
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 by
16 pest control operators;
- 17 (2) Requiring the department of agriculture to post any
18 identified best practices on its website;
- 19 (3) Requiring applicants for a pest control operator
20 license to have knowledge of current best practices



1 identified by the department of agriculture for
2 eradication of little fire ants; and
3 (4) Subjecting a pest control operator to potential
4 licensing sanctions for failure to report known or
5 suspected cases of little fire ants.

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

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

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

17 (c) The department of agriculture:

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



1 (2) Shall post on its website any best practices
2 identified pursuant to paragraph (1) for the treatment
3 of little fire ants."

4 SECTION 3. Section 460J-13, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+] §460J-13 [+] Examination; operator's license. The
7 board shall ascertain by written examination that an applicant
8 for a license as operator is qualified in the use and
9 understanding of all of the following:

- 10 (1) The English language, including reading, writing, and
11 spelling.
- 12 (2) The building and safety laws of the State and any of
13 its political subdivisions, if the branch or branches
14 of pest control for which the applicant is applying
15 require such knowledge.
- 16 (3) The labor laws of the State.
- 17 (4) The provisions of this chapter.
- 18 (5) Poisonous and other dangerous chemicals used in pest
19 control, if the branch license or licenses for which
20 the applicant is applying, require such knowledge.



1 (6) The theory and practice of pest control in the branch
2 or branches for which the applicant desires to be
3 licensed.

4 (7) Such other state laws, safety or health measures, or
5 practices as are reasonably within the scope of pest
6 control in the various branches.

7 (8) Current best practices identified by the department of
8 agriculture for any pest, including the little fire
9 ant, designated for eradication by emergency rule
10 adopted pursuant to section 141-3(c), for which a pest
11 control operator might reasonably be expected to
12 treat."

13 SECTION 4. Section 460J-15, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) In addition to any other actions authorized by law,
16 the board may revoke, suspend, or refuse to renew any license
17 issued hereunder, for any cause authorized by law, including but
18 not limited to the following:

19 (1) Departure from, or disregard of, plans or
20 specifications in the performance of pest control work



- 1 in any material respect, without consent of the owner
2 or the owner's authorized representative;
- 3 (2) Violation of any law or rule of the State or any
4 county relating to building, pesticide use, safety, or
5 labor, where the law or rule has a rational
6 relationship to the qualifications, functions, duties,
7 or responsibilities of the pest control operator,
8 including but not limited to a violation of the Hawaii
9 pesticides law;
- 10 (3) Misrepresentation of a material fact by the applicant
11 in obtaining a license;
- 12 (4) Failure on the part of a licensee to complete any
13 operation for the price stated in the contract or in
14 any agreed upon modification to the contract;
- 15 (5) Failure to comply with this chapter, or any rule
16 adopted by the board, or the furnishing of a report of
17 inspection without the making of a bona fide
18 inspection of the premises for termites;
- 19 (6) The commission of any grossly negligent or fraudulent
20 act by the licensee as an operator;



- 1 (7) The negligent handling or use of any poisonous
2 exterminating agent without regard to public safety;
- 3 (8) Fraud or misrepresentation, after inspection, by any
4 licensee engaged in pest control work relating to any
5 infestation or infection of termites found in property
6 or structures, or respecting any conditions of the
7 structure that would ordinarily subject structures to
8 attack by termites whether or not a report was made
9 pursuant to sections 460J-19 and 460J-20;
- 10 (9) Failure of an operator to make and keep all inspection
11 reports, contracts, documents, and records, other than
12 financial records, for a period of not less than two
13 years after completion of any work or operation for
14 the control of termites;
- 15 (10) Wilful failure to pay when due a debt incurred for
16 services or materials rendered or purchased in
17 connection with the operator's operations as an
18 operator when the operator has the ability to pay or
19 when the operator has received sufficient funds
20 therefor as payment for the particular operation for



- 1 which the services or materials were rendered or
2 purchased;
- 3 (11) The false denial of any debt due or the validity of
4 the claim therefor with intent to secure for the
5 licensee, the licensee's employer, or other person,
6 any discount of the debt or with intent to hinder,
7 delay, or defraud the person to whom the debt is due;
- 8 (12) Failure to secure or maintain liability insurance or
9 workers' compensation insurance when not authorized to
10 act as a self-insurer under chapter 386, or when not
11 excluded from the requirements of chapter 386; or
- 12 (13) Knowingly entering into a contract with an unlicensed
13 operator involving work or activity for the
14 performance of which licensing is required under this
15 chapter[-]; and
- 16 (14) Failure to report known or suspected cases of little
17 fire ants to the department of agriculture."

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



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Little Fire Ants; Hawaii Ant Lab; DOA, Pest Control Operators;
Best Practices; Website Posting

Description:

Authorizes DOA, in conjunction with the Hawaii Ant Lab, to identify best practices for the treatment of little fire ants. Requires DOA to post those best practices on its website. Requires applicants for a pest control operator license to be tested on knowledge of DOA current best practices for eradication of little fire ants. Subjects a pest control operator to potential licensing sanctions for failure to report known or suspected cases of little fire ants. Effective 7/1/2050. (HD1)

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