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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1           SECTION 1. The legislature finds that glyphosate is a  
2 broad-spectrum herbicide, meaning that the herbicide kills many  
3 varieties of green vegetation and is widely used in  
4 agricultural, residential, aquatic, and other settings. In  
5 fact, glyphosate is the most widely used herbicide globally and  
6 within the United States due to the widespread cultivation of  
7 "Roundup Ready" crops, i.e., crops that have been genetically  
8 engineered to withstand its application.

9           The legislature further finds that there is growing yet  
10 mixed evidence on the potential harmful effects of glyphosate.  
11 For example, in 2015, the International Agency for Research on  
12 Cancer, a division of the World Health Organization and the  
13 world's leading authority on cancer, unanimously concluded that  
14 glyphosate is a probable carcinogen. The International Agency  
15 for Research on Cancer's determination was based on a rigorous  
16 assessment that concluded that there is sufficient evidence of  
17 carcinogenicity in experimental animals. In 2018, a California



1 jury awarded \$289 million to a school groundskeeper after ruling  
2 the groundskeeper contracted non-Hodgkin's lymphoma because of  
3 his repeated exposure to glyphosate. As part of his job duties,  
4 the groundskeeper was responsible for applying herbicides  
5 containing glyphosate on weeds and shrubs throughout the school  
6 district in which he was employed.

7       Given the probable environmental and human health risks  
8 posed by exposure to glyphosate, many jurisdictions have moved  
9 to restrict its use. For example, at least two municipalities  
10 in California have banned the use of glyphosate herbicides from  
11 use on public lands within their localities. These  
12 municipalities have found organic alternatives to glyphosate,  
13 such as "avenger," to be effective. California's Office of  
14 Environmental Health Hazard Assessment lists glyphosate as a  
15 possible carcinogen under the state's Safe Drinking Water and  
16 Toxic Enforcement Act of 1986 (Proposition 65), which requires  
17 California to publish chemicals known to cause cancer or birth  
18 defects or other reproductive harm. Finally, in 2016, the  
19 European Commission, the executive body of the European Union,  
20 made a series of recommendations to restrict the use of  
21 glyphosate while the European Chemical Agency concludes its



1 review of the chemical. One of the recommendations calls for  
2 minimizing the use of glyphosate herbicides in public parks,  
3 public playgrounds, and gardens.

4 The legislature expressed its commitment to the health and  
5 safety of its schoolchildren by its passage of Act 45, Session  
6 Laws of Hawaii 2018, which prohibited the use of restricted use  
7 pesticides on or within one hundred feet of a school property  
8 during normal school hours. The legislature admits there has  
9 been mixed research regarding the effects of glyphosate, such as  
10 a human health risk assessment released by the United States  
11 Environmental Protection Agency suggesting a correlation between  
12 glyphosate and cancer is unlikely. However, given the potential  
13 harm cited by other studies, including the aforementioned  
14 findings of the World Health Organization, in addition to the  
15 evidence and ruling in the case of the school groundskeeper, the  
16 legislature feels it is prudent to err on the side of caution in  
17 the use of glyphosate on state school grounds.

18 The purpose of this Act is to restrict the use of  
19 glyphosate on school properties.



1 SECTION 2. Section 149A-2, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Glyphosate" or "glyphosate herbicides" includes all  
5 herbicides that contain glyphosate as one of the active  
6 ingredients and tank mixes of herbicides containing glyphosate  
7 as one of the active ingredients."

8 SECTION 3. Section 149A-28, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 ~~" [†] §149A-28 [†] Buffer zones. [Beginning January 1, 2019,~~  
11 ~~no] No person shall apply a restricted use pesticide and~~  
12 ~~beginning on January 1, 2020, no person shall apply glyphosate~~  
13 ~~on or within one hundred feet of a school property during normal~~  
14 ~~school hours; provided that this section shall not apply to~~  
15 ~~whole structure fumigation; provided further that if this~~  
16 ~~section is determined to conflict with any pesticide application~~  
17 ~~information listed on the pesticide label, the more restrictive~~  
18 ~~provision shall apply."~~

19 SECTION 4. If any provision of this Act, or the  
20 application thereof to any person or circumstance, is held  
21 invalid, the invalidity does not affect other provisions or



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1 applications of the Act that can be given effect without the  
 2 invalid provision or application, and to this end the provisions  
 3 of this Act are severable.

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

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

9 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

Richard Cuzco

Ken Wood

Ben  
Long M. Hall

[Signature]  
[Signature]

Calvin H. Ay

John M. [Signature]

Arny Peres



# H.B. NO. 872

**Report Title:**

Environmental Protection; Buffer Zones; Glyphosate Herbicides;  
Prohibition

**Description:**

Prohibits the use of glyphosate herbicides on or within 100 feet  
of a school during normal hours.

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