

THE THIRTY-FOURTH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twelve day of January
two thousand and fifteen

AN ACT INCORPORATING FEDERAL PESTICIDE TOLERANCES PURSUANT TO 40 CFR 180 FOR REGULATING PESTICIDES, USED BY FARMERS AND FOR SETTING LIMITS ON THE AMOUNT OF PESTICIDES THAT MAY REMAIN IN OR ON FOODS MARKETED IN AMERICAN SAMOA; AMENDING SECTION 24.1208 A.S.C.A.

Preamble:

Recently, there has been much public concern over the increasing use of pesticides in local produce sold to the ASG school lunch program and to the general public. As the law currently stands, American Samoa does not have set tolerances for the amount of pesticides that may not be exceeded on foods. Even though our current statute prohibits or limits the use of pesticides in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), we have no mechanism by which to measure the safety of food prepared for human consumption.

This proposed amendment will incorporate pesticide tolerances pursuant to 40 CFR 180 and serve as a guideline by which all farmers must adhere to when treating crops with pesticides. The proposed amendment would not require the Department of Health (DOH) to test food that has been exposed to pesticides. Rather, it would serve as a reference tool for DOH to ensure that food exposed to pesticides in the Territory is within acceptable limits as set forth in federal regulations.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 24.1208 is amended to read:

"24.1208 Rules to be consistent with federal regulations.

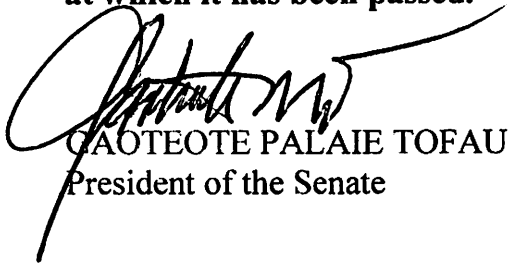
(a) Rules adopted under this act shall not permit any pesticide use which is prohibited by FIFRA and regulations or orders issued under it. Rules relating to certified applicators, special local needs registrations and experimental use permits shall not be inconsistent with the requirements of FIFRA and regulations promulgated under it.

(b) Rules under this act shall not permit any pesticide use which is found to exceed the tolerances as found at 40 CFR 180 for that particular pesticide. Violations of tolerances found at 40 CFR 180, are to be enforced by the appropriate

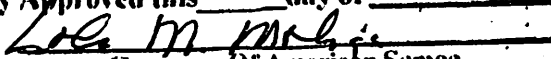
authority regulating the safety, maintenance, preparation, and sanitization of food for human consumption.”

Sec 2. Effective Date.

In accordance with Article II Section 19 of the Revised Constitution of American Samoa, this bill shall become effective 60 days after the end of the session at which it has been passed.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 15th day of April, 2015

Governor Of American Samoa

NOFOAIGA TOLUSEFULU-FA FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Muamua

Nofioia ma usua i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso sefululua o Ianuari
 Lua afe sefulu lima

O SE TULAFONO O LO'O SAILIA AI LE FA'AAOGAINA O LE TULAFONO FETERALE 40 CFR 180 LEA O LO'O AIAIA AI VAILA'AU E FA'AAOGA E LE AU FAIFA'ATOAGA, AE MAISE AI FO'I O LE TELE O IA VAILA'AU E MAFAI ONA TOTOE I TOTONU PO'O LUGA FO'I O TAUMAFIA IA O LO'O FA'ATAUINA ATU I TOTONU O AMERIKA SAMOA; SUIA AI LE MAGA 24.1208 T.T.A.S.

Fa'atomuaga:

E le'i matuā mamao tele atu le tele o faaseā sa fa'aleoina e le atunu'u talu le tele o vaila'au ia ua fa'aaoga i fua o fa'atoaga ia sa fa'atauina atu i le Polokalama o Taumafa o Aoga a le malō, ae maise ai fo'i le mamalu lautele. O le tulafono lea o lo'o iai nei, e le o fa'atulagaina ai se maualuga o se aofaiga o se vaila'au, e lē tatau ona i ai i ni taumafa. E ui lava ona o le tulafono o loo fa'asā ai pe fa'atapula'a le fa'aaogaina o vaila'au ina ia tusa ai ma le tulafono a le Feterale i vailaau e tape ai manu ninii, limu, isumu ma isi manu faalafuā (FIFRA), ae le o iai ni a tatou mea faigaluega ma ni auala fo'i e fua ai le saogalemu o mea taumafa mo le fa'aaogaina e le tagata.

O lenei teuteuga, o le a fa'aaoga ai le tulafono 40 CFR 180 e fai ma taiala e tatau ona usita'ia e faifa'atoaga o lo'o fa'aaogaina vaila'au mo a latou fualaaui totō. E le o fa'atulagaina i lenei teuteuga le Matagaluega o le Soifua Maloloina (DOH) e sailia ma su'esu'e taumafa ua a'afia i vaila'au. Peita'i, o le fa'amoemoe, ia fai lenei tulafono ma taiala mo le DOH ia mautinoa ai, o lo'o tausisia pea i totonu o le Teritori le fa'aaogaina o vaila'au e pei ona aiaia ma fa'atulaga ai i tulafono a le Feterale.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKASAMOA:

Maga 1. 24.1208 ua suia nei e faitauina fa'apea:

"24.1208 Aiaiga ina ia talatutusa ma fa'atulagaga a le Feterale.

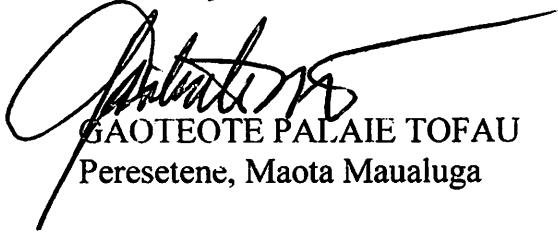
(a) E lē fa'atagaina i aiaiga ua taliaina i lalo o lenei tulafono, le fa'aogaina o so'o se vaila'au o lo'o fa'asaina e le FIFRA atoa ai ma aiaiga ma tu'utu'uga o lo'o aofia ai. O tu'utu'uga fa'atatau i tagata laiseneina e fa'aaoga vaila'au, manaoga fa'apitoa ma pemitā faataitai e lē tatau lava ona iai se fete'enaiga i le fa'aaogaina o so'o se vailaau o lo'o fa'asaina e le FIFRA ma aiaiga ma tu'utuuga o lo'o aofia ai.

(e) E lē fa'atagaina i lalo o lenei tulafono le fa'aaogaina o se vaila'au i luga atu le maualuga fa'atulagaina i le 40 CFR 180 mo so'o se vaila'au. O le solia o le

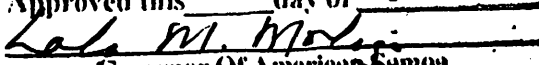
tulafono o le maualuga fa'atulagaina i le 40 CFR 180 o so'o se vaila'au e fa'aaogaina, o le a fa'amalosia lea e le matagaluega o lo'o iai le malosi e fa'atulaga ai le saogalemu, le tausisia, le saunia ma le fa'amamaina ma le malupuipua o taumafa mo le fa'aaogaina e le tagata.

Maga 2. Aso e taualoa ai.

Ina ia tusa ai ma le mataupu II maga 19 o le Fa'avae Toeteuteuina a Amerika Samoa, o le a fa'amalosia leni Tulafono pe atoa le 60 aso talu ona mae'a le tauaofiaga a le Fono Faitulafono lea na pasia ai.


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Maualuga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 15th day of April 20 15

Governor (Of American Samoa)