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# A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1 PART I

2 SECTION 1. The legislature finds that there are nearly ten  
3 thousand pesticides registered for use in Hawaii. The  
4 department of agriculture is responsible for ensuring pesticides  
5 are used correctly in Hawaii. The legislature further finds  
6 that it is in the interest of the public to enhance the ability  
7 of the department of agriculture and the University of Hawaii  
8 college of tropical agriculture and human resources to respond  
9 to questions about pesticide use and make recommendations  
10 regarding pesticides for the protection of public safety and the  
11 environment. The legislature concludes that this can best be  
12 accomplished by increasing the pesticide licensing fee and  
13 amending the authorized uses of the pesticide use revolving  
14 fund.

15 Accordingly, the purpose of this Act is to:

16 (1) Increase the pesticide licensing fee;



1 (2) Amend authorized uses for moneys in the pesticide use  
2 revolving fund;

3 (3) Establish an environmental toxicologist position  
4 within the department of agriculture and a pesticide  
5 extension specialist, through a contract with the  
6 department of agriculture, within the University of  
7 Hawaii college of tropical agriculture and human  
8 resources;

9 (4) Appropriate funds out of the pesticide use revolving  
10 fund for specific purposes; and

11 (5) Remove the sunset date of Act 168, Session Laws of  
12 Hawaii 2010, thereby making permanent the removal of  
13 the requirement that the pesticide use revolving fund  
14 be used only for limited personnel costs.

15 PART II

16 SECTION 2. Section 149A-13, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) The licensee shall pay [~~\$75~~] \$310 for each year, or  
19 fraction thereof, that the pesticide is licensed. Licensing  
20 fees may be increased or decreased from time to time by rules  
21 and may vary according to the amount or quantity of pesticide to



1 be sold, offered for sale, or distributed. [~~The term of the~~  
2 ~~license shall be for a period of up to three years. A] Every  
3 license shall expire on December 31 [~~of the third]~~ each year.  
4 In case of renewal of license, a statement shall be required  
5 only with respect to information which is different from that  
6 furnished when the pesticide was licensed or last relicensed."~~

7 SECTION 3. Section 149A-13.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§149A-13.5 Pesticide use revolving fund; [~~pesticide~~  
10 ~~training workshops,~~] uses; training fee. (a) There is  
11 established within the treasury of the State, a pesticide use  
12 revolving fund. The fund shall be administered by the  
13 department for the purposes of this section. The fund shall  
14 consist of:

- 15 (1) Licensing and registration fees and charges collected  
16 by the department under section 149A-13(b);  
17 (2) All fees collected by the department through the  
18 collection of training fees in accordance with  
19 subsection (c); and



1 (3) Funds appropriated for the pesticide subsidy program  
2 established under Act 105, Session Laws of Hawaii  
3 2014.

4 (b) ~~[Moneys in the pesticide use revolving fund shall be~~  
5 ~~expended by the department to support the pesticide program's~~  
6 ~~registration and licensing, certification and education, and~~  
7 ~~compliance monitoring activities. The department shall also~~  
8 ~~expend revolving fund moneys on the establishment of pesticide~~  
9 ~~training workshops, educational programs, development of~~  
10 ~~integrated pest management strategies, the pesticide subsidy~~  
11 ~~program created under Act 105, Session Laws of Hawaii 2014, and~~  
12 ~~other services for pesticide users such as the agricultural pest~~  
13 ~~control industry, the structural pest control industry, and~~  
14 ~~consumer users of pesticides, which provide pesticide~~  
15 ~~instruction in areas including the collection, disposal, and~~  
16 ~~recycling of pesticide containers and all other pesticide~~  
17 ~~services deemed necessary by the department.]~~ Moneys from the  
18 pesticide use revolving fund may be used for personnel,  
19 services, materials, and equipment for the purposes of this  
20 section. Moneys in the revolving fund shall be expended by the  
21 department for:



- 1       (1) Registration and technical review;
- 2       (2) Certification, including certification of restricted
- 3       use pesticides or experimental use pesticides;
- 4       (3) Compliance monitoring activities;
- 5       (4) Development of an electronic data collection system
- 6       for all required pesticide reporting;
- 7       (5) Personnel costs, including the hiring of necessary
- 8       staff;
- 9       (6) Development of pesticide-related educational materials
- 10       in conjunction with the University of Hawaii college
- 11       of tropical agriculture and human resources;
- 12       (7) Demonstration trials in conjunction with the
- 13       University of Hawaii college of tropical agriculture
- 14       and human resources cooperative extension service
- 15       agents to develop integrated management and drift
- 16       management technologies; and
- 17       (8) A pesticide disposal program.

