

PEST CONTROL BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF THE MEETING

Date: Monday, March 17, 2014

Time: 12:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Present: Julian Yates, Ph.D., Department of Entomology, Ex-Officio, Chairperson
Alvin Fukuyama, Industry Member, Vice Chairperson
Lance Kobashigawa, Department of Agriculture, Ex-Officio
Lynn Nakasone, Department of Health, Ex-Officio
Walter Chun, Public Member
Terrance Manago, Industry Member
Rodney Ono, Industry Member
Ronald Weinberg, Public Member
Rodney Tam, Esq., Deputy Attorney General (“DAG”)
Charlene L.K. Tamanaha, Executive Officer
Christine Hironaka, Secretary

Members

Excused: None

Guests: None

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by §92-7(b), Hawaii Revised Statutes (“HRS”).

Call to Order: There being a quorum Chairperson Yates called the meeting to order at 12:30 p.m.

Additions to the Agenda: It was moved by Mr. Weinberg, seconded by Mr. Manago and unanimously carried to add the following to the agenda:

Applications

b. Exam

PCFR

(vi) RODRIGUEZ, Aurelio (PCFR, BR-1, 2 & 3)
Terminix (PCO-618, Br-1, 2 & 3))

- (vii) MARTINEZ, Joseph A. (PCFR, BR-2)
Terminix (PCO-618, BR-2)

Approval of
the Minutes:

It was moved by Mr. Weinberg, seconded by Ms. Nakasone, and unanimously carried to approve the Board minutes of the January 13, 2014 meeting.

Executive
Officer's Report:

- a. Examination Review Report

None

Prometric fka
Thomson Prometric
Report/
Announcements:

- a. The Executive Officer informed the Board that Lauren Biddle has received and reviewed the exam package from the Utah Prometric office and the exam review by the Board is scheduled for April 4, 2014 at 9:00 a.m. in the Princess Likelike Conference Room.
- b. There will be a change to the Zoning Certification in the application form. In the past a zoning clearance was required for the location where pest control chemicals were stored. The county would charge \$150 for a written zoning clearance but now only an attestation from the applicant is required indicating that they checked with the County. Maui and Kauai counties said they would sign a zoning clearance form that the Board creates but Honolulu said they will not sign a form. The signing of a form would cost \$150. Thus the Executive Officer recommended that the zoning form remain an attestation. If Honolulu agreed to sign a form created by the Board, she would have done so and applicants would then be required to obtain a signed approval. All the counties agreed that they will give a verbal okay if an applicant gives the TMK of the area where the chemicals will be stored and asks for a zoning clearance. The Executive Officer added that if the pest control operator does his business from home, then the home address will be the business address and as such is a disclosable public record.

Chemicals stored at the PCO's residence may be in violation of the zoning laws and PCOs must check with their appropriate county officials.

Applications:

- a. Exam Ratification(s)

None.
- b. Exam

It was moved by Mr. Weinberg, seconded by Mr. Manago, and unanimously carried to **approve/defer** the following applications for examination in the respective branches:

PCO

- 1) Justin P. Duny, PCO, BR-2 & 3
Absolute Termite & Pest Control Hawaii LLC (PCO, BR-2 & 3)
Approve BR-2 & 3 pending additional experience verification

PCFR

- 1) Michael M. Fukunaga (PCFR, BR-1, 3)
Xtermco (PCO-201, Br-1, 3)
Approve BR-3
Defer BR-1
- 2) Myra G. Hammonds (PCFR, BR-1, 2 & 3)
Terminix (PCO-618, BR-1, 2 & 3)
Defer BR-1, 2 & 3
- 3) Joseph A. Martinez (PCFR, BR-2)
Terminix (PCO-618, BR-2)
Approve BR-2
- 4) Hung T. Nguyen (PCFR, BR-1, 2 & 3)
Terminix (PCO-618, BR-1, 2 & 3)
Approve BR-1, 2 & 3
- 5) Aurelio Rodriguez (PCFR, BR-1, 2 & 3)
Terminix (PCO-618, BR-1, 2 & 3)
Approve BR-1, 2 & 3
- 6) Patrick Talich (PCFR, BR-1, 2 & 3)
Terminix (PCO-618, BR-1, 2 & 3)
Approve BR-1, 2 & 3
- 7) David A. Zamora (PCFR, BR-3)
Ohana Pest Control LLC (PCO-1398, BR-3)
Approve BR-3

c. Without Exam Ratification(s)

None.

d. Without Exam

None

e. Reconsideration of Any Application

None

Scope:

a. Perma Guard (Diatomaceous Earth Products)

The Executive Officer informed the Board that a distributor in Hawaii asked if they needed a license to apply this product and added that according to HRS chapter 460J-1 a license is required regardless if the chemical is on the restricted use list or not.

Mr. Kobashigawa stated that the Department of Agriculture is not required to look at the efficacy data but looks instead to see if the product is registered with the EPA and the EPA gave their approval.

The Executive Officer stated that a distributor would still need a license to enter into a contract to sell pest control service regardless of the product they are selling.

After further discussion, it was the consensus of the Board that based solely on the information provided on Perma-Guard and the label statements regarding use for ants, fire ants, bed bugs, box elder bugs, crickets, scorpions, fleas, flies, roaches and silverfish, the Board determined that to offer to provide services using this product appears to fall within the following definition of "pest control" in Hawaii Revised Statute section 460J-1:

"Pest control" means, with respect to wood-destroying pests, or other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting, or performing the following for hire:

- (1) Identifying pests or infestations;
- (2) Making an inspection for the purpose of identifying or attempting to identify infestations of household or other structures by pests;
- (3) Making inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to infestations; or
- (4) Making contracts, or submitting bids for, or the use of avicides, insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices, for the purpose of eliminating, exterminating,

controlling, or preventing infestations of
pests or organisms.”

Therefore, the services the inquirer intends to provide using
Perma-Guard requires a pest control operator’s license.

Unfinished Business: a. Rule Revisions

The Executive Officer informed the Board that she is still
converting the rule revisions to Ramseyer format.

b. Board Member Vacancy

The Executive Officer reminded the Board that there is an industry
member position that is still vacant and to please ask any possible
candidates to submit their application to the Governor’s Boards
and Commissions website.

Announcements: Next Meeting:

Monday, May 19, 2014
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at
1:19 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Charlene L.K. Tamanaha
Charlene L.K. Tamanaha
Executive Officer

/s/ Christine Hironaka
Christine Hironaka
Secretary

CLKT:cmh

4/17/14

[X] Minutes approved as is.
[] Minutes approved with changes, see minutes of _____