
2 pesticide from drifting into areas where pesticide
3 application is prohibited by subsections (a) and (b).

4 The landowner, lessee, or possessor filing the report shall
5 notify the department of any subsequent change in information
6 and the report submitted.

7 (c) The department shall notify the affected schools and
8 the board of education by submitting a copy of the report
9 required under subsections (a) and (b) to the schools and the
10 board of education within seventy-two hours of the application
11 of the pesticide.

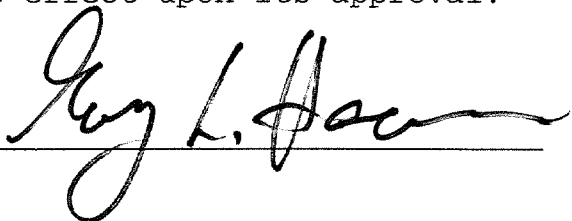
12 (d) The affected schools shall post the report received
13 from the department pursuant to subsection (c) in a publicly
14 visible location on school property.

15 (e) The department shall make the report required under
16 subsection (c) available to the general public, including
17 posting the report on the department website."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

INTRODUCED BY: 



Report Title:

Pesticides; Elementary Schools; Pesticide Spraying

Description:

Establishes a pesticide-free buffer zone around elementary schools and imposes a seventy-two hour written notice to all schools in immediate area of spraying requirement.

