

JAN 27 2016

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 the pesticide
2 chlorpyrifos is a concern to the State. The Environmental
3 Protection Agency issued a revised human health risk assessment
4 in 2014 that showed potential risks to small watersheds with
5 high concentrations of farming where chlorpyrifos may be widely
6 used following an assessment of the Pacific northwest and
7 southwest regions; Hawaii has yet to be assessed. According to
8 the Environmental Protection Agency, chlorpyrifos can
9 overstimulate the nervous system, causing nausea, dizziness,
10 confusion, and, at very high exposures, respiratory paralysis
11 and death. Extensive scientific studies show exposing children
12 or pregnant women to chlorpyrifos in even small amounts may
13 cause developmental delays, permanently reduced cognitive
14 capacity, behavioral problems, and learning disabilities. The
15 Environmental Protection Agency issued a proposal on October 30,
16 2015, to revoke all chlorpyrifos tolerances; however, it may
17 take a year or more for the agency to reach a final decision.



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1 The legislature further finds that, recently, a West Kauai
2 agribusiness operation sent at least ten farm workers to the
3 hospital after exposure to chlorpyrifos and chlorpyrifos has
4 been found in the air at Waimea Canyon middle school and in the
5 water in the Kekaha ditch, as well as in streams in the county
6 of Hawaii.

7 The purpose of this Act is to ban the use of pesticides
8 containing the active ingredient chlorpyrifos within the State.

9 SECTION 2. Section 149A-31, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§149A-31 Prohibited acts.** No person shall:

12 (1) Use any pesticide in a manner inconsistent with its
13 label, except that it shall not be unlawful to:

14 (A) Apply a pesticide at any dosage, concentration,
15 or frequency less than that specified on the
16 label or labeling; provided that the efficacy of
17 the pesticide is maintained and further provided
18 that, when a pesticide is applied by a commercial
19 applicator, the deviation from the label
20 recommendations must be with the consent of the
21 purchaser of the pesticide application services;



- 1 (B) Apply a pesticide against any target pest not
2 specified in the labeling if the application is
3 to a crop, animal, or site specified on the label
4 or labeling; provided that the label or labeling
5 does not specifically prohibit the use on pests
6 other than those listed on the label or labeling;
- 7 (C) Employ any method of application not prohibited
8 by the labeling;
- 9 (D) Mix a pesticide or pesticides with a fertilizer
10 when such mixture is not prohibited by the label
11 or labeling; or
- 12 (E) Use in a manner determined by rule not to be an
13 unlawful act;
- 14 (2) Use, store, transport, or discard any pesticide or
15 pesticide container in any manner which would have
16 unreasonable adverse effects on the environment;
- 17 (3) Use or apply restricted use pesticides unless the
18 person is a certified pesticide applicator or under
19 the direct supervision of a certified pesticide
20 applicator with a valid certificate issued pursuant to
21 rules adopted under section 149A-33(1); provided that



1 it shall be prohibited to use or apply a restricted
 2 use pesticide for structural pest control uses for a
 3 fee or trading of services, unless the user or
 4 applicator is a pest control operator or is employed
 5 by a pest control operator licensed under chapter
 6 460J;

7 (4) Use or apply pesticides in any manner that has been
 8 suspended, canceled, or restricted pursuant to section
 9 149A-32.5;

10 (5) Falsify any record or report required to be made or
 11 maintained by rules adopted pursuant to this chapter;
 12 [~~or~~]

13 (6) Fill with water, through a hose, pipe, or other
 14 similar transmission system, any tank, implement,
 15 apparatus, or equipment used to disperse pesticides,
 16 unless the tank, implement, apparatus, equipment,
 17 hose, pipe, or other similar transmission system is
 18 equipped with an air gap or a reduced-pressure
 19 principle backflow device meeting the requirements
 20 under section 340E-2 and the rules adopted
 21 thereunder [~~or~~]; or



1 (7) Use pesticides containing the active ingredient
2 chlorpyrifos."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

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

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S.B. NO. 3089

Report Title:

Pesticides; Prohibition; Chlorpyrifos

Description:

Prohibits the use of pesticides containing the active ingredient chlorpyrifos.

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