

## **NOTICE OF PUBLIC HEARING**

Pursuant to Hawaii Revised Statutes (“HRS”) section 460J-3 and chapter 91, notice is hereby given that the Pest Control Board (“Board”) will hold a virtual public hearing on Monday, September 28, 2020 at 2:00 p.m., via Zoom (<https://dcca-hawaii-gov.zoom.us/j/97879626856>), to hear all persons interested in the proposed amendments to Hawaii Administrative Rules (“HAR”) chapter 16-94 pertaining to pest control operators.

The purposes of the proposed amendments are to: define “BREG”, “Department”, and “TIR”; amend the definitions of “direct management of the pest control business” and “responsible managing employee”; correct an outdated use of the term “limited liability corporation”; clarify that a PCO/RME signing an experience certificate must be licensed in the same branch for which licensure is sought; codify the requirement that entity applicants be registered with the Business Registration Division (“BREG”); allow the Board to accept technical training or business administration training as experience; allow the Board to accept any reasonably equivalent knowledge, training, or experience in lieu of a specific experience requirement; clarify that a pest control business shall designate and be under the direct management of a principal RME; clarify the role of an RME, including when a pest control business has multiple RMEs; clarify that only the Board may determine when an individual may be an RME for more than one pest control business; clarify that licenses are non-transferable; clarify that the principal RME’s license may be suspended, revoked, terminated, or refused renewal if the PCO’s license is suspended, revoked, terminated, or

refused renewal; clarify requirements regarding transition of RMEs due to death or employment separation; clarify that a pest control operator and its principal RME shall be held responsible along with the pest control field representative for violation of any applicable law; require applications be filed no later than 60 days before the date of examination; clarify that the Board should be notified in writing at least 30 calendar days prior to any cancellation, termination, or withdrawal of any insurance policy; establish procedures and minimum standards for conducting a termite inspection and completing the Termite Inspection Report ("TIR"); clarify that a free inspection report form shall also conform with chapter 460J, HRS; incorporate new definitions to provide clarity and consistency of terms, and make other non-substantive changes for purposes of style and clarity.

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, at the time of hearing. All persons wishing to submit written testimony are requested to submit 18 copies of their written testimony by Friday, September 18, 2020, to the Professional and Vocational Licensing Division at the address printed below.

A copy of the proposed rules will be mailed to any person who requests a copy upon receipt of \$11.95 for the copy and postage. Please submit your request to the Professional and Vocational Licensing Division at the address noted below or contact the Board's office at (808) 586-2704.

Copies may be picked up at the following address between 7:45 a.m. and 12:00 p.m., Monday through Friday, excluding holidays: Department of Commerce and Consumer Affairs, Professional and Vocational Licensing

Division, 335 Merchant Street, Room 301, Honolulu, Hawaii 96813. The cost of a copy, \$10.50, is due and payable at the time of pick up.

Further, the proposed rules may be reviewed in person free of charge at the Professional and Vocational Licensing Division at the address and hours of operation printed above. In addition, the full text of the proposed rules is available and can be downloaded free of charge from the web site of the Department of Commerce and Consumer Affairs:

<http://cca.hawaii.gov/proposed-rulemaking/>.

Individuals who require special needs accommodations are invited to call Lei Ana Green at (808) 586-2704 at least four (4) working days prior to the hearing.

Terrance Manago, Chair  
Pest Control Board  
State of Hawaii