

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

MINUTES OF THE MEETING

Date: Monday, November 30, 2015

Time: 2:00 p.m.

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

Present: Rodney Ono, Industry Member, Vice Chairperson
Lance Kobashigawa, Department of Agriculture, Ex-Officio
Terrance Manago, Industry Member
Jonathan Montalbo, Industry Member
David Lau, Industry Member

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

Members

Excused: Julian Yates, Ph.D., Department of Plant and Environmental
Protection Sciences, Ex-Officio, Chairperson
Lynn Nakasone, Department of Health, Ex-Officio

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 present, the meeting was called to order by Vice Chairperson Ono at 2:03 p.m.

Approval of Minutes:

It was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to approve the minutes of the September 14, 2015 meeting as circulated.

Additions & Revisions to the Agenda:

None.

Executive
Officer's Report: a. Examination Review Report

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED AUGUST 2015**

| <u>EXAM</u> | <u>ADMINISTERED</u> | | | | |
|-----------------------|---------------------|-----------------|-----------------|---------------|--------------|
| | <u>NO. EXAMS</u> | <u>NO. FAIL</u> | <u>NO. PASS</u> | <u>% FAIL</u> | <u>%PASS</u> |
| PART 1 | 0 | 0 | 0 | 0% | 0% |
| FIELD REP BR 1 | 8 | 3 | 5 | 37% | 63% |
| FIELD REP BR 2 | 9 | 2 | 7 | 22% | 78% |
| FIELD REP BR 3 | 9 | 1 | 8 | 11% | 89% |
| OPERATOR BR 1 | 0 | 0 | 0 | 0% | 0% |
| OPERATOR BR 2 | 0 | 0 | 0 | 0% | 0% |
| OPERATOR BR 3 | 0 | 0 | 0 | 0% | 0% |

| | |
|------------------------------|-----|
| TOTAL NO. EXAMS ADMINISTERED | 26 |
| TOTAL NO. EXAMS PASSED | 20 |
| TOTAL NO. EXAMS FAILED | 6 |
| TOTAL PERCENT PASSED | 77% |
| TOTAL PERCENT FAILED | 23% |

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED OCTOBER 2015**

| <u>EXAM</u> | <u>ADMINISTERED</u> | | | | |
|-----------------------|---------------------|-----------------|-----------------|---------------|--------------|
| | <u>NO. EXAMS</u> | <u>NO. FAIL</u> | <u>NO. PASS</u> | <u>% FAIL</u> | <u>%PASS</u> |
| PART 1 | 1 | 1 | 0 | 100% | 0% |
| FIELD REP BR 1 | 2 | 0 | 2 | 0% | 100% |
| FIELD REP BR 2 | 2 | 0 | 2 | 0% | 100% |
| FIELD REP BR 3 | 2 | 0 | 2 | 0% | 100% |
| OPERATOR BR 1 | 0 | 0 | 0 | 0% | 0% |
| OPERATOR BR 2 | 1 | 1 | 0 | 100% | 0% |
| OPERATOR BR 3 | 0 | 0 | 0 | 0% | 0% |

| | |
|------------------------------|-----|
| TOTAL NO. EXAMS ADMINISTERED | 8 |
| TOTAL NO. EXAMS PASSED | 6 |
| TOTAL NO. EXAMS FAILED | 2 |
| TOTAL PERCENT PASSED | 75% |
| TOTAL PERCENT FAILED | 25% |

Prometric Report/
Announcements:

The Executive Officer announced that the September 8, 2015 exam rollout date has been confirmed by Lauren Biddle.

Applications:

a. Exam

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

PCO

- (i) KANESHIRO, Kolin (PCO_BR-1, 2, 3)
Xtermco, Inc. (PCO-201 BR-1, 2, 3)
BR-1 – **Approved**
BR-2, 3 – **Deferred pending additional information**

PCFR

- (i) CRAFT JR., Paul (PCFR_BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Approved**
- (ii) EHRENSING, Abel (PCFR_BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Approved**
- (iii) GONZALES, Jason (PCFR_BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Approved**
- (iv) MANGROBANG, Neric (PCFR_BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Approved**
- (v) MAUGA, Paul (PCFR_BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Deferred pending additional information**
- (vi) MIYAMOTO, Renbert (PCFR-1158 BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Approved**
- (vii) MONGENYIP JR, Steven (PCFR_BR-2, 3)
For Termites Only Inspections (PCO-924 BR-1, 2, 3)
BR-2.3 – **Deferred pending additional information**

- (viii) NAONG, Aaron (PCFR_BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Approved**

b. Without Exam

It was moved by Mr. Manago, seconded by Mr. Montalbo and unanimously carried to approve the following application for RME to Sole Owner pending additional information.

