

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

MINUTES OF THE MEETING

Date: Monday, May 22, 2017

Time: 2:00 p.m.

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

Present: Rodney Ono, Industry Member, Chairperson  
Terrance Manago, Industry Member, Vice Chairperson  
Lynn Nakasone, Department of Health, Ex-Officio  
Jonathan Montalbo, Industry Member  
Julian Yates, Ph.D., Public Member  
Scott Ai, Public Member  
J. Kenneth Grace, Ph.D., College of Tropical Agriculture  
and Human Resources, Ex-Officio  
Steve Russo, Department of Agriculture, Ex-Officio  
May Ferrer, Executive Officer ("EO")  
James Paige, Esq., Deputy Attorney General ("DAG")  
Susan Reyes, Secretary

Member David Lau, Industry Member

Excused:

Guest(s): Tim Lyons, Hawaii Pest Control Association ("HPCA")

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 Ono at 2:05 p.m.

Approval of Minutes: Chairperson Ono asked if there were any amendments to the minutes of the March 20, 2017 meeting.

It was moved by Dr. Yates, seconded by Mr. Manago, and unanimously carried to approve the minutes of the March 20, 2017 meeting as circulated.

Executive  
 Officer's Report:

a. Examination Review Report

**PROMETRIC  
 HAWAII PEST CONTROL EXAMINATIONS  
 EXAMINATIONS ADMINISTERED APRIL 2017**

<u>EXAM</u>	<u>ADMINISTERED</u>				
	<u>NO. EXAMS</u>	<u>NO. FAIL</u>	<u>NO. PASS</u>	<u>% FAIL</u>	<u>%PASS</u>
<b>PART 1</b>	1	0	1	0%	100%
<b>FIELD REP BR 1</b>	10	5	5	50%	50%
<b>FIELD REP BR 2</b>	5	2	3	40%	60%
<b>FIELD REP BR 3</b>	5	1	4	20%	80%
<b>OPERATOR BR 1</b>	1	0	1	0%	100%
<b>OPERATOR BR 2</b>	0	0	0	0%	0%
<b>OPERATOR BR 3</b>	0	0	0	0%	0%

TOTAL NO. EXAMS ADMINISTERED	22
TOTAL NO. EXAMS PASSED	14
TOTAL NO. EXAMS FAILED	8
TOTAL PERCENT PASSED	64%
TOTAL PERCENT FAILED	36%

b. Association of Structural Pest Control Regulatory Officials (ASPCRO)  
 61<sup>st</sup> Annual Meeting, August 28 – September 1, 2017, Burlington, VT

Executive Officer Ferrer briefed the Board on the upcoming annual meeting and stated that Vice Chairperson Manago will be attending this meeting as Chairperson Ono will not be able to attend. EO Ferrer will also be attending the meeting.

c. Board Meeting Attendance

The EO reminded members to notify her or the Board secretary in advance if they will not be able to attend a Board meeting.

Prometric Report/  
 Announcements:

a. Prometric's response to the matter regarding a question on the  
 Field Representative Branch 1 (Fumigation) examination

Executive Officer Ferrer stated that based on the discussion at the March 20, 2017 Board meeting, she contacted Lauren Biddle of Prometric about replacing the question on the PCFR BR-1 examination with a question that could test an examinee's understanding of how fumigation works. Per Ms. Biddle, the suggestion was relayed to the account manager.

Dr. Yates asked how Prometric is handling that question in the meantime. The EO said that per Prometric, that question is being credited.

Applications:

a. Exam

**PCO**

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

- (i) Ewing, James (PCO XXXX / BR 1, 2, 3)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 1, 2, 3 – **Approved pending receipt of Entity Resolution and verification of credit information.**
- (ii) Hernandez, Gabriel (PCO XXXX / BR 2, 3)  
Smart Pest Prevention, LLC (PCO 1398 / BR 2, 3)  
BR 2, 3 – **Deferred pending documentation of further work experience.**
- (iii) LoPiano, Joseph (PCO XXXX / BR 1, 2, 3)  
Orkin, LLC (PCO 1349 / BR 1, 2, 3)  
BR 2 – **Approved pending verification of credit information.**
- (iv) Namoku Pest Control LLC (PCO XXXX / BR 1, 2, 3)  
Nakauye, John (PCO 1384 / BR 1, 2, 3)  
BR 1, 2, 3 – **Approved pending verification of credit information.**
- (v) Padilla, Marlon (PCO XXXX / BR 2, 3)  
  
