

## **SUMMARY OF KAUAI COUNTY BILL 2491**

Kauai County Bill 2491

Relating to Pesticides and Genetically Modified Organisms:

### **KEY PROVISIONS:**

- 1) Requires Disclosure
  - 2) Creates Buffer Zones
  - 3) Prohibits Open Air Testing
  - 4) Calls for an Environmental Impact Statement (aka EIS)
  - 5) Creates Moratorium for Increased Pesticide and GMO Activity
  - 6) Develops a Permitting Process based on EIS
  - 7) Establishes Penalties for Violations
- 

#### **1) Requires Disclosure:**

Requires all commercial agricultural entities which use GMOs, experimental pesticides, or more than 5 pounds or 15 gallons of restricted use pesticides to disclose ALL pesticide use.

Disclosure requirements include

- Public posting of signs 72 hours prior and after applications
- Providing pesticide information to any requesting bordering property occupier.
- Annual reports listing all pesticides when and where applied posted online and available to public.

#### **2) Creates Buffer Zones:**

Prohibits such entities from using pesticides within 500 feet of any school, hospital, residential area, public roadway, stream, river, or shore.

#### **3) Prohibits Open Air Testing:**

Requires that all experimental pesticides and testing of GMOs be used inside a structure designed to fully contain it.

#### **4) Calls for an Environmental Impact Statement (EIS):**

Calls for a test of soil, dust, water, air, and residents (volunteers), measuring the presence of pesticides and related chemicals. The EIS may be paid for by GMO companies property taxes and new permit fees.

**5) Creates Moratorium on Expansion:**

Temporarily halts increased GMO commercial production and experimental pesticide use until the county conducts an EIS and creates a permitting process that protects residents and the environment from the results of EIS.

**6) Creates a Permitting Process:**

Establishes a permitting process that requires disclosure, prevents cross-pollination, protects residents and the environment, and periodic independent testing that accessible to the public.

**7) Establishes Penalties for Violations:**

Mandates that any firm, corporation, agent, employee, or person allowing or in direct violation with this measure be fined \$1,000 maximum and/or imprisoned not more than 1 year for each offense. Each day of violation will be deemed a new criminal offense. In addition, violators will receive a fine of \$10,000-\$25,000 per day, per violation.

FOR MORE INFORMATION VISIT:  
[WWW.StopPoisoningParadise.org](http://WWW.StopPoisoningParadise.org)