THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII S.B. NO. /289

JAN 22 2007

### A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1	SECTION 1	. Section 149A-31, Hawaii Revised Statutes, is
2	amended to read	d as follows:
3	"§149A-31	Prohibited acts. No person shall:
4	(1) Use (	any pesticide in a manner inconsistent with its
5	labe	l, except that it shall not be unlawful to:
6	(A)	Apply a pesticide at any dosage, concentration,
7		or frequency less than that specified on the
8		label or labeling; provided that the efficacy of
9		the pesticide is maintained and further provided
10		that, when a pesticide is applied by a commercial
11		applicator, the deviation from the label
12		recommendations must be with the consent of the
13		purchaser of the pesticide application services;
14	(B)	Apply a pesticide against any target pest not
15		specified in the labeling if the application is
16		to a crop, animal, or site specified on the label
17		or labeling; provided that the label or labeling



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1		does not specifically prohibit the use on pests
2		other than those listed on the label or labeling;
3		(C) Employ any method of application not prohibited
4		by the labeling;
5		(D) Mix a pesticide or pesticides with a fertilizer
6		when such mixture is not prohibited by the label
7		or labeling; or
8		(E) Use in a manner determined by rule not to be an
9		unlawful act;
10	(2)	Use, store, transport, or discard any pesticide or
11		pesticide container in any manner which would have
12		unreasonable adverse effects on the environment;
13	(3)	Use or apply restricted use pesticides unless the
14		person is a certified pesticide applicator or under
15		the direct supervision of a certified pesticide
16		applicator with a valid certificate issued pursuant to
17		rules adopted under section 149A-33(1);
18	(4)	Use or apply pesticides in any manner that has been
19		suspended, canceled, or restricted pursuant to section
20		149A-32.5;



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1	(5)	Falsify any record or report required to be made or	
2		maintained by rules adopted pursuant to this chapter;	
3		or	
4	(6)	Fill with water, through a hose, pipe or other similar	
5		transmission system, any tank, implement, apparatus,	
6		or equipment used to disperse pesticides, unless the	
7		tank, implement, apparatus, equipment, hose, pipe or	
8		other similar transmission system is equipped with an	
9		air gap or a reduced-pressure principle backflow	
10		device meeting the requirements under section $340\dot{E-2}$	
11		and the rules adopted thereunder [-] ; or	
12	(7)	Apply any pesticide on a public school property or	
13		playground, unless the person complies with the	
14		following notification procedures:	
15		(A) Signs shall be posted:	
16		(i) At least forty-eight hours before	
17		application of the pesticide and remain	
18		posted at least forty-eight hours after	
19		application of the pesticide;	
20		(ii) At every entry point where the pesticide is	
21		applied if the pesticide is applied in an	
22		enclosed area; and	



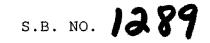
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1	<u>(i</u>	ii) In highly visible locations around the
2		perimeter of the area where the pesticide is
3		applied, if the pesticide is applied in an
4		open area; and
5	<u>(B)</u>	Signs shall contain the name and active
6		ingredient of the pesticide, target pest, date of
7		pesticide use, signal word indicating the
8		toxicity category of the pesticide, date for
9		re-entry to the area treated, name and contact
10		number for the department responsible for the
11		application, and a symbol indicating danger, such
12		as the skull and crossbones."
13	SECTION 2.	Statutory material to be repealed is bracketed
14	and stricken.	New statutory material is underscored.
15	SECTION 3.	This Act shall take effect one hundred twenty
16	days after its	approval.
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Report Title:

Pesticide Application

#### Description:

Requires the posting of signs when pesticide is applied on school grounds or a playground.

