



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1137

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB1854 HD1 SD1

RELATING TO LITTLE FIRE ANTS.
Act 032 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO LITTLE FIRE ANTS.

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

1 SECTION 1. The legislature finds that little fire ants
 2 threaten human health, wildlife, agriculture, and tourism.
 3 Since first discovered on the island of Hawaii in 1999, little
 4 fire ants have been spreading rapidly throughout the State.
 5 There are now little fire ant populations on Kauai, Maui, and
 6 Oahu.

7 The legislature further finds that the Hawaii Ant Lab's
 8 methods for treating little fire ants have been successful in
 9 controlling infestations on properties of homeowners and
 10 farmers. The Hawaii Ant Lab uses a dual approach of applying
 11 insect growth regulators followed by a barrier treatment. This
 12 method, which targets the source of the infestation and kills
 13 the queen and causes colony collapse, reduces the likelihood
 14 that this invasive species will spread.

15 The legislature also finds that pest control operators in
 16 the State are not required by law to use the Hawaii Ant Lab's
 17 approach when treating little fire ants. There are reports that



1 some pest control operators do not employ these methods and opt
2 to spray contact insecticides in lieu of using the Hawaii Ant
3 Lab treatment strategy. By using less effective methods that do
4 not completely eradicate the infestation, pest control operators
5 create permanent customers who continue to require repeat
6 service as more little fire ants return. The legislature
7 recognizes that untreated little fire ant nests can grow and
8 spread to surrounding properties, thereby further exacerbating
9 the problems and creating a much bigger challenge for mitigation
10 efforts.

11 The purpose of this Act is to control the spread of little
12 fire ants in the State by:

- 13 (1) Authorizing the department of agriculture, in
14 conjunction with Hawaii Ant Lab, to identify best
15 practices for the treatment of little fire ants;
- 16 (2) Requiring the department of agriculture to post any
17 identified best practices on its website;
- 18 (3) Adding to the prohibited acts of pesticides, any
19 application that may defeat the best practices for the
20 treatment of little fire ants as identified by the
21 department of agriculture; and



1 (4) Clarifying that training for invasive species be based
2 on the best available technology and best practices in
3 a manner consistent with state and federal laws.

4 SECTION 2. Section 141-3.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 " ~~{}~~§141-3.5~~{}~~ Control or eradication programs. (a) The
7 department of agriculture shall develop and implement a detailed
8 control or eradication program for any pest designated in
9 section 141-3, using the best available technology in a manner
10 consistent with state and federal law.

11 (b) For any pest designated by emergency rule as provided
12 in section 141-3, the department of agriculture shall implement
13 an emergency program using the best available technology in a
14 manner consistent with state and federal law.

15 (c) The department of agriculture:

16 (1) In conjunction with the Hawaii Ant Lab, may identify
17 best practices for the treatment of little fire ants;
18 and

19 (2) Shall post on its website any best practices
20 identified for the treatment of little fire ants."



1 SECTION 3. Section 149A-11, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) It shall be unlawful to:

4 (1) Detach, alter, deface, or destroy, in whole or in
5 part, any label or alter any labeling of a pesticide
6 unless it is approved by the department to correct an
7 improper label or labeling under section 24(c), FIFRA;

8 (2) Add any substance to, or take any substance from, a
9 pesticide or apply a pesticide in a manner that may
10 defeat the purpose of this chapter[+] or of section
11 141.3.5;

12 (3) Use for a person's own advantage or reveal any
13 information relative to formulas of products acquired
14 in the administration of this chapter, to persons
15 other than to the chairperson or proper officials or
16 employees of the State or the federal government; to
17 the courts of this State or the federal government in
18 response to a subpoena; to physicians; or, in
19 emergencies, to pharmacists and other qualified
20 persons for use in the preparation of antidotes;



- 1 (4) For any pesticide dealer, wholesaler, or retailer to
2 expose or to offer for sale or to solicit or receive
3 orders for the sale of restricted use pesticides
4 unless the dealer, wholesaler, or retailer has applied
5 for and has obtained a license from the department;
- 6 (5) For any pesticide dealer, wholesaler, or retailer to
7 expose or to offer for sale or to solicit or receive
8 orders for the sale of restricted use pesticides to
9 any person other than a certified pesticide
10 applicator;
- 11 (6) For any pesticide dealer, wholesaler, or retailer to
12 make any verbal or written claim or representation
13 relating to any pesticide product that is inconsistent
14 with the specific pesticide product label; or
- 15 (7) For any pesticide dealer to expose to, offer for sale
16 to, or solicit or receive orders for the sale of
17 restricted use pesticides to any pest control operator
18 or to an employee of the pest control operator acting
19 on the pest control operator's behalf without
20 satisfactory proof that the pest control operator
21 holds, or has held within the previous one hundred



1 twenty days, a pest control license and, when
2 applicable, without satisfactory proof that the
3 employee is employed by the pest control operator."

4 SECTION 4. Section 149A-13.5, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) Moneys in the pesticide use revolving fund shall be
7 expended by the department:

8 (1) To support the pesticide program's registration and
9 licensing, certification and education, and compliance
10 monitoring activities;

11 (2) To establish pesticide training workshops and
12 educational programs[+], including, but not limited
13 to, eradication and control programs for pests
14 designated in section 141-3, using the best available
15 technology and best practices in a manner consistent
16 with state and federal law;

17 (3) To develop integrated pest management strategies, the
18 pesticide subsidy program created under Act 105,
19 Session Laws of Hawaii 2014, and other services for
20 pesticide users such as the agricultural pest control
21 industry, the structural pest control industry, and



1 consumer users of pesticides, which provide pesticide
2 instruction in areas, including but not limited to the
3 collection, disposal, and recycling of pesticide
4 containers; and

5 (4) For all other pesticide services deemed necessary by
6 the department.

7 Moneys from the revolving fund may be used for personnel,
8 services, materials, and equipment for the purposes of this
9 section.

10 Moneys expended by the department from the pesticide use
11 revolving fund for training workshops, educational programs, and
12 other services for the agricultural pest control industry, the
13 structural pest control industry, and consumer groups shall be
14 expended in a manner that appropriately addresses the needs of
15 each category of pesticide user."

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect upon approval.



APPROVED this 15 day of SEP, 2020



GOVERNOR OF THE STATE OF HAWAII



THE SENATE OF THE STATE OF HAWAI'I

Date: July 2, 2020
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.



President of the Senate



Clerk of the Senate

HB No. 1854, HD 1, SD 1

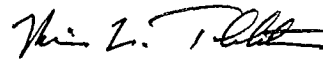
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives