
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 unlike the majority
2 of Hawaii's farmers, large-scale, outdoor commercial
3 agricultural operations regularly apply high volumes of
4 restricted use pesticides into the environment. The United
5 States Environmental Protection Agency classifies pesticides as
6 restricted use pesticides if they are determined to cause
7 "unreasonable adverse effects on the environment" when used
8 "without additional regulatory restrictions".

9 The legislature further finds that misuse of pesticides by
10 large-scale commercial agricultural operations has been
11 occurring, endangering the health of farm workers, nearby
12 residents, and local environment. Pesticides may volatilize,
13 changing from a solid or liquid state into a vapor state, and
14 remain present in the lower atmosphere for days, weeks, or
15 months after the application. Accordingly, the legislature
16 finds that the drift from the application or misuse of
17 pesticides may have lingering effects on human health and the



1 environment long after the initial exposure. The legislature
2 notes that the direct, indirect, and cumulative impacts on the
3 environment and public health relating to the long-term,
4 intensive commercial use of pesticides have not been properly or
5 independently evaluated. The May 2016 study by the independent
6 Joint Fact Finding Study Group, entitled *Pesticide Use by Large*
7 *Agribusinesses on Kauai*, confirms that the State lacks
8 sufficient data on pesticide use and human environmental
9 exposure. Specifically, the study group recommended that the
10 State establish a state comprehensive buffer zone policy.

11 The legislature further finds that children, elderly
12 individuals, and other residents who may be sensitive to
13 pesticide exposure have no choice but to live, work, and commute
14 daily near areas where restricted use pesticides are being
15 sprayed. Children can be exposed to pesticides applied on or
16 drifting over school grounds or pesticide residues. Cancer,
17 decreased cognitive functions, behavioral problems, and other
18 long-term health effects have been linked to individuals who
19 have life-long exposure to pesticides. With the enactment of
20 Act 45, Session Laws of Hawaii 2018, the State took the initial
21 steps to address the harms of restricted use pesticides,



1 including establishing buffer zones around schools during
2 specified hours.

3 The purpose of this Act is to protect the State's
4 environment and residents by expanding the existing buffer zone
5 restrictions around schools.

6 SECTION 2. Section 149A-25, Hawaii Revised Statutes, is
7 amended by amending the definition of "normal school hours" to
8 read as follows:

9 "Normal school hours" means Monday through Friday from
10 ~~[7:00]~~ 6:00 a.m. until ~~[4:00]~~ 6:00 p.m., excluding days when
11 classes are not in session~~[-]~~ and the facilities of the school
12 are not in use for an entire day."

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

15 "~~[-]~~ §149A-28 ~~[+]~~ Buffer zones[-]; schools. ~~[Beginning~~
16 ~~January 1, 2019, no]~~ No person shall apply a restricted use
17 pesticide on or within ~~[one hundred feet of]~~ one-quarter mile
18 from a school property during normal school hours; provided that
19 this section shall not apply to whole structure fumigation;
20 provided further that if this section is determined to conflict



H.B. NO. 1893

1 with any pesticide application information listed on the
2 pesticide label, the more restrictive provision shall apply."

3 SECTION 4. 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 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on January 1, 2021.
9

INTRODUCED BY: Richard Long

Nicole E. Loun

George M. Peltz

David Carnas

Amy Pardo

Lyn DeLoite

JAN 17 2020



H.B. NO. 1893

Report Title:

Pesticide Buffer Zone; Restricted Use Pesticides; School Property; School Hours

Description:

Enlarges the restricted use pesticide buffer zone around schools. Amends the times during which the buffer zone is in effect. Effective 1/1/21.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

