
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 many people
2 unknowingly misuse or misunderstand the proper use of
3 pesticides. The legislature further finds that this misuse or
4 misunderstanding may be potentially hazardous and must be
5 addressed by ensuring that any user of any pesticide is properly
6 educated.

7 Accordingly, the purpose of this Act is to:

- 8 (1) Prohibit the use of any pesticide unless the user is
9 certified by the department of agriculture; and
10 (2) Require the department of agriculture to include an
11 educational component in the pesticide use
12 certification process.

13 SECTION 2. Section 149A-2, Hawaii Revised Statutes, is
14 amended by amending the definition of "certified pesticide
15 applicator" to read as follows:

16 "Certified pesticide applicator" means any individual who
17 is certified under section 149A-33(1) as authorized to use or



1 supervise the use of any pesticide [~~which is classified for~~
2 ~~restricted use~~]."

3 SECTION 3. Section 149A-31, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§149A-31 Prohibited acts.** No person shall:

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

8 (A) Apply a pesticide at any dosage, concentration,
9 or frequency less than that specified on the
10 label or labeling; provided that the efficacy of
11 the pesticide is maintained; provided further
12 that when a pesticide is applied by a commercial
13 applicator, the deviation from the label
14 recommendations shall be with the consent of the
15 purchaser of the pesticide application services;

16 (B) Apply a pesticide against any target pest not
17 specified in the labeling if the application is
18 to a crop, animal, or site specified on the label
19 or labeling; provided that the label or labeling
20 does not specifically prohibit the use on pests
21 other than those listed on the label or labeling;



- 1 (C) Employ any method of application not prohibited
- 2 by the labeling;
- 3 (D) Mix a pesticide or pesticides with a fertilizer
- 4 when the mixture is not prohibited by the label
- 5 or labeling; or
- 6 (E) Use in a manner determined by rule not to be an
- 7 unlawful act;
- 8 (2) Use, store, transport, or discard any pesticide or
- 9 pesticide container in any manner that would have
- 10 unreasonable adverse effects on the environment;
- 11 (3) Use or apply [~~restricted use~~] pesticides unless the
- 12 person is a certified pesticide applicator or under
- 13 the direct supervision of a certified pesticide
- 14 applicator with a valid certificate issued pursuant to
- 15 rules adopted under section 149A-33(1); provided that
- 16 it shall be prohibited to use or apply a restricted
- 17 use pesticide for structural pest control uses for a
- 18 fee or trading of services, unless the user or
- 19 applicator is a pest control operator or is employed
- 20 by a pest control operator licensed under chapter
- 21 460J;



1 (4) Use or apply pesticides in any manner that has been
2 suspended, canceled, or restricted pursuant to section
3 149A-32.5;

4 (5) Falsify any record or report required to be made or
5 maintained by rules adopted pursuant to this chapter;

6 (6) Fill with water, through a hose, pipe, or other
7 similar transmission system, any tank, implement,
8 apparatus, or equipment used to disperse pesticides,
9 unless the tank, implement, apparatus, equipment,
10 hose, pipe, or other similar transmission system is
11 equipped with an air gap or a reduced-pressure
12 principle backflow device meeting the requirements
13 under section 340E-2 and the rules adopted thereunder;
14 or

15 (7) Beginning January 1, 2019, use or apply any pesticide
16 containing chlorpyrifos as an active ingredient;
17 provided that:

18 (A) The department shall grant to any person, upon
19 request, a temporary permit authorizing the
20 person, until December 31, 2022, to use or apply



1 a pesticide containing chlorpyrifos as an active
2 ingredient; and

3 (B) Any person who violates this paragraph shall be
4 subject to a penalty pursuant to section
5 149A-41."

6 SECTION 4. Section 149A-33, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§149A-33 Rules.** The department shall [~~have the authority~~
9 ~~to~~] carry out and effectuate the purpose of this chapter by
10 adopting rules, including but not limited to the following:

11 (1) To establish fees, procedures, conditions, and
12 standards to certify persons for the use of
13 [~~restricted use~~] pesticides [~~under section 4 of~~
14 ~~FIFRA~~]; provided that the certification of persons to
15 use pesticides shall include an educational component
16 as established or approved by the department;

17 (2) To establish limitations and conditions for the
18 application of pesticides by aircraft, power rigs,
19 mist blowers, and other equipment;

20 (3) To establish, as necessary, specific standards and
21 guidelines [~~which~~] that specify those conditions



1 [which] that constitute unreasonable adverse effects
2 on the environment;

3 (4) To establish, as necessary, record keeping
4 requirements for pesticide use by applicators; and

5 (5) To establish, as necessary, procedures for the
6 issuance of guidelines to specify those conditions
7 that constitute use of a pesticide in a manner
8 inconsistent with its label."

9 SECTION 5. Section 149A-34, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§149A-34 Denial, suspension, or revocation of**
12 **certificate.** The department may deny issuance of a certificate
13 for reasonable cause. Any certificate issued pursuant to rules
14 adopted under section 149A-33(1) may be suspended or revoked by
15 the department, after hearing, for violation of any condition of
16 the certificate or of any law or rule pertaining to the use of
17 any [~~restricted use~~] pesticide. Any order made by the
18 department for the suspension or revocation of a certificate
19 shall be in writing and shall set forth the reasons for the
20 suspension or revocation. The action of the department in



1 suspending or revoking a certificate may be reviewed in the
2 manner provided by chapter 91."

3 SECTION 6. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 7. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 8. This Act shall take effect on July 1, 2019.

9

INTRODUCED BY:

Lyn De Corte

JAN 24 2019



H.B. NO. 1575

Report Title:

DOA; Pesticide Use

Description:

Prohibits the use of any pesticide use unless the user is certified by the Department of Agriculture. Requires DOA to include an educational component in the pesticide use certification process.

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