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# 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 confirmed little fire ant populations on Kauai,  
6 Maui, and 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 to identify  
14 best practices for the treatment of little fire ants  
15 in conjunction with the Hawaii Ant Lab;
- 16 (2) Requiring the department of agriculture to post on its  
17 website best practices for the treatment of little  
18 fire ants; and
- 19 (3) Allowing the pest control board to revoke, suspend, or  
20 refuse to renew any license for violation of any best  
21 practice identified by the department of agriculture.



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

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

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

12 (c) The department of agriculture:

13 (1) May identify best practices for the treatment of  
14 little fire ants in conjunction with the Hawaii Ant  
15 Lab; and

16 (2) Shall post on its website best practices for the  
17 treatment of little fire ants."

18 SECTION 3. Section 460J-15, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20 "(a) In addition to any other actions authorized by law,  
21 the board may revoke, suspend, or refuse to renew any license



1 issued hereunder, for any cause authorized by law, including but  
2 not limited to the following:

- 3 (1) Departure from, or disregard of, plans or  
4 specifications in the performance of pest control work  
5 in any material respect, without consent of the owner  
6 or the owner's authorized representative;
- 7 (2) Violation of any law or rule of the State or any  
8 county relating to building, pesticide use, safety, or  
9 labor, where the law or rule has a rational  
10 relationship to the qualifications, functions, duties,  
11 or responsibilities of the pest control operator,  
12 including but not limited to a violation of the Hawaii  
13 pesticides law[+] or any best practice identified by  
14 the department of agriculture;
- 15 (3) Misrepresentation of a material fact by the applicant  
16 in obtaining a license;
- 17 (4) Failure on the part of a licensee to complete any  
18 operation for the price stated in the contract or in  
19 any agreed upon modification to the contract;
- 20 (5) Failure to comply with this chapter, or any rule  
21 adopted by the board, or the furnishing of a report of



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



1 operator when the operator has the ability to pay or  
 2 when the operator has received sufficient funds  
 3 therefor as payment for the particular operation for  
 4 which the services or materials were rendered or  
 5 purchased;

6 (11) The false denial of any debt due or the validity of  
 7 the claim therefor with intent to secure for the  
 8 licensee, the licensee's employer, or other person,  
 9 any discount of the debt or with intent to hinder,  
 10 delay, or defraud the person to whom the debt is due;

11 (12) Failure to secure or maintain liability insurance or  
 12 workers' compensation insurance when not authorized to  
 13 act as a self-insurer under chapter 386, or when not  
 14 excluded from the requirements of chapter 386; or

15 (13) Knowingly entering into a contract with an unlicensed  
 16 operator involving work or activity for the  
 17 performance of which licensing is required under this  
 18 chapter."

19 SECTION 4. Statutory material to be repealed is bracketed  
 20 and stricken. New statutory material is underscored.

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



**Report Title:**

Little Fire Ants; Hawaii Ant Lab; Department of Agriculture;  
Pest Control Board; Best Practices; Website Posting

**Description:**

Authorizes the Department of Agriculture to identify best practices for the treatment of little fire ants in conjunction with the Hawaii Ant Lab. Requires the Department of Agriculture to post on its website best practices for the treatment of little fire ants. Allows the Pest Control Board to revoke, suspend, or refuse to renew any license for violation of any best practice identified by the Department of Agriculture.

(SD2)

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