18       The department shall also expend revolving fund moneys on  
19       the pesticide subsidy program created under Act 105, Session  
20       Laws of Hawaii 2014, and shall partner with the University of  
21       Hawaii college of tropical agriculture and human resources to



1 expend revolving fund moneys on the establishment of pesticide  
2 education programs and pesticide training programs and for the  
3 establishment of a position of pesticide extension specialist.

4 ~~[Moneys expended by the department from the pesticide use~~  
5 ~~revolving fund for training workshops, educational programs, and~~  
6 ~~other services for the agricultural pest control industry, the~~  
7 ~~structural pest control industry, and consumer groups shall be~~  
8 ~~expended in a manner that appropriately addresses the needs of~~  
9 ~~each category of pesticide user.]~~

10 (c) The department may set fees for [the] any educational  
11 ~~[services]~~ programs and training programs provided under this  
12 section.

13 (d) All interest earned on the deposit or investment of  
14 the moneys in the fund shall become a part of the fund.

15 ~~[(e) All unobligated, unencumbered, or unexpended funds~~  
16 ~~remaining in the fund in excess of \$250,000 at the close of each~~  
17 ~~fiscal year shall lapse to the state general fund.]~~

18 ~~(f)]~~ (e) The department shall submit an annual report to  
19 the legislature on all moneys deposited into, and disbursed  
20 from, the pesticide use revolving fund. The report shall be  
21 submitted to the legislature not fewer than twenty days prior to



1 the convening of each regular session. The report shall

2 [~~group~~]:

3 (1) Group all moneys deposited into, and disbursed from,  
4 the revolving fund according to the categories  
5 established in subsections (a) to [~~(e)~~] (d);

6 (2) Include recommendations to improve pesticide education  
7 and regulatory processes within the State; and

8 (3) Include recommendations for budget reallocations for  
9 the subsequent fiscal year."

10 PART III

11 SECTION 4. (a) The department of agriculture and the  
12 University of Hawaii college of tropical agriculture and human  
13 resources shall execute a memorandum of understanding regarding  
14 the expenditure of moneys from the pesticide use revolving fund  
15 pursuant to section 149A-13.5(b), Hawaii Revised Statutes.

16 (b) No later than twenty days prior to the regular session  
17 of 2016, and each regular session thereafter, the department of  
18 agriculture and University of Hawaii college of tropical  
19 agriculture and human resources shall submit a report to the  
20 legislature on all moneys expended from the pesticide use



1 revolving fund in accordance with the memorandum of  
2 understanding required under subsection (a).

3 SECTION 5. (a) There is established within the department  
4 of agriculture the position of an environmental toxicologist.  
5 The position shall be exempt from chapter 76, Hawaii Revised  
6 Statutes. The position shall partner with the department of  
7 health toxicologist to expand the technical capacity of the  
8 departments of agriculture and health to analyze findings and  
9 make recommendations regarding environmental and human health.

10 (b) There shall be a memorandum of understanding between  
11 the department of agriculture environmental toxicologist and the  
12 department of health toxicologist that defines a collaborative  
13 relationship between the two positions.

14 SECTION 6. There is appropriated out of the pesticide use  
15 revolving fund the sum of \$ or so much thereof as may be  
16 necessary for fiscal year 2015-2016 and the same sum or so much  
17 thereof as may be necessary for fiscal year 2016-2017 for  
18 operating expenses and the position of environmental  
19 toxicologist established under section 5 of this Act.

20 The sums appropriated shall be expended by the department  
21 of agriculture exclusively for the purposes of this Act.





1 SECTION 7. There is established within the University of  
 2 Hawaii college of tropical agriculture and human resources the  
 3 position of pesticide extension specialist, to be funded by the  
 4 pesticide use revolving fund through a contract with the  
 5 department of agriculture. The pesticide extension specialist  
 6 shall be responsible for:

7 (1) Developing educational materials in conjunction with  
 8 the department of agriculture pursuant to section  
 9 149A-13.5(b), Hawaii Revised Statutes;

10 (2) Working with the environmental toxicologist  
 11 established under section 5 of this Act to design  
 12 experiments; and

13 (3) Exploring partnerships with other agencies for funding  
 14 opportunities.

