

JAN 23 2009

A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1 SECTION 1. The purpose of this Act is to reduce the
2 negative impacts of pesticides on public health and the
3 environment through an accurate and detailed collection of
4 pesticide use data that will allow for adequate and scientific
5 assessments of potential health problems related to pesticide
6 exposure.

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

10 **"PART . PESTICIDE USE REPORTING**

11 §149A-A Pesticide use reporting. (a) The department
12 shall establish and implement a pesticide use reporting system.
13 The data collected by the department shall be published in an
14 annual report, no later than July 1 of the year immediately
15 following the year for which the data was collected, summarizing
16 pesticide use in the State including, but not limited to:



- 1 (1) A list of all pesticides used in each county and zip
2 code in the State by type and volume, excluding
3 pesticides defined in the Federal Insecticide,
4 Fungicide and Rodenticide Act (FIFRA), 40 Code of
5 Federal Regulations section 152.25(f), as minimum risk
6 pesticides;
- 7 (2) A summary of health complaints related to pesticide
8 use reported to the department;
- 9 (3) Results of investigations by the department of health
10 regarding reported health complaints related to
11 pesticide use;
- 12 (4) An analysis of trends in pesticide use;
- 13 (5) An assessment of the accuracy of the reported
14 pesticide use data; and
- 15 (6) An accounting of the amount and type of pesticides
16 imported into the State and the amount and type of
17 pesticides reported as being used in the State.
- 18 (b) The department, in coordination with the department of
19 health, shall categorize all reported pesticide use using the
20 following categories: agriculture, forestry, industrial, urban
21 commercial, and publicly funded use. Publicly funded use shall



1 include schools, roadsides, public parks, landscaping, and pest
2 control for all public buildings.

3 (c) The department shall permit an independent review of
4 the pesticide use collection procedures implemented in
5 accordance with this part, as deemed necessary to ensure
6 accuracy, reliability, and validity of the data collected.

7 (d) Any health complaints related to pesticide use
8 reported to the department shall be investigated by the
9 department of health. The department shall notify the
10 department of health within one business day of the received
11 health complaint and shall provide to the department of health
12 all pesticide use data requested by that department within
13 twelve hours of the request. The department of health shall be
14 the lead agency for health complaint investigations related to
15 pesticides.

16 §149A-B Required information. Any private or commercial
17 pesticide applicator, including private or commercial pesticide
18 applicators employed by the State, shall report to the
19 department information regarding the use of pesticides,
20 including but not limited to:

21 (1) The name of the applicator and pesticide application
22 license number;



- 1 (2) The location of the pesticide use, including the
2 address, zip code, description of area, or the
3 geographic information systems coordinates, if
4 necessary;
- 5 (3) The brand name, common name, chemical name, and the
6 United States Environmental Protection Agency
7 registration number for the pesticide product;
- 8 (4) The quantity of pesticide applied including any
9 mixture amounts of pesticides applied;
- 10 (5) The target species and threshold that required
11 treatment, purpose of pesticide application, and type
12 of site for the application;
- 13 (6) The weather conditions, including wind speed, at the
14 time and date of application; and
- 15 (7) Any other data required by the department for the
16 department of health investigations and for purposes
17 of this part.

18 **§149A-C Retail sales.** (a) All retail establishments
19 licensed to sell pesticides shall report to the department the
20 annual volume sold of each pesticide type. The department shall
21 adopt a minimum monthly sales quantity that the retail
22 establishment is exempt from reporting.



1 (b) Any importer of pesticides shall report to the
2 department the amount and type of pesticide imported, excluding
3 pesticides defined in the Federal Insecticide, Fungicide and
4 Rodenticide Act (FIFRA), 40 Code of Federal Regulations section
5 152.25(f), as minimum risk pesticides. For the purposes of this
6 subsection:

7 (1) The type of pesticide means the brand name, common
8 name, chemical name, and the United States
9 Environmental Protection Agency registration number
10 for the pesticide product; and

11 (2) "Importer" means the person responsible for paying the
12 freight charges to the transportation company for
13 commercial shipments.

14 §149A-D Fees. The department may implement a pesticide
15 use reporting fee for cost recovery for this part."

16 SECTION 3. By January 1, 2010, the department of
17 agriculture shall adopt rules pursuant to chapter 91, Hawaii
18 Revised Statutes, to implement this Act.

19 SECTION 4. In codifying the new sections of this Act, the
20 revisor of statutes shall substitute appropriate section numbers
21 for the letters used in designating the new sections in this
22 Act.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Pesticide Use Reporting; Fee

Description:

Requires the DOA to publish an annual report on pesticide use in the State including investigations of health related complaints by the DOH; requires users of pesticides to report usage to the DOA; permits the DOA to impose a fee to recover costs.

