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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 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.



**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. Adds any application that may defeat the best practices for the treatment of little fire ants, as identified by the DOA, to the prohibited acts of pesticides. Clarifies that training for invasive species be based on the best available technology and best practices in a manner consistent with state and federal laws. Effective upon approval. (SD1)

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