

ACT 131

S.B. NO. 1353

A Bill for an Act Relating to Pesticides.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 149A, Hawaii Revised Statutes, is amended by adding a new section into part III to be appropriately designated and to read as follows:

“§149A- Cancellation or suspension of pesticide uses. Notwithstanding any law, rule, regulation, or executive order to the contrary, the chairperson of the board of agriculture, in consultation with the advisory committee on pesticides and also with the approval of the director of health, shall suspend, cancel, or restrict the use of certain pesticides or specific uses of certain pesticides when such usage is deemed to have unreasonable adverse effects on the environment. In addition to other circumstances which may require a determination as to whether unreasonable adverse effects exist, a determination shall be made:

- (1) When residues of the pesticides are detected in drinking water; or
- (2) When a use under special local needs registration involves a pesticide for which any use has been suspended or canceled by the United States Environmental Protection Agency.”

SECTION 2. Section 149A-32, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 149A-2, Hawaii Revised Statutes, is amended by amending the definition of “unreasonable adverse effects on the environment” to read:

“(35) “Unreasonable adverse effects on the environment” means any [injury] unreasonable risk to man or [any unreasonable adverse effects on environmental values,] the environment taking into account the [public interest, including benefits from] economic, social, and environmental costs and benefits of the use of the pesticide.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved May 28, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.