Executive Officer Ferrer deleted the application of Mr. Padilla from the agenda as his application was incomplete.
- (vi) Smith, Jason (PCO XXXX / BR 1)  
BR 1 – **Approved**  
  
Executive Officer Ferrer stated that the agenda should reflect that Mr. Smith is applying as a RME for Menehune Pest Management LLC. The correction should appear as follows:  
  
(vi) Smith, Jason (PCO XXXX / BR 1)  
Menehune Pest Management LLC (PCO 1397 / BR 1, 2, 3)  
BR 1 – **Approved**

b. **PCFR**

- (i) Carvalho, Larry (PCFR XXXX / BR 3)  
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)  
BR 3 – **Approved**
- (ii) Dunn, Mark (PCFR XXXX / BR 2, 3)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 2, 3 – **Approved**
- (iii) Gomes, Michael (PCFR XXXX / BR 1, 2)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 1, 2 – **Approved**
- (iv) Fukuyama, Lance (PCFR XXXX / BR 2)  
State Termite & Pest Control, Inc. (PCO 689 / BR 2, 3)  
BR 2 – **Approved**
- (v) Ogawa, Chason (PCFR XXXX / BR 3)  
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)  
BR 3 – **Approved**

Executive Officer Ferrer stated that the spelling of Mr. Ogawa's first name should be corrected to Chasen.

- (vi) Parke, Paul (PCFR XXXX / BR 1, 2, 3)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 1, 2, 3 – **Approved**
- (vii) Pangan, John (PCFR XXXX / BR 2)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 2 – **Deferred pending documentation of further work experience.**
- (viii) Reely, Garrett (PCFR XXXX / BR 2)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 2 – **Deferred pending documentation of further work experience.**
- (ix) Sparks, Norman (PCFR XXXX / BR 1, 2, 3)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 1, 2, 3 – **Approved**
- (x) Sumida, Dennis (PCFR XXXX / BR 1, 2, 3)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 1, 2 – **Approved**  
BR 3 – **Deferred pending documentation of further work experience.**

- (xi) Vargas, Roberto Jr. (PCFR XXXX / BR 2)  
Orkin, LLC (PCO 1349 / BR 1, 2, 3)  
BR 2 – **Approved**
- (xii) Watabayashi, Deborah (PCFR XXXX / BR 2)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 2 – **Approved**
- (xiii) Wyllie, Clayton (PCFR XXXX / BR 1, 2, 3)  
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)  
BR 1, 2 – **Approved**  
BR 3 – **Deferred pending documentation of further work experience.**

Legislation:

- a. SB No. 804, SD 1, HD 1 – Requires disclosure of commercial agriculture pesticide use under specified conditions. Revises the ceiling and use of the Pesticide Use Revolving Fund. Appropriates funds for the John A. Burns School of Medicine to study the exposure of Chlorpyrifos on pregnant mothers. (SB 804 HD 1)

Executive Officer Ferrer informed the Board that this bill was dead, but that it could come up again next year.

- b. HB No. 790, HD 3 (2017) – Establishes disclosure and public notification requirements for outdoor application of restricted use pesticides and insecticides in various sensitive areas. (HB 790 HD 3)

Executive Officer Ferrer informed the Board that this bill is dead, but could also come up again next year.

Dr. Yates asked Mr. Lyons if he knew the purpose of SB No. 804, SD 1, HD 1 and the reason Chlorpyrifos was being pinpointed. Mr. Lyons replied that because of budget cuts to the Environmental Protection Agency (“EPA”), the EPA would probably not pursue further regulation of the chemical. The bill was an initiative for action to be taken at the state level, assuming that no action will likely be taken at the federal level.

Unfinished Business:

- a. Rule Revisions

- (i) HAR section 16-97-17 – Progress update

Executive Officer Ferrer informed the Board that she is reviewing the draft rules.

