

JAN 15 2025

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that high-impact invasive
2 pests such as little fire ants (LFA) are rapidly spreading
3 across the State, including on Oahu where LFA infestations in
4 neighborhoods have drastically increased in the past few years
5 with more than sixty active sites as of May 2024.

6 The legislature further finds that the university of Hawaii
7 projects, including the Hawaii ant lab and the island-based
8 invasive species-committees (ISCs) provide practical and applied
9 research and extension services to support and fill gaps to meet
10 the goal of protecting the islands and communities from the
11 impacts of particularly harmful invasive species. However,
12 these projects are grant-funded and do not always have
13 sufficient staff and resources to control and eliminate
14 infestations of LFA in neighborhoods on Oahu, Kauai, and Maui,
15 or to support neighborhoods on Hawaii island that wish to carry
16 out control programs.



1 The legislature also finds that authorizing the departments
2 of the Hawaii invasive species council, the counties, and their
3 agents, including the Hawaii ant lab and the ISCs, to develop
4 and supervise community action programs that utilize volunteers
5 who live or work in infested areas to control or eradicate pests
6 like the LFA would be a cost-effective and efficient approach to
7 combat these invasive pests.

8 Accordingly, the purpose of this Act is to authorize the
9 use of community action programs for the control or eradication
10 of certain invasive pests.

11 SECTION 2. Chapter 460J, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§460J- Community action programs. (a) Any department
15 of the invasive species council, county, or any agent of a
16 department of the invasive species council or a county,
17 including the Hawaii ant lab or an island-based invasive species
18 committee, may develop and carry out a community action program
19 for any invasive species identified by the invasive species
20 council for control or eradication.

21 (b) A community action program shall:



- 1 (1) Include training for community action program
2 volunteer participants on the application and use of
3 each non-restricted use pesticide utilized in the
4 program;
- 5 (2) Include education and outreach to each community where
6 a community action program will be carried out;
- 7 (3) Ensure appropriate supervision of all volunteers
8 preparing or applying a non-registered pesticide under
9 the program;
- 10 (4) Ensure that any non-restricted use pesticide used in
11 the program is applied in accordance with its label;
12 and
- 13 (5) Ensure that any non-restricted use pesticide
14 distributed to owners or occupiers of a property
15 includes the full label for the pesticide.
- 16 (c) Any individual participating in a community action
17 program shall not be considered a pest control operator.
- 18 (d) A community action program may utilize volunteers
19 employed by any employer that agrees to make its employees or
20 staff available during their work hours to participate in the
21 community action program.



1 (e) A community action program may contract with, and
2 provide compensation to, a person carrying out education and
3 outreach as required by subsection (b) (2).

4 (f) Any employee or agent of any department of the
5 invasive species council or county, including the Hawaii ant lab
6 or an island-based invasive species committee, and any
7 individual volunteer participating in a community action program
8 shall be liable only for damage caused by acts beyond the scope
9 of the person's authority, or acts resulting from the person's
10 negligence, gross negligence, or intentional misconduct while
11 carrying out a community action program.

12 (g) As used in this section:

13 "Community action program" means a program carried out by a
14 department of the invasive species council, a county, or their
15 agent, including the Hawaii ant lab or an island-based invasive
16 species committee, that utilizes volunteers to distribute or
17 apply non-restricted use pesticides in a particular community or
18 geographic area to control or eradicate an invasive species
19 identified by the invasive species council for control or
20 eradication.



1 "Department of the invasive species council" means each of
2 the state entities that comprise the invasive species council
3 established pursuant to section 194-2, including:

- 4 (1) The department of agriculture;
- 5 (2) The department of business, economic development, and
6 tourism;
- 7 (3) The department of health;
- 8 (4) The department of land and natural resources;
- 9 (5) The department of transportation; and
- 10 (6) The university of Hawaii."

11 SECTION 3. Section 460J-26, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§460J-26 Exemptions.** This chapter shall not apply to:

- 14 (1) Officials of the federal government on military
15 reservations;
- 16 (2) Personnel of the United States Department of
17 Agriculture, the state department of agriculture, or
18 state department of land and natural resources, or the
19 United States Public Health Service in the performance
20 of their official duties;



- 1 (3) Other government employees who conduct research on
2 pesticides or pest control or who use pesticides in
3 the performance of their duties;
- 4 (4) Qualified scientific personnel specially exempted by
5 the board;
- 6 (5) Persons engaged in pest control for agricultural
7 purposes; [ø]
- 8 (6) Engineers or architects licensed under chapter 464
9 who:
 - 10 (A) Draft or prepare design documents that prescribe
11 anti-termite or anti-pest measures, including the
12 specification of termiticides, that are required
13 by the building code and other governmental
14 agencies;
 - 15 (B) Conduct building condition or assessment surveys
16 to observe and evaluate the condition of the
17 building or structure, if the primary purpose of
18 these surveys is not to report on the
19 identification of infestations; or
 - 20 (C) Prepare reports based on the results of the
21 surveys specified in subparagraph (B) that



1 identify the location, extent, and probable cause
 2 of the pest damage (e.g., "termite damage");
 3 provided that where a report concerns termite
 4 damage, the particular type or species of termite
 5 shall not be specified unless the report is
 6 written in consultation with a licensed pest
 7 control operator licensed in termite control or
 8 other duly recognized expert in urban entomology,
 9 such as an insect taxonomist or urban
 10 entomologist with expertise in the identification
 11 or control of termites; and provided further that
 12 if a licensed pest control operator is not
 13 consulted, the report shall include a
 14 recommendation that a licensed pest control
 15 operator be contracted for further assessment or
 16 treatment~~[-]~~; or

17 (7) Individuals participating in a community action
 18 program under section 460J- ."

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



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

2

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'JPL', is written over a horizontal line.

S.B. NO. 139

Report Title:

Community Action Programs; Invasive Species; Little Fire Ants;
Hawaii Ant Lab

Description:

Authorizes any department of the Invasive Species Council, county, or any agent of a department of the Invasive Species Council or a county, including the Hawaii Ant Lab or an island-based invasive species committee to use community action programs for the control or eradication of certain invasive pests. Defines community action program. Exempts individuals participating in a community action program from pest control operator requirements and regulations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

