

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

MINUTES OF THE MEETING

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

Date: Monday, September 17, 2018

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
Jonathan Montalbo, Industry Member
David Lau, Industry Member
Scott Ai, Public Member
Lynn Nakasone, Department of Health, Ex-Officio
Zhiqiang Cheng, Ph.D., Department of Plant & Environmental Protection
Sciences, Ex-Officio
John McHugh, Ph.D., Department of Agriculture, Ex-Officio
May Ferrer, Executive Officer (“EO”)
Krishna Jayaram, Esq., Deputy Attorney General (“DAG”)
Susan Reyes, Secretary

Member(s) Julian Yates, Ph.D., Public Member

Excused:

Staff None.

Excused:

Guest(s): John Speed – Kilauea Pest Control
Tim Lyons – Hawaii Pest Control Association (“HPCA”)
Charlene Tamanaha – Acting Licensing Administrator
Ahlani Quiogue – Acting Supervising EO
Christopher Fernandez, EO

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 2:00 p.m.

Amendments EO Ferrer noted that the date of the Board meeting minutes under Item

Pest Control Board
Minutes of the Monday, September 17, 2018 Meeting
Page 2

to Agenda: #3 on the agenda should be July 23, 2018 versus June 4, 2018.

Approval of Minutes: It was moved by Mr. Lau, seconded by Mr. Ai, and unanimously carried to approve the minutes of the July 23, 2018 meeting as circulated.

DAG Jayaram arrived at the meeting at 2:04 p.m.

Executive Officer's Report:

a. Examination Review Report

EO Ferrer proposed to defer this agenda item to the next meeting. She explained that Prometric had results for only 3 examinees on Oahu because the neighbor island exam had to be rescheduled due to the hurricane.

b. Association of Structural Pest Control Regulatory Officials ("ASPCRO") 2018 62nd Annual Meeting, August 20-24, 2018, San Antonio, TX – Vice Chairperson Manago and EO Ferrer Report on Attendance

Vice Chairperson Manago said that the materials that we are using today, the formulation can be reduced. In the past, you would need to spray 100 gallons to be effective. But now, because the concentration is much more potent, spraying only 50 gallons will be effective. He stated that it is up to the companies to train the technicians.

EO Ferrer attended the Structural Remediation Committee ("SRC") meeting before the general assembly. The SRC develops guidelines for pesticide misuse, and identifies what clean-up efforts should be implemented. The committee also discussed the following:

- Receiving inquiries about safe reentry after clean-up (i.e., as a result of a spill, misuse, or application. After discussion, the SRC opined that it is not within their expertise to determine this.
- A road map for the public to use as a guideline in cleaning up pesticide misuse indoors. It would be a general guideline that all states could refer to and would include basic considerations, references and points of contact.
- The SRC is in the process of developing a "Remediapedia" reference submittal form. They are considering making it available on the ASPCRO website. This would be an online resource for researching structural remediation references. The user will be able to search by certain keywords and auto populate the spreadsheet.

EO Ferrer also shared some information presented by Whitney Qualls, Medical Entomologist of the Texas Department of State Health Services (“DSHS”), regarding the aftermath of Hurricane Harvey.

Dr. Qualls’ informed the conference attendees of the effort involved in expediting the handling of mosquito aerial requests, including coordination with FEMA, other various agencies, farmlands, etc.

Applications:

a. Pest Control Field Representative (“PCFR”)

It was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to approve/defer the PCFR license applications as reflected in the attachment.

Unfinished Business:

a. Rule Revisions

(i) HAR section 16-94-17 – Progress update

EO Ferrer informed the Board that the public hearing notice will be drafted and quotes for publishing the notice will be obtained.

Recess:

Chairperson Ono called for a recess at 2:27 p.m. The meeting reconvened at 2:33 p.m.

(ii) Review of proposed minimum baiting experience requirements for PCFR and Pest Control Operator (“PCO”) applicants

Ms. Tamanaha addressed the Board regarding the minimum baiting experience requirements. It had been brought to her attention that as some companies do not do baiting, prospective applicants for a PCFR license are not able to obtain baiting experience.

She stated that the Board’s charge is to establish the minimum requirements. If an individual did one form of treatment, at least the Board could see that they had some form of experience. She asked the Board if they would be comfortable if someone came in with termite experience but with no baiting experience.

Vice Chairperson Manago responded that he would not be comfortable because an individual who is licensed in a branch of pest control should have the appropriate skills and

knowledge to conduct pest control activities associated with that branch.

Chairperson Ono asked how someone would be able to obtain their Branch 3 license if they do not have baiting experience.