New Business:

a. Establishment of Rules Committee

Executive Officer Ferrer wanted to put this on the agenda so that we do not lose sight of this. She suggested that the Board designate members to the rules committee. Currently, the committee includes Dr. Yates and Mr. Manago. Mr. Lau was the most recent appointment to this committee. In the past, there have been four members and Mr. Kobashigawa, who has since retired, was the fourth member. If it stays at four members, the Board will need to designate someone else. The EO deferred this matter to a future Board meeting at which all members are present.

Correspondence/  
Inquiries:

a. PCFR License for Termite Inspection Reports (TIRs) and  
b. PCFR License for Warranty Inspections

Executive Officer Ferrer informed the Board of inquiries regarding license requirements to perform TIRs and warranty inspections.

She indicated that there appeared to be dissonance within Chapter 460J, HRS regarding the requirement for a license to perform inspections. Noting that a license is required to practice pest control, she highlighted the relevant parts of the definition of pest control as defined under HRS §460J-1, which states that “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, advertising for, soliciting, or performing the following for hire:

- (2) Making an inspection for the purpose of identifying or attempting to identify infestations of household or other structures by pests; and
- (3) Making inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to infestations; . . .

EO Ferrer then referred to HRS §460J-23 which states that “A pest control operator may secure pest control work, identify infestations or infections, make inspections, and submit bids or otherwise contract for pest control work. A pest control operator may hire or employ individuals who are not licensed under this chapter to perform work on contracts”.

She stated that at its Board meeting on January 24, 2000, the following interpretation by the Board was documented:

“A pest control field representative (PCFR) license or a pest control operator (PCO) license is required to secure pest control work, identify infestations, make inspections, submit bids or sign contracts, therefore,

it is a violation to send a unlicensed person no matter how experienced to secure pest control work, identify infestations, make inspections and recommendations, submit bids or sign contracts without a PCFR or PCO license.”

The EO stated that the Board may affirm its interpretation from 2000.

DAG Paige mentioned that the objective is to be able to read the two statutory sections in harmony. He added that there may be certain types of duties/obligations under a contract that would be applicable to HRS §460J-23, which may not necessarily include the TIR.

Members discussed that an unlicensed person may not do TIRs and that a purpose of obtaining a field representative license is to be able to identify and write reports. Another member stated that a lot of people are sending unlicensed individuals to do these things. Mr. Lyons agreed that this is happening in the industry.

Mr. Lyons mentioned that the TIR form from 2005 provides a field for the name of the inspector, not the name of licensed inspector. But there is another block for the name of the RME. He suggested that, once there is clarity on this issue, HPCA will help get the word out.

The EO informed Mr. Lyons that the current TIR form has a field for the PCFR/PCO to sign.

DAG Paige suggested that this matter is likely to be of interest to a lot of people, so the Board should consider placing this matter on the agenda for the next Board meeting.

After discussion, the Board directed the EO to respond to the two inquires informing the individuals that a PCFR license is required for TIRs and warranty inspections.

c. PCO License for Advertising and Commercial Pest Control Treatment

Dr. Kenneth Grace briefed the Board on an inquiry from the Big Island Invasive Species Committee. There is a committee on every Island that does public service work including some ant control. The individuals on the committee are trained by the Hawaii Ant Lab and in turn, are training homeowners. The committee asked if it were to do this as a business, would a license be necessary even if they were not entering homes, but only applying baits outside

Dr. Grace indicated that based on review of the statutes and discussions with the EO, he informed the Big Island Invasive Species Committee that a PCO license would be required.

Open Forum: (Public comment on issues not on the agenda, for consideration for Board's agenda at a subsequent meeting.)

None.

Announcements: a. Next Meeting:  
Monday, July 24, 2017  
2:00 p.m.  
King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 3:05 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ May Ferrer  
\_\_\_\_\_  
May Ferrer  
Executive Officer

/s/ Susan A. Reyes  
\_\_\_\_\_  
Susan A. Reyes  
Secretary

MF:sr

06/14/17

Minutes approved as is.  
 Minutes approved with changes, see minutes of \_\_\_\_\_