
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. Research reveals
10 that exposure to pesticides causes damage to the
11 gastrointestinal system and brain, including areas of the brain
12 that are linked to epilepsy, Parkinson's disease, and
13 Alzheimer's. A Harvard School of Public Health study in June
14 2006 found that respondents who were in contact with pesticides
15 in 1992 were seventy per cent more likely to develop Parkinson's
16 disease within the following ten years. Furthermore, scientists
17 report that there remain huge gaps in our knowledge regarding
18 the impact of pesticides on public health.



1 Children and infants are particularly susceptible to
2 pesticide exposure, as their bodies are undergoing rapid
3 development. Numerous scientific studies have linked both
4 cancer and asthma to pesticide exposure. Childhood cancer is
5 increasing at an alarming rate of one per cent per year. This
6 makes cancer the leading cause of childhood death from disease.
7 The incidence of asthma is also on the rise and is the nation's
8 leading cause of absenteeism among school children with chronic
9 illnesses.

10 Airborne particles, including pesticides carried on tiny
11 bits of pollen, are an extremely efficient route for exposure.
12 Additionally, pesticides can travel by water runoff or by
13 seeping into the ground. Therefore, the strong trade winds and
14 winter rainy season make Hawaii particularly susceptible to
15 pesticide contamination.

16 The purpose of this Act is protect children from the
17 dangers associated with pesticide exposure by creating a
18 pesticide-free buffer zone around schools, child care
19 facilities, and health care institutions and requiring that
20 appropriate notice of pesticide use be given to those in the
21 immediate area.



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

4 "§149A- Pesticide use; schools; child care facilities;
5 health care institutions; notice. (a) Pesticides shall not be
6 applied commercially, by backpack application or otherwise,
7 within a fifteen hundred foot radius of school property, child
8 care facilities, or health care institutions. With the
9 exception of law enforcement or state emergency application,
10 this radius shall operate as an absolute buffer protecting
11 school property, child care facilities, and health care
12 institutions from commercial pesticide spraying.

13 (b) Pesticides shall not be sprayed by aircraft within a
14 half-mile radius of school property, child care facilities, or
15 health care institutions. With the exception of law enforcement
16 or state emergency application, this radius shall operate as an
17 absolute buffer protecting school property, child care
18 facilities, and health care institutions from pesticide spraying
19 by aircraft.

20 (c) Commercial use of pesticides within a five-mile radius
21 of any school property, child care facility, or health care



1 institution shall be reported to the department a minimum of one
2 week before 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;



1 (8) A list of schools, child care facilities, and health
2 care institutions within a five mile radius of the
3 location; and

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

7 The landowner, lessee, or possessor filing the report shall
8 notify the department of any subsequent change in information
9 and the report submitted.

10 (d) The commercial entity applying the pesticide shall
11 publish notice of the pending pesticide application in at least
12 two newspapers or publications of general circulation in the
13 affected area not less than seventy-two hours prior to the
14 application of the pesticide.

15 (e) The department shall notify any affected school, board
16 of education, child care facility, and health care institution
17 by submitting a copy of the report required under subsection (c)
18 to the school, board of education, child care facility, or
19 health care institution not less than seventy-two hours prior to
20 the application of the pesticide.



1 (f) The affected school, child care facility, or health
2 care institution shall post the report received from the
3 department in a publicly visible location on its property.

4 (g) The department shall make the report available to the
5 general public, including posting the report on the department
6 website.

7 (h) For the purposes of this section:

8 "Child care facility" has the same meaning as defined under
9 section 346-151.

10 "Health care institution" has the same meaning as defined
11 under section 327G-2."

12 SECTION 3. New statutory material is underscored.

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

14

INTRODUCED BY: *DM*

Jakobi Om
Jusica
Della A. Roberts

JAN 24 2013



H.B. NO. 1386

Report Title:

Pesticides; Schools, Child Care Facility, and Health Care Institutions; Pesticide Spraying

Description:

Establishes a commercial pesticide-free buffer zone around schools, child care facilities, and health care institutions. Imposes a 72 hour notice requirement in at least two newspapers or publications and to all schools, child care facilities, and health care institutions in the immediate area of commercial pesticide spraying.

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