
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- 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:

17 (1) A list of all pesticides used in each county and zip
18 code in the State by type and volume, excluding



1 pesticides defined in the Federal Insecticide,
2 Fungicide, and Rodenticide Act (FIFRA), 40 Code of
3 Federal Regulations Section 152.25(f), as minimum risk
4 pesticides;

5 (2) A summary of health complaints related to pesticide
6 use reported to the department;

7 (3) Results of investigations by the department of health
8 regarding reported health complaints related to
9 pesticide use;

10 (4) An analysis of trends in pesticide use;

11 (5) An assessment of the accuracy of the reported
12 pesticide use data; and

13 (6) An accounting of the amount and type of pesticides
14 imported into the State and the amount and type of
15 pesticides reported as being used in the State.

16 (b) The department, in coordination with the department of
17 health, shall categorize all reported pesticide use using the
18 following categories:

19 (1) Agriculture;

20 (2) Forestry;

21 (3) Industrial;

22 (4) Urban commercial; and



1 (5) Publicly funded use. Publicly funded use shall
2 include schools, roadsides, public parks, landscaping,
3 and pest control for all public buildings.

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

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

17 **§149A- Required information.** Any private or commercial
18 pesticide applicator, including private or commercial pesticide
19 applicators employed by the State, shall report to the
20 department information regarding the use of pesticides,
21 including:



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

20 **§149A- Retail sales.** (a) All retail establishments
21 licensed to sell pesticides shall report to the department the
22 annual volume sold of each pesticide type. The department shall



1 adopt a minimum monthly sales quantity that the retail
2 establishment is exempt from reporting.

3 (b) Any importer of pesticides shall report to the
4 department the amount and type of pesticide imported, excluding
5 pesticides defined in the Federal Insecticide, Fungicide and
6 Rodenticide Act (FIFRA), 40 Code of Federal Regulations Section
7 152.25(f), as minimum risk pesticides. For the purposes of this
8 subsection:

9 "Importer" means the person responsible for paying the
10 freight charges to the transportation company for commercial
11 shipments.

12 "Type of pesticide" means the brand name, common name,
13 chemical name, and the United States Environmental Protection
14 Agency registration number for the pesticide product.

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

17 SECTION 3. By January 1, 2012, the department of
18 agriculture shall adopt rules pursuant to chapter 91, Hawaii
19 Revised Statutes, to implement this Act.



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

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Report Title:

Pesticide Use Reporting; Fee

Description:

Requires the Department of Agriculture (DOA) to publish an annual report on pesticide use in the State including investigations of health complaints by the Department of Health. Requires users of pesticides to report usage to DOA. Permits DOA to impose a fee to recover costs.

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