

JAN 19 2007

A BILL FOR AN ACT

RELATING TO THE PRECAUTIONARY PRINCIPLE.

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

1 SECTION 1. The old adage, "better safe than sorry," is
2 known in policy circles as the "precautionary principle." In
3 the absence of scientific certainty, a party should err on the
4 side of caution. The precautionary principle is simple and
5 means that society should carefully consider the risks of
6 proposed actions before embarking them. This principle has been
7 used throughout the world and was incorporated in the 1992 Earth
8 Summit's Rio Declaration, as well as the 2000 Montreal Summit's
9 Cartagena Biosafety Protocol.

10 The non-precautionary principle is supported by the belief
11 that new technologies may provide benefit great enough to be
12 accepted without adequate testing, and any negative impacts of
13 the technology should be absorbed by society as externalities.
14 Externality is an economic term that refers to a cost or benefit
15 that is experienced by someone who is not a party to the
16 transaction that produced it. The precautionary principle



1 places the burden of proof on the proponents to demonstrate that
2 the new technology is safe.

3 The purpose of the Act is to require the department of
4 agriculture to apply the precautionary principle when evaluating
5 permit applications.

6 SECTION 2. Section 26-16, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) The department shall:


- 9 (1) Promote the conservation, development, and utilization
10 of agricultural resources in the State;
- 11 (2) Assist the farmers of the State and any others engaged
12 in agriculture by research projects, dissemination of
13 information, crop and livestock reporting service,
14 market news service, and any other means of improving
15 the well-being of those engaged in agriculture and
16 increasing the productivity of the lands;
- 17 (3) Administer the programs of the State relating to
18 animal husbandry, entomology, farm credit, development
19 and promotion of agricultural products and markets,
20 and the establishment and enforcement of the rules on
21 the grading and labeling of agricultural products;
- 22 [and]



- 1 (4) Administer the aquaculture program under section
- 2 141-2.5[-]; and
- 3 (5) Apply the precautionary principle in evaluating all
- 4 permit applications. For purposes of this section,
- 5 "precautionary principle" means evaluating whether it
- 6 would be prudent to deny a permit application to avert
- 7 serious or irreversible environmental damage before
- 8 scientific certainty about the likelihood, magnitude,
- 9 or causation of the harm exists."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on August 1, 2007.

13 INTRODUCED BY: 

Report Title:

Department of Agriculture Permits; Precautionary Principles

Description:

Requires department of agriculture to apply the precautionary principle in making a decision on a permit application.

