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# A BILL FOR AN ACT

RELATING TO COFFEE PEST CONTROL.

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

1           SECTION 1. The legislature finds that coffee is one of the  
2 largest agricultural crops in the State and is a highly valued  
3 commodity in Hawai`i's economy. In recent years, the coffee  
4 berry borer, a small beetle, has infested coffee crops in the  
5 Kona and Ka`ū regions of Hawai`i island, and more recently has  
6 been detected on O`ahu, Maui, Kaua`i, and Lana`i. In 2020,  
7 coffee leaf rust, caused by a fungal pathogen, was discovered  
8 for the first time in the State on Maui and Hawai`i island.  
9 These two pests threaten the viability of the State's entire  
10 coffee industry. Efforts to control coffee berry borer and  
11 coffee leaf rust, including the use of United States Food and  
12 Drug Administration-approved pesticides, are critical to the  
13 local coffee industry, and it is incumbent upon the State to  
14 continue to support these efforts.

15           The legislature further finds that in response to these  
16 threats to the industry, the coffee berry borer pesticide  
17 subsidy program was established by Act 105, Session Laws of



1 Hawaii 2014 (Act 105), to assist Hawai'i coffee farmers with  
2 offsetting the cost of pesticides containing the fungus  
3 *Beauveria bassiana*, which is known to control coffee berry  
4 borer. Due to a longer-than-anticipated implementation of Act  
5 105, in 2017, the legislature extended the pesticide subsidy  
6 program from its original sunset date of June 30, 2019, to  
7 June 30, 2021, via Act 65, Session Laws of Hawaii 2017 (Act 65).  
8 After continued programmatic success and the initial discovery  
9 of coffee leaf rust in the islands, in 2021, the legislature  
10 extended the pesticide subsidy program for another two years,  
11 adding a subsidy for coffee leaf rust pesticides.

12 As of December 9, 2022, the department of agriculture has  
13 received nine hundred eighty receipts for reimbursement under  
14 the coffee berry borer pesticide subsidy program, expending a  
15 total of \$812,319.99 for the mitigation of coffee berry borer  
16 and coffee leaf rust throughout the State. The legislature  
17 finds that, as illustrated by program demand, coffee berry borer  
18 and coffee leaf rust continue to pose a severe threat to the  
19 State's coffee industry, and it is incumbent upon the State to  
20 continue supporting farmers' mitigative efforts, including



1 through reducing the financial burden of having to purchase  
2 certain pesticides at market value.

3 Accordingly, the purpose of this Act is to:

- 4 (1) Extend the pesticide subsidy program to June 30, 2025;
- 5 (2) Extend the pesticide subsidy manager position,  
6 including the position's exemptions from civil service  
7 and collective bargaining laws, until June 30, 2026;  
8 and
- 9 (3) Appropriate funds for the program and program manager  
10 position.

11 SECTION 2. Act 105, Session Laws of Hawaii 2014, as  
12 amended by section 1 of Act 152, Session Laws of Hawaii 2015, as  
13 amended by section 2 of Act 65, Session Laws of Hawaii 2017, as  
14 amended by section 2 of Act 32, Session Laws of Hawaii 2018, as  
15 amended by section 43 of Act 111, Session Laws of Hawaii 2019,  
16 as amended by section 2 of Act 138, Session Laws of Hawaii 2021,  
17 is amended as follows:

18 1. By amending subsection (a) of section 3 to read:

19 "(a) There is established in the department of agriculture  
20 a pesticide subsidy program to be administered by the department  
21 beginning on July 1, 2014, and ending on June 30, [~~2023-~~] 2025.



1 The department shall grant subsidies to coffee growers to assist  
2 the coffee growers in offsetting the costs of purchasing any  
3 pesticide that is listed by the department pursuant to  
4 subsection (f)."

5 2. By amending subsections (c) through (e) of section 3 to  
6 read:

7 "(c) Documentation of pesticide costs, as requested by the  
8 department, shall be filed for pesticides purchased within the  
9 immediately preceding fiscal year of filing and shall be  
10 effective for pesticide costs incurred after June 30, 2014, and  
11 before July 1, [~~2023~~] 2025.

12 (d) Funds shall be disbursed upon approval on an annual  
13 basis by the department to the coffee grower for up to  
14 [~~seventy-five~~]:

15 (1) Seventy-five per cent of the costs incurred for the  
16 purchase of the pesticide before July 1, 2016 [~~and~~  
17 ~~for up to fifty~~];

18 (2) Fifty per cent of the costs incurred for the purchase  
19 of the pesticide for the period beginning after  
20 June 30, 2016, and before July 1, 2023 [~~and~~]; and



1       (3) Seventy-five per cent of the costs incurred for the  
 2       purchase of the pesticide for the period beginning  
 3       July 1, 2023, through June 30, 2025.

