

# Hawai'i Regulations Regarding Pesticide Use on Noni

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The Pesticides Branch serves as the State's lead agency in administering and implementing a regulatory and enforcement program on pesticides. The goal of the pesticide program is to assure the safe, efficient and effective use of pesticides and to minimize their adverse effects on man and the environment.

## **Pesticide laws**

### ***Federal regulations***

In 1970, the Environmental Protection Agency was established and given the responsibility of administering the regulations governing pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which congress passed in 1972.

### ***State regulations***

The Hawai'i Department of Agriculture (HDOA) is responsible for administering the Hawai'i Pesticide Law (Chapter 149A, HRS), and Administrative Rules, Chapter 66, Pesticides, of Department of Agriculture. The Federal Insecticide, Fungicide, and Rodenticide Act granted states with the authority to regulate the sale, distribution, and use of pesticides.

### ***Pesticides Branch***

The Department of Agriculture, Pesticides Branch consists of three sections, the registration, certification/education, and enforcement section.

### ***Registration Section***

The registration section is primarily responsible for the licensing of pesticides within the State of Hawai'i. Other responsibilities include the licensing of pesticide products in the State of Hawai'i, processing of applications for emergency exemptions, special local need (24c) (SLN) labeling, and experimental use permits (EUP).

### ***Certification/Education Section***

The certification/education section is responsible for administering the certification program for applicators of restricted use pesticides. Additionally, pesticide education is available through outreach programs and on-site visitations.

### ***Enforcement Section***

The enforcement section is responsible for regulating the use of pesticides through routine inspections of Private and Commercial applicators. They include ranchers and farmers, commercial pest control operators, distributors and retailers, as well as others that use pesticides such as homeowners. The enforcement staff also conducts investigations that stem from complaints.

### ***Conditions of FIFRA***

A pesticide is defined as "Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant." There are many types of pesticides, which have been classified according to the target pest. Examples are insecticides (insects), fungicides (diseases), herbicides (weeds), and nematicides (nematodes).

Products must be registered with the EPA before it can be sold or distributed.

States are allowed to administer equivalent or stricter regulations under the guidance of EPA.

Pesticides are classified either as Restricted Use Pesticides or Non-Restricted Use Pesticides. Restricted use pesticides are those that require controls in addition to label directions because they may have unreasonable adverse effects on the environment or cause injury to the applicator even when applied in accordance with label directions. Non-restricted use pesticides or general use pesticides are those that are judged as being safe enough for the general public to use when applied in accordance with directions on the label.

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The applicator certification program under a state plan was initiated. Applicators applying restricted use pesticides must be certified either as a private or commercial applicator. Applicators must pass a written examination administered by the Department of Agriculture in order to qualify for certification.

Labeling requirements were established. The contents of a label must have specific information including product name or brand, name and address of the producer, net contents, EPA registration number, EPA establishment number, ingredient statement, warning or precautionary statements, directions for use, and use classification statement.

The label is referred to as the law and therefore, it would be a violation of federal law to use a product in a manner inconsistent with its labeling. For example, if a product was applied to a crop or site not listed on the label this would constitute a violation. In regard to the “noni” plant it qualifies as a minor crop as do the majority of agricultural crops grown in Hawai‘i. Unfortunately, there are fewer pesticide registrations for minor crops. However, labels that may list certain crop groups such as Tropical Fruits or Miscellaneous Crops would be legal to use on noni plants.

### **Violations**

Commercial Applicators may be assessed a civil penalty of not more than \$5,000 for each offense, or a criminal penalty of not more than \$25,000 or imprisoned for not more than one year, or both.

Private Applicators may be assessed a civil penalty of not more than \$1,000 for each offense, or a criminal penalty of not more than \$1,000 or imprisoned for one year, or both.

Some common violations that have occurred are the improper use of safety equipment, a crop or site not listed on the label, and application rates exceeded resulting in misapplication.

### **Other regulations**

In 1992, the Federal Worker Protection Standard (WPS) regulation was established and went into full effect on January 1, 1995. This regulation is intended for the protection of agricultural workers and pesticide handlers from exposure to pesticides on farm, forest, nursery, and greenhouse establishments. Agricultural owners and employers have the responsibility of complying with the WPS provisions that include decontamination sites, emergency assistance, warnings about application, pesticide safety training, and personal protective equipment (PPE).

### **References**

- Kinro, Gerald. Pesticide Laws presented at the Pesticides & Medicine in Hawai‘i. 1995.
- 40 Code of Federal Regulations. Parts 150 – 189. Protection of Environment.
- Reference Guide for EPA’s Worker Protection Standard. How to Comply. 1993.
- Hawai‘i Pesticide Law, Chapter 149A, HRS. Administrative Rules, Chapter 66.

[Editor’s note: A list of currently approved pest control products for use on noni in Hawai‘i is provided on page 42 of this document.]