

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

MINUTES OF THE MEETING

Date: Monday, September 14, 2015

Time: 2:00 p.m.

Place: Exam Room
King Kalakaua Building, 3rd Floor
335 Merchant Street
Honolulu, HI 96813

Present: Julian Yates, Ph.D., Plant and Environmental Protection Sciences
Ex-Officio, Chairperson
Lance Kobashigawa, Department of Agriculture, Ex-Officio
Lynn Nakasone, Department of Health, Ex-Officio
Terrance Manago, Industry Member
Jonathan Montalbo, Industry Member
David Lau, Industry Member

Rodney Tam, Esq., Deputy Attorney General (“DAG”)
May Ferrer, Executive Officer
Christine Hironaka, Secretary

Members

Excused: Rodney Ono, Industry Member, Vice Chairperson

Guests: Wesley Otani, Douglas Products
Tim Lyons, Hawaii Pest Control Association

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 present, the meeting was called to order by Chairperson Yates at 2:00 p.m.

Approval of the Minutes: It was moved by Ms. Nakasone, seconded by Mr. Kobashigawa, and unanimously carried to approve the minutes of the July 20, 2015 meeting as circulated.

Additions & Revisions to the Agenda:

None.

Chairperson Yates informed the Board that he was taking the agenda out of order to allow Mr. Otani to address the Board.

Mr. Otani introduced himself as the local representative for Douglas Products. Douglas Products acquired the Vikane business from DOW AgroSciences. Mr. Otani is the point of contact for questions regarding the Fumiguide calculators and can help with developing questions for the pest control examinations.

Mr. Otani left the meeting at 2:15 p.m.

Executive
Officer's Report:

a. Examination Review Report

None.

b. Board Member Ethics Training

The Executive Officer announced that a new board member training session will be held on September 17, 2015 at the State Capitol.

Applications &
Exam Review
Committees:

The Executive Officer informed the Board that the Applications Exam & Review Committees is in need of one member. The current members are Chairperson Yates, Mr. Manago and Mr. Kobashigawa. It was moved by Mr. Kobashigawa, seconded by Mr. Manago, and unanimously carried to appoint Mr. Lau as a member of the Applications Exam & Review Committees.

Rules Committee:

The Executive Officer informed the Board that the Rules Committee is in need of two members. The current members are Chairperson Yates and Mr. Kobashigawa. It was moved by Ms. Nakasone, seconded by Mr. Kobashigawa, and unanimously carried to appoint Mr. Lau and Mr. Manago as members of the Rules Committee.

RICO Pest Control
Advisory Committee
and Addendum
Language:

The Board reviewed the RICO Pest Control Advisory Committee List and addendum language which allows RICO to include any additional interim appointees that RICO deems necessary to aid in its investigations.

It was moved by Mr. Montalbo, seconded by Mr. Manago and unanimously carried to approve to accept RICO's Pest Control Advisory Committee list and Addendum Language effective January 1, 2016.

Prometric Report/
Announcements:

The Executive Officer announced that the Prometric pest control exam rollout date was scheduled for September 8, 2015 and that she is awaiting confirmation from Lauren Biddle.

Applications:

a. Exam

Executive Session:

It was moved by Mr. Manago, seconded by Mr. Lau, and unanimously carried to enter into executive session at 3:12 p.m. to consider and evaluate personal information relating to individuals applying for a pest control license pursuant to Hawaii Revised Statutes section 92-5.

EXECUTIVE SESSION

At 3:30 p.m., it was moved by Mr. Manago, seconded by Mr. Lau, and unanimously carried to reconvene to the Board's regular order of business. The room was reopened to the public.