4       (e) The department shall aggregate the total subsidy  
 5 applications pursuant to this section and divide and distribute  
 6 the available subsidy funds on a pro rata basis; provided that  
 7 no single coffee grower shall receive subsidies that are more  
 8 than \$600 per year for coffee berry borer control and more than  
 9 \$600 per year for coffee leaf rust control per acre of land in  
 10 coffee production; provided further that no single coffee grower  
 11 shall receive subsidies that are more than \$9,000 per year;  
 12 provided further that no single coffee grower shall receive  
 13 subsidies that total more than \$6,000 per year for the period  
 14 after June 30, 2018, and before July 1, 2021; provided further  
 15 that no single coffee grower shall receive subsidies that total  
 16 more than \$12,000 per year for the period after June 30, 2021,  
 17 and before July 1, ~~[2023-]~~ 2025."

18       3. By amending subsections (g) and (h) of section 3 to  
 19 read:

20       "(g) There is established within the department a  
 21 pesticide subsidy program manager position, which shall be a



1 full-time, temporary position exempt from chapters 76 and 89,  
2 Hawaii Revised Statutes. The pesticide subsidy program manager  
3 shall possess a requisite level of knowledge and expertise in  
4 the area of program management necessary to carry out the duties  
5 of the position. The pesticide subsidy program manager shall:

- 6 (1) Facilitate the efficient division and distribution of  
7 available subsidy funds; and
- 8 (2) Manage the day-to-day coordination for the pesticide  
9 subsidy program.

10 The pesticide subsidy program manager shall receive a  
11 salary of not more than \$50,000 per year. The pesticide subsidy  
12 program manager position, including the position's exemption  
13 from chapters 76 and 89, Hawaii Revised Statutes, shall expire  
14 on June 30, [~~2024~~] 2026.

15 (h) Not later than twenty days prior to the convening of  
16 the regular session of [~~2023~~] 2025, the department shall submit  
17 a report of its findings and recommendations, including any  
18 proposed legislation, to the legislature on the results of the  
19 subsidy program and whether the program should be allowed to  
20 expire or be extended, and if extended, with or without  
21 modification."



1 4. By amending section 6 to read:

2 "SECTION 6. This Act shall take effect on July 1, 2014;  
3 provided that:

4 (1) Section 3 shall be repealed on June 30, [~~2023~~] 2025,  
5 except that section 3(g) shall be repealed on June 30,  
6 [~~2024~~] 2026; and

7 (2) The amendment made to section 149A-13.5(b), Hawaii  
8 Revised Statutes, under section 2 of this Act shall  
9 not be repealed when section 149A-13.5(b), Hawaii  
10 Revised Statutes, is repealed and reenacted on  
11 June 30, 2015, by section 4 of Act 168, Session Laws  
12 of Hawaii 2010."

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so much  
15 thereof as may be necessary for fiscal year 2023-2024 and the  
16 same sum or so much thereof as may be necessary for fiscal year  
17 2024-2025 to be deposited into the pesticide use revolving fund  
18 established under section 149A-13.5, Hawaii Revised Statutes.

19 SECTION 4. There is appropriated out of the pesticide use  
20 revolving fund the sum of \$ or so much thereof as may be  
21 necessary for fiscal year 2023-2024 and the same sum or so much



1 thereof as may be necessary for fiscal year 2024-2025 for the  
2 operation and implementation of the pesticide subsidy program.

3 The sums appropriated shall be expended by the department  
4 of agriculture for the purposes of this Act.

5 SECTION 5 Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2050;  
8 provided that sections 3 and 4 of this Act shall take effect on  
9 July 1, 2050.





**Report Title:**

HDOA; Coffee Berry Borer; Coffee Leaf Rust; Pesticide Subsidy Program; Appropriation

**Description:**

Extends the sunset date for the coffee berry borer and coffee leaf rust pesticide subsidy program to 6/30/2025 and the program manager position, including the position's civil service and collective bargaining laws exemption, to 6/30/2026. Requires the Department of Agriculture to report to the Legislature. Appropriates funds for the operation and implementation of the pesticide subsidy program. Effective 7/1/2050, provided that the appropriation shall take effect on 7/1/2050. (SD1)

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

