

JAN 17 2020

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) Requiring the use of best practices, as identified by
14 the department of agriculture and Hawaii Ant Lab, for
15 the treatment of little fire ants by pest control
16 operators;
- 17 (2) Authorizing the department of agriculture and the pest
18 control board to adopt rules to carry out the
19 requirement; and
- 20 (3) Requiring the posting of the best practices, and any
21 rules that may be adopted by the department of



1 agriculture and the pest control board, on the
2 websites of the department of agriculture and the pest
3 control board.

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, in consultation with
16 the pest control board:

17 (1) May adopt rules to identify best practices for the
18 purposes of section 460J-3(a)(3); and

19 (2) Shall post on its website best practices identified by
20 the department of agriculture and Hawaii Ant Lab for
21 the treatment of little fire ants by pest control



1 operators and any rules adopted by the department of
2 agriculture to identify best practices for the
3 purposes of section 460J-3(a)(3)."

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

6 "**§460J-3 Powers and duties of board.** (a) In addition to
7 any other powers and duties authorized by law, the board shall:

8 (1) Grant licenses to pest control operators pursuant to
9 this chapter;

10 (2) Adopt, amend, or repeal rules as it may deem necessary
11 to effectuate this chapter and carry out the purpose
12 thereof which purpose is the protection of the general
13 public. All rules shall be adopted pursuant to
14 chapter 91. The rules shall:

15 (A) Forbid acts or practices deemed by the board to
16 be detrimental to the accomplishment of the
17 purpose of this chapter;

18 (B) Require pest control operators to [~~make~~]:

19 (i) Make reports to the board containing items
20 of information that will enable the board to
21 improve the enforcement of this chapter and



1 its rules to fully effectuate the purposes
2 of this chapter;
3 ~~[(C) Require operators to furnish]~~ and
4 (ii) Furnish reports to owners containing matters
5 of information as the board deems necessary
6 to promote the purpose of this chapter;
7 ~~[(D)]~~ (C) Require liability and workers' compensation
8 insurance verification for license renewals; and
9 ~~[(E)]~~ (D) Provide for the development of an enforcement
10 information reporting system;
11 (3) Require pest control operators to use best practices
12 identified by the department of agriculture and Hawaii
13 Ant Lab for the treatment of little fire ants;
14 ~~[(3)]~~ (4) Enforce this chapter and rules adopted pursuant
15 thereto;
16 ~~[(4)]~~ (5) Suspend or revoke any license for any cause
17 prescribed by this chapter, or for any violation of
18 the rules, and refuse to grant any license for any
19 cause that would be grounds for revocation or
20 suspension of a license; and



1 ~~[(5)]~~ (6) Direct the executive secretary to publish and
2 distribute pamphlets and circulars containing
3 information as it deems proper to further the
4 accomplishment of the purpose of this chapter.

5 (b) The board, in consultation with the department of
6 agriculture:

7 (1) May adopt rules to carry out the purposes of
8 subsection (a)(3); and

9 (2) Shall post on its website best practices identified by
10 the department of agriculture and Hawaii Ant Lab for
11 the treatment of little fire ants by pest control
12 operators and any rules adopted by the board and the
13 department of agriculture to carry out the purposes of
14 subsection (a)(3)."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.



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S.B. NO. 2474

Report Title:

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

Description:

Requires the use of best practices, as identified by DOA and Hawaii Ant Lab, for the treatment of little fire ants by pest control operators. Authorizes DOA and the pest control board to adopt rules to carry out the requirement. Requires DOA and the pest control board to post any rules and best practices on their respective websites.

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