- (i) SHANAHAN, Daniel (PCO-1102)
dba Elite Pest Control
RME to Sole Owner

c. Exam – Ratification

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

PCO

- (i) FABRY, Matthew (PCO_BR-1, 2, 3)
Kamaaina Termite & Pest Control (PCO-824, BR-1, 2, 3)
BR-1, 2, 3 - **Approved 11/16/15**
- (ii) FRAZIER JR, Lloyd (PCO_BR-3)
For Termites Only Inspections (PCO-924 BR-1, 2, 3)
BR-3 – **Approved 11/16/15**
- (iii) MATEO, Ian (PCO_BR-2, 3)
Sandwich Isle Termite and Pest Control, Inc.
(PCO-771 BR-1, 2, 3)
BR-2, 3 – **Approved 11/16/15**

PCFR

- (i) ANZAI, Neil (PCFR_BR-1, 2, 3)
Terminix (PCO-618 BR-1, 2, 3)
BR-2, 3 – **Approved 10/30/15**
BR-1 – **Deferred 10/2/15 pending additional information**
- (ii) AVEIRO, Kristopher (PCFR_BR-1, 2, 3)
Kamaaina Termite & Pest Control, Inc. (PCO-824 BR-1, 2, 3)
BR-1, 2, 3 – **Approved 10/2/15**

- (iii) BORGES, Scott (PCFR_BR-1, 3)
Bowman Termite & Pest Management, LLC
(PCO-830 BR-1, 2, 3)
BR-1 – **Approved 11/16/17**
BR-3 - **Deferred 11/16/15 pending additional information**
- (iv) CABARLOC, Roycestan (PCFR_BR-2, 3)
For Termites Only Inspections (PCO-924 BR-1, 2, 3)
BR-3 – **Approved 11/16/15**
BR-2 – **Deferred 11/16/15 pending additional information**
- (v) CHAVES, Sean (PCFR_BR-1, 2, 3)
Kamaaina Termite & Pest Control, Inc. (PCO-824 BR-1, 2, 3)
BR-1, 2, 3 – **Approved 10/2/15**
- (vi) COCKETT, Gordon (PCFR-1433 BR-1)
Bowman Termite & Pest Management, LLC
(PCO-830 BR-1, 2, 3)
BR-1 – **Approved 11/16/15**
- (vii) DRAIME, Aaron (PCFR_BR-2)
Terminix (PCO-618 BR-1, 2, 3)
BR-2 – **Approved 11/16/15**
- (viii) EWING, James (PCFR_BR-2)
Terminix (PCO-618 BR-1, 2, 3)
BR-2 – **Deferred 10/2/15 pending additional information**
- (ix) GARCIA, Shanson (PCFR_BR-1, 2, 3)
Terminix (PCO-618 BR-1, 2, 3)
BR-2, 3 – **Approved 10/30/15**
BR-1 – **Deferred 10/2/15 pending additional information**
- (x) IBANEZ, Renato (PCFR_BR-1, 2, 3)
Terminix (PCO-618 BR-1, 2, 3)
BR-2, 3 – **Approved 10/30/15**
BR-1 - **Deferred 10/2/15 pending additional information**
- (xi) KAPURAS, Vince (PCFR-1310, BR-1)
Veteran Termite & Pest Control (PCO-1242, BR-1, 2, 3)
BR-1 – **Approved 10/30/15**
- (xii) KATAYAMA, Jonathan (PCFR_BR-2)
Ecolab, Inc. (PCO-640 BR-2, 3)
BR-2 – **Approved 10/30/15**

- (xiii) LOMINARIO, Rocky (PCFR_BR-2, 3)
For Termites Only Inspections (PCO-924 BR-1, 2, 3)
BR-2, 3 – **Approved 11/16/15**
- (xiv) LONG, Derek (PCFR-1439, BR-1, 3)
Terminix (PCO-618 BR-1, 2, 3)
BR-1, 3 – **Deferred 10/2/15 pending additional information**
- (xv) PAVAO, Kingston (PCFR_BR-2, 3)
For Termites Only Inspections (PCO-924 BR-1, 2, 3)
BR-2, 3 – **Approved 11/16/15**
- (xvi) REGOHOS, Michael (PCFR_BR-2, 3)
For Termites Only Inspections (PCO-924 BR-1, 2, 3)
BR-2 – **Approved 11/16/15**
BR-3 – **Deferred 11/16/15 pending additional information**
- (xvii) UYEHARA, Mark S. (PCFR_BR-2)
Terminix (PCO-618 BR-1, 2, 3)
BR-2 – **Approved 10/30/15**

d. Without Exam – Reactivation Ratification

None.

Unfinished
Business:

a. Rule Revision

- (i) HAR Chapter 16-94-17

A draft of the proposed revised rules and accompanying justification for the amendments were distributed.

