A BILL FOR AN ACT

RELATING TO LITTLE FIRE ANTS.

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

SECTION 1. The legislature finds that little fire ants threaten human health, wildlife, agriculture, and tourism.

Since first discovered on the island of Hawaii in 1999, little fire ants have been spreading rapidly throughout the State.

There are now confirmed little fire ant populations on Kauai, Maui, and Oahu.

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

The legislature also finds that pest control operators in the State are not required by law to use the Hawaii Ant Lab's approach when treating little fire ants. There are reports that
some pest control operators do not employ these methods and opt
to spray contact insecticides in lieu of using the Hawaii Ant
Lab treatment strategy. By using less effective methods that do
not completely eradicate the infestation, pest control operators
create permanent customers who continue to require repeat
service as more little fire ants return. The legislature
recognizes that untreated little fire ant nests can grow and
spread to surrounding properties, thereby further exacerbating
the problems and creating a much bigger challenge for mitigation
efforts.

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

(1) Authorizing the Department of Agriculture to identify
best practices for the treatment of little fire ants
in conjunction with the Hawaii Ant Lab;

(2) Requiring the department of agriculture to post on its
website best practices for the treatment of little
fire ants; and

(3) Allowing 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.
SECTION 2. Section 141-3.5, Hawaii Revised Statutes, is amended to read as follows:

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

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

(c) The department of agriculture:

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

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

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

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

(1) Departure from, or disregard of, plans or specifications in the performance of pest control work in any material respect, without consent of the owner or the owner's authorized representative;

(2) Violation of any law or rule of the State or any county relating to building, pesticide use, safety, or labor, where the law or rule has a rational relationship to the qualifications, functions, duties, or responsibilities of the pest control operator, including but not limited to a violation of the Hawaii pesticides law[+] or any best practice identified by the department of agriculture;

(3) Misrepresentation of a material fact by the applicant in obtaining a license;

(4) Failure on the part of a licensee to complete any operation for the price stated in the contract or in any agreed upon modification to the contract;

(5) Failure to comply with this chapter, or any rule adopted by the board, or the furnishing of a report of
inspection without the making of a bona fide inspection of the premises for termites;

(6) The commission of any grossly negligent or fraudulent act by the licensee as an operator;

(7) The negligent handling or use of any poisonous exterminating agent without regard to public safety;

(8) Fraud or misrepresentation, after inspection, by any licensee engaged in pest control work relating to any infestation or infection of termites found in property or structures, or respecting any conditions of the structure that would ordinarily subject structures to attack by termites whether or not a report was made pursuant to sections 460J-19 and 460J-20;

(9) Failure of an operator to make and keep all inspection reports, contracts, documents, and records, other than financial records, for a period of not less than two years after completion of any work or operation for the control of termites;

(10) Wilful failure to pay when due a debt incurred for services or materials rendered or purchased in connection with the operator's operations as an
operator when the operator has the ability to pay or when the operator has received sufficient funds therefor as payment for the particular operation for which the services or materials were rendered or purchased;

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

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

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

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

SECTION 5. This Act shall take effect upon its approval.
Report Title:
Little Fire Ants; Hawaii Ant Lab; Department of Agriculture, Pest Control; 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. (SD1)

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