15 SECTION 8. There is appropriated out of the pesticide use  
 16 revolving fund the sum of \$ or so much thereof as may be  
 17 necessary for fiscal year 2015-2016 and the same sum or so much  
 18 thereof as may be necessary for fiscal year 2016-2017 for  
 19 operating expenses and the position of a pesticide extension  
 20 specialist established under section 7 of this Act.



1 The sums appropriated shall be expended by the department  
2 of agriculture exclusively for the purposes of this Act.

3 PART IV

4 SECTION 9. There is appropriated out of the pesticide use  
5 revolving fund the sum of \$ or so much thereof as may be  
6 necessary for fiscal year 2015-2016 and the same sum or so much  
7 thereof as may be necessary for fiscal year 2016-2017 for  
8 registration and technical review.

9 SECTION 10. There is appropriated out of the pesticide use  
10 revolving fund the sum of \$ or so much thereof as may be  
11 necessary for fiscal year 2015-2016 and the same sum or so much  
12 thereof as may be necessary for fiscal year 2016-2017 for  
13 certification activities, including certification of restricted  
14 use pesticides or experimental use pesticides.

15 SECTION 11. There is appropriated out of the pesticide use  
16 revolving fund the sum of \$ or so much thereof as may be  
17 necessary for fiscal year 2015-2016 and the same sum or so much  
18 thereof as may be necessary for fiscal year 2016-2017 for  
19 compliance monitoring expenses.

20 SECTION 12. There is appropriated out of the pesticide use  
21 revolving fund the sum of \$ or so much thereof as may be



1 necessary for fiscal year 2015-2016 and the same sum or so much  
2 thereof as may be necessary for fiscal year 2016-2017 for the  
3 development of an electronic data collection system.

4 SECTION 13. There is appropriated out of the pesticide use  
5 revolving fund the sum of \$ or so much thereof as may be  
6 necessary for fiscal year 2015-2016 and the same sum or so much  
7 thereof as may be necessary for fiscal year 2016-2017 for the  
8 development of pesticide-related educational materials.

9 SECTION 14. There is appropriated out of the pesticide use  
10 revolving fund the sum of \$ or so much thereof as may be  
11 necessary for fiscal year 2015-2016 and the same sum or so much  
12 thereof as may be necessary for fiscal year 2016-2017 to conduct  
13 demonstration trials in conjunction with the University of  
14 Hawaii college of tropical agriculture and human resources  
15 cooperative extension service agents to develop integrated  
16 management and drift management technologies.

17 SECTION 15. There is appropriated out of the pesticide use  
18 revolving fund the sum of \$ or so much thereof as may be  
19 necessary for fiscal year 2015-2016 and the same sum or so much  
20 thereof as may be necessary for fiscal year 2016-2017 for the  
21 pesticide disposal program.



1 SECTION 16. The sums appropriated in this part shall be  
2 expended by the department of agriculture exclusively for the  
3 purposes of this Act.

4 PART V

5 SECTION 17. Act 168, Session Laws of Hawaii 2010, is  
6 amended by amending section 4 to read as follows:

7 "SECTION 4. This Act shall take effect on July 1, 2010 [~~7~~  
8 ~~provided that this Act shall be repealed on June 30, 2015, and~~  
9 ~~section 149A-13.5(b), Hawaii Revised Statutes, shall be~~  
10 ~~reenacted in the form in which it read on June 30, 2010]~~."

11 PART VI

12 SECTION 18. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 19. This Act shall take effect on January 20,  
15 2050; provided that sections 3 and 17 of this Act shall take  
16 effect on June 29, 2015.



**Report Title:**

Pesticides; Licensing; Fees; Pesticide Use Revolving Fund;  
Appropriations

**Description:**

Increases the pesticide licensing fee. Amends authorized uses for the Pesticide Use Revolving Fund. Requires memorandum of understanding between the Department of Agriculture and the University of Hawaii College of Tropical Agriculture and Human Resources regarding the expenditure of funds from the Pesticide Use Revolving Fund. Establishes an environmental toxicologist position and pesticide extension specialist. Appropriates funds from the Pesticide Use Revolving Fund. Removes sunset date for Act 168, Session Laws of Hawaii 2010. (HB504 HD1)

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