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

PCO

- (i) FRAZIER, Lloyd (PCO-___, BR-3)
For Termites Only Inspections (PCO-924, BR-1,2,3)
Branch 3 – **Deferred pending additional documentation and verification of requisite experience**
- (ii) FINE, Tevita (PCO-___, BR-2)
Bulwark Exterminating LLC (PCO-___, BR-2)
Branch-2 – **Approved**

PCFR

- (i) MAYEKAWA, Tyler (PCFR_ BR-2)
Terminix, (PCO-618 BR-1,2,3)
Branch-2 – **Deferred pending additional documentation**
- (ii) MEXIA-SANTIAGO, James. (PCFR_ BR-2)
Terminix (PCO-618 BR-1,2,3)
Branch-2 – **Deferred pending additional documentation**
- (iii) PAVAO, Kingston (PCFR_ BR-2&3)
For Termites Only Inspections (PCO-924 BR-1,2,3)
Branch-2 – **Deferred pending additional documentation**
Branch-3 – **Deferred pending additional documentation**

- (iv) UYEHARA, Mark (PCFR_ BR-2)
Terminix (PCO-618 BR-1,2,3)
Branch 2 – **Deferred pending additional documentation**

b. Without Exam

None.

c. Exam – Ratification

It was moved by Mr. Kobashigawa, seconded by Mr. Manago and unanimously carried to ratify the following applications for exam and the dates of approval.

- (i) CHILDERS, Jill B. (PCFR__ BR-2&3)
Bowman Termite & Pest Management, LLC (PCO-830 BR-1,2,3)
BR-2 – **Approved 8/10/15**
- (ii) COCKETT, Shelli A. (PCFR__ BR-2,3)
Bowman Termite & Pest Management, LLC (PCO-830 BR-1,2,3)
BR-2 – **Approved 8/10/15**
BR-3 – **Approved 8/10/15**

d. Without Exam – Reactivation Ratification

None.

Unfinished
Business:

a. Rule Revision

Executive Officer Ferrer reported that Executive Officer Tamanaha is still waiting for a clean draft of the rules from the Administrative Services Office.

Scope:

a. Temp Air, Inc. Heat Treatment for Drywood Termites
(Deferred from the July 20, 2015 meeting.)

Members of the board reviewed the June 3, 2015 correspondence from the Department of Agriculture, Pesticides Branch and the efficacy data.

After some discussion, members of the board opined that the determination of the reliability and efficacy of nonchemical pest control devices is within the jurisdiction of the Hawaii Department of Agriculture under HRS chapter 460J-24.5(a), which states in relevant part that:

“All manufacturers or their representatives intending to sell, lease, or provide through other means a nonchemical pest

control device in the State shall submit efficacy and safety data prior to sale, lease, or transfer to the department of agriculture; provided such requirement for submission of efficacy and safety data may include the furnishing of specimen devices or samples. The department of agriculture or its designated representative shall conduct such examination and testing as may be necessary to ascertain the reliability, efficacy and safety data and actual or potential adverse effects upon human health and safety of such device.”

- b. Email correspondence from Liphatech, Inc. asking if the state allows a pest control company to provide electronic records of pesticide applications to residential and commercial pest control clients

The Board reviewed the inquiry regarding electronic reporting for pest control treatments from Mr. Bruesch. It was moved by Mr. Manago, seconded by Mr. Lau to defer a reply to Mr. Bruesch. After some discussion, the motion was changed and unanimously carried to have the Executive Officer Ferrer inform Mr. Bruesch that Hawaii laws and rules do not specifically address the provision of electronic records of pesticide applications to residential and commercial pest control clients by Hawaii pest control operators.

- c. E-mail correspondence from Colony Marina asking if a pest control operator's license is required to install flashing for bird stop.

The Board reviewed the August 10, 2015 “Colony Marina Repair Agreement” between Rainbow Roof Maintenance Company, Inc. of Hawaii and Colony Marina regarding the installation of metal flashing for bird stop and backer rods to block bird access.

It was moved by Mr. Manago, seconded by Mr. Lau and unanimously carried that based on the information provided, the installation of metal flashing for bird stop and backer rods to block bird access may constitute the practice of “pest control” under HRS chapter 460J-1 and requires a pest control operator’s license, unless the reference to “birds” is removed, then the installation of metal flashing and backer rods will not constitute the practice of “pest control” and a pest control operator’s license is not required.

Announcements:

Next Meeting:

Monday, November 16, 2015
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
3:45 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ May Ferrer
May Ferrer
Executive Officer

/s/ Christine Hironaka
Christine Hironaka
Secretary

MF:ch

10/15

Minutes approved as is.

Minutes approved with changes, see minutes of _____