

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 as follows:

3 "§149A-31 **Prohibited acts.** No person shall:

4 (1) Use any pesticide in a manner inconsistent with its
5 label, 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



- 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;



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 340E-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



1 (iii) 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 (B) 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.

17 INTRODUCED BY:

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Report Title:

Pesticide Application

Description:

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