Ms. Tamanaha explained that in the past, an applicant who was deferred for not having certain experience, would seek PCOs that would allow them to go out on jobs and work with them to gain experience. It was not necessary for an individual to be employed with the company to do this.

Mr. Montalbo stated that the industry is in an environment where people would have concerns with sending their employees to be trained at another company for fear of losing them to that company.

Ms. Tamanaha said that the Board was trying to establish what the minimum requirements were, so it would lessen the deferrals, make it easier for the Board to review, and to let an employer know what this person has met in order to be issued a PCFR Branch 3 license.

Mr. Montalbo suggested eliminating the job list for the PCFRs. His opinion is that the responsible managing employee ("RME") is ultimately responsible and has to sign off on their paperwork, so this should be enough.

Ms. Tamanaha stated that the Board would set the minimum requirements. This means that the Board will ensure that the standards are met.

Vice Chairperson Manago said if we take away the job list, then why do we need a PCFR, it should just be eliminated.

Chairperson Ono said that we should go back to making the Hawaii Department of Agriculture ("HDOA") certification a requirement for field representative licensure.

EO Ferrer stated to the meeting attendees that the public was not properly noticed on these matters and therefore, these issues should be deferred to a future meeting.

Ms. Tamanaha stated that the Board could move forward with changes to the minimum requirements or take it out completely. The Board would need to start all over again.

She noted that it would be too much of a change to repeal and go back to the HDOA certification.

Ms. Tamanaha stated that years ago, the Board changed from requiring the certification, to not requiring the certification, and then came up with the standard requirements.

Mr. Lyon's stated that it was an industry initiative and there has been a lot of rethinking since then. It was making things worse and forcing them into a situation just to get the requirements done.

Mr. Lyons stated that it was an honest attempt to remove the HDOA certification requirement; however, in combination with the PCFR not signing the termite inspection report, it nullified the PCFRs role to nothing. This is the reason the HPCA is having second thoughts.

Ms. Tamanaha informed the Board that there was a complainant who felt that the statutes regarding termite inspection was geared to protecting the PCO or the RME. RICO stated that because there were no standards, they were having a difficult time with enforcement.

Ms. Tamanaha responded that the wording on the termite inspection report states that they are not responsible. She also said that the Board would spend a lot of time reviewing the job list. Setting up the termite inspection standards provided a guideline for the Board.

The Board discussed that the HDOA certification should be a requirement for a PCFR license. Ms. Tamanaha feels that adding the HDOA certification back in would be a big requirement and may be difficult.

Vice Chairperson Manago stated that we should delete the job list requirement and make it a requirement to obtain the HDOA certification. So, when they go out to do jobs they will understand the whole concept.

Ms. Tamanaha asked if there is a baiting section in the HDOA's certification exam? Dr. McHugh said that there is a baiting section on the exam. Vice Chairperson Manago stated that the HDOA certification would be better than the job list.

It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried to suspend the rulemaking process.

Public Comment
for Items Not on
the Agenda:

Comments from the public are accepted at this time on topics not specifically addressed elsewhere on the agenda. The public may comment by signing-in before speaking during the Public comment section. The Board is precluded from discussion or acting on items raised by Public Comment that are not already on the agenda, except to decide whether to place the matter on the agenda of a future meeting. **Public comments will be limited to 5 minutes per person at the discretion of the Chairperson.**

Guest John Speed from Kilauea Pest Control stated his company had submitted several applications by the deadline but those applications were not on the Board's meeting agenda.

EO Ferrer stated that she would find out the reason for the internal delay. She suggested to the Board that if the applications are complete, she would convene the Applications Review Committee to review the applications and request to have the applications ratified at the next meeting of the Board. It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried that if the Applications Review Committee concurs that an applicant meets the Board's minimum requirements and the application is complete, the application could be ratified at the next board meeting.

Announcements:

a. Next Meeting:

Monday, November 26, 2018
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment:

There being no further business to discuss, the meeting adjourned at 3:20 p.m.

Pest Control Board
Minutes of the Monday, September 17, 2018 Meeting
Page 7

Taken and recorded by:

Taken and recorded by:

/s/ May Ferrer
May Ferrer
Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes
Secretary

MF:sar
10/01/18

- Minutes approved as is.
 Minutes approved with changes, see minutes of _____

ATTACHMENT

a. PCFR Applications

(i)	Glenn Agunat Approved	BR-1, BR-2, BR-3
(ii)	Ansen Armitage Approved	BR-3
(iii)	Jeremiah Brock Approved	BR-2
(iv)	Joseph Carpentier Approved	BR-2
(v)	Cassandra Lesa Approved	BR-1, BR-2
(vi)	Garrett Reely Approved	BR-2, BR-3
(vii)	Pedrito Sarte, Jr. Approved	BR-1, BR-3