Scope:

a. Requirement to Maintain HDOA Certification

It was moved by Mr. Montalbo, seconded by Mr. Manago and unanimously carried to defer the scope topic of the requirement to maintain HDOA certification.

b. Localized vs. Spot Treatment

The Executive Officer asked the Board if “localized treatment” and “spot treatment” were acceptable as “Area Treated” on job reports. The Board indicated that both are more representative of “type of treatment” than of “Area Treated”, and that “spot treatment” should be used instead of “localized treatment.”

c. Non-Chemical Pest Control Device

The Executive Officer stated that the Board discussed an issue at the last meeting in September 2015 involving the use of heat treatment for drywood termites. Based on the Board's prior discussion, there was a question regarding whether the Board was required under HRS chapter 460J to specifically approve each non-chemical pest control device ("NCPCD").

DAG Tam referred the Board to HRS section 460J-24.5, which provides as follows:

“§460J-24.5 Nonchemical pest control devices efficacy and safety data; examination and testing; approval prior to sale, lease, or transfer of devices in the State.

(a) 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. The costs of conducting such tests shall be borne by the manufacturer or the manufacturer's representative. The department of agriculture shall adopt and enforce rules pursuant to chapter 91 to carry out this section.

(b) Any person including a wholesaler, retailer, or pest control operator who sells, leases, or provides through other means a device which has not been approved as provided in subsection (a) shall be subject to penalty as provided in section 460J-27.”
(Emphases added).

According to subsection (a), only the Hawaii Department of Agriculture (“HDOA”) is mentioned regarding the determination of whether a NCPCD is reliable, efficient, and safe. Subsection (b) mentions the “approval” of a NCPCD; however, it refers back to subsection (a). Thus, the language appears to only require the HDOA to approve a NCPCD, not the Board.

In addition, the HDOA's rules (in particular, HAR section 4-66-34), refer to the “approval” of NCPCDs by the HDOA. DAG Tam was unable to find any requirement that the Board approve NCPCDs in the HDOA's rules.

DAG Tam informed the Board that the HDOA has an "Application for License of Pesticides and Non-chemical Pest Control Devices". This form also includes a "Certificate of License" which is signed by a representative of the HDOA to certify the license of the pesticide and/or device.

DAG Tam further informed the members that although the HDOA approves NCPCDs, the Board still has the authority to determine whether a device falls within the definition of a "non-chemical pest control device" in HRS section 460J-1. The Board members unanimously agreed with this interpretation. Consequently, the Board believes that the public can ask the Board for its interpretation on whether a device is a "NCPCD"; however, only the HDOA (not the Board) would review, test, and approve NCPCDs.

After further discussion, it was moved by Mr. Lau, seconded by Mr. Montalbo and unanimously carried to request a list to be maintained by the HDOA of all the approved NCPCDs.

The Executive Officer asked Mr. Kobashigawa if it would be possible for the HDOA to maintain a current list of approved NCPCDs on its website. Mr. Kobashigawa stated that it may be possible. He will check and get back to the Board.

Open Discussion/
Announcements:

a,

Next Meeting:

Monday, January 11, 2016
2:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Mr. Ono and Mr. Montalbo announced that they will not be able to attend the January 11, 2016 meeting. The meeting was rescheduled to Monday, January 25, 2016.

b.

RME Not Qualified in All Branches

The Executive Officer asked the Board members about the necessity for a Principal RME to be licensed in all branches. The members informed the Executive Officer that a Principal RME does not have to be licensed in all branches as long as he/she signs off only for branches in which he/she is licensed.

c. Criminal Conviction Question

The Executive Officer raised the concern that the current criminal conviction question on the application seems too limited and can result in some people “slipping through” by not reporting certain information. DAG Tam informed the Board that other boards request the following documents from applicants that have criminal convictions:

- An explanation of the underlying facts and circumstances of each conviction;
- A criminal abstract;
- All applicable court documents for each conviction;
- Proof of probation or parole compliance; and
- Letters of recommendation from employers, the community, and parole and probation officers.

d. Inquiry asking if a landscaper can use a fogger outside

Mr. Montalbo suggested the user read the label on the can. Mr. Manago added that there are more individuals ordering chemicals online.

DAG Tam requested that the inquirer submit something in writing to the Board and if the individual is specifically selling a service to control pests, then they must be licensed.

e. Orange Oil

The Executive Officer informed the Board that at the Applications Review Committee meeting on November 16, 2015, the members were not sure if orange oil was a chemical or non-chemical; it was confirmed during that meeting, however, that Orange oil is a chemical that is registered with the Environmental Protection Agency (EPA) and licensed with the HDOA.

f. Certification of PCFR

The Executive Officer asked the Board members if they wanted to put the certification of PCFRs back into the rules. Mr. Montalbo commented that the PCFR should know about the service he is selling a customer. Mr. Ono added that the certification is needed only to purchase chemicals and to be the certified applicator of record. After further discussion, it was the consensus of the Board to leave the certification requirement for the HDOA.

Adjournment: There being no further business to discuss, the meeting adjourned at
3:00 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
12/15

- Minutes approved as is.
 Minutes approved with changes, see minutes of 1/25/16