

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: January 25, 2021

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/97678584550>

Present: Terrance Manago, Industry Member, Chair
Jonathan Montalbo, Industry Member, Vice Chair
David Lau, Industry Member
Julian Yates, Ph.D., Public Member
Scott Ai, Public Member
Jia-Wei Tay, Ph.D., Department of Plant & Environmental Protection Sciences, Ex-Officio
Gracelda Simmons, Department of Health, Ex-Officio
Greg Takeshima, Department of Agriculture, Ex-Officio
Lei Ana Green, Executive Officer
Christopher Leong, Esq., Deputy Attorney General (“DAG”)
Susan Reyes, Secretary
Relley Araceley, Executive Officer (technical support)
Leanne Abe, Secretary (technical support)

Member(s)

Excused: None

Guest(s): Wesley Otani, Douglas Products
Steve Russo, The Terminix International Company
Tim Lyons, Hawaii Pest Control Association (“HPCA”)
Patrick Nunnari
Justin
Harvey Green
Kaleolani Garcia

Agenda: The agenda for this hearing 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 hearing was called to order by Chair Manago at 2:00 p.m.

A brief video was played that explained meeting procedures and information on how members of the public can participate during the meeting.

There being quorum, Chair Manago called the meeting to order at 2:08 p.m. He provided information on how members of the public can participate during the meeting.

Chair Manago asked to amend the agenda to add the following to item 5. 2021 Legislation:

- S.B. 233, Relating to Bees
- Legislative Committee

It was motioned by Vice Chair Montalbo, seconded by Mr. Lau, and unanimously carried to add the above items to the agenda.

Chair Manago asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which Tim Lyons from Hawaii Pest Control Association (“HPCA”) raised his hand.

Mr. Lyons requested clarification on how and when to testify on an agenda item. Ms. Green stated that at the beginning of an agenda item, the Chair would ask if anyone would like to testify, which is when he would raise his hand to testify on that agenda item.

Approval of Minutes:

It was moved by Dr. Yates, seconded by Vice Chair Montalbo, and unanimously carried to approve the open session and executive session minutes of the November 23, 2020 meeting as is.

Executive Officer’s Report:

- a. Examination Report

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED DECEMBER 2020**

EXAM	ADMINISTERED				
	NO. EXAMS	NO. FAIL	NO. PASS	% FAIL	%PASS
PART 1	1	0	1	0%	100%
FIELD REP BR 1	4	1	3	25%	75%
FIELD REP BR 2	5	1	4	20%	80%
FIELD REP BR 3	3	1	2	34%	66%
OPERATOR BR 1	0	0	0	0%	0%
OPERATOR BR 2	1	0	1	0%	100%
OPERATOR BR 3	1	0	1	0%	100%
TOTAL NO. EXAMS ADMINISTERED					15

TOTAL NO. EXAMS PASSED	12
TOTAL NO. EXAMS FAILED	3
TOTAL PERCENT PASSED	80%
TOTAL PERCENT FAILED	20%

Applications: Chair Manago asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

It was motioned by Mr. Ai, seconded by Dr. Tay, and unanimously carried, with Mr. Lau recusing himself from Matthew Yoshikawa’s application and Vice Chair Montalbo recusing himself from the applications of Stacy Hirota, Jim Mones and Patrick Whang, to approve/defer applications as reflected below.

a. Pest Control Operator (“PCO”)

	Applicant	Branch(es)	Board Determination
(i)	Absolute Termite & Pest Control Hawaii, LLC (PCO-1409 / BR-2, 3) Additional Class Justin Duny, RME (PCO-1410, BR-2, 3)	1	Approved
(ii)	City Chemical, Inc. (PCO-29 / BR-2, 3) Reactivate Lawrence Oda (PCO-247 / BR-2, 3)	2	Approved Pending Verification of Document
(iii)	Jed Horn Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(iv)	Oshiro Pest Services LLP Kelly Oshiro, RME	2, 3	Approved

d. Pest Control Field Representative (“PCFR”)

	Applicant	Branch(es)	Board Determination
(i)	Josh Anderson Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(ii)	Ryan Lee Beenken Ecolab, Inc. (PCO-640 / BR-2)	2	Approved
(iii)	Roycestan Cabarloc Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(iv)	Armelio Cabatingan Ecolab, Inc. (PCO-640 / BR-2)	2	Deferred
(v)	Christopher Ellsworth Ecolab, Inc. (PCO-640 / BR-2)	2	Approved

(vi)	Nathan Espenesa Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(vii)	Rodrick Evangelista Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(viii)	Scott Foster Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(ix)	Jordan Gamboa Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Deferred
(x)	Stacy Hirota Aloha Termite Kauai, LLC dba Aloha Termite & Pest Control (PCO-1118 / BR- 1, 2, 3)	2	Approved
(xi)	Jeanette Imler The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
(xii)	Andrew Joaquin Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2, 3	Withdrew Application
(xiii)	Larry Kapu, Jr. (PCFR-1412, BR-1, 2, 3) Reactivate City Chemical, Inc. (PCO-29 / BR-2, 3)	2, 3	Approved Pending Verification of Documents
(xiv)	Joshua Lopez Ecolab, Inc. (PCO-640 / BR-2)	2	Approved
(xv)	Todd Lynch Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(xvi)	Charles McGirr Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(xvii)	Jim Mones Aloha Termite Kauai, LLC dba Aloha Termite & Pest Control (PCO-1118 / BR- 1, 2, 3)	2	Approved
(xviii)	James Nantin The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
(xix)	Young Park Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(xx)	Mark Pilar The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
(xxi)	Samson Simmons-Kauhi Ecolab, Inc. (PCO-640 / BR-2)	2	Approved
(xxii)	Patrick Whang	2	Approved

	Aloha Termite Kauai, LLC dba Aloha Termite & Pest Control (PCO-1118 / BR-1, 2, 3)		
(xxiii)	Royce Willis Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(xxiv)	Matthew Yoshikawa Rentokil North America Inc. (PCO-1620 / BR-2, 3)	2	Approved

2021

Legislation: Chair Manago asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

a. S.B. 233, Relating to Bees.

The purpose of this bill is to require any person that receives state or county funding who wants to remove a beehive or swarm from the person's property to contract with a beekeeper or pest control operator for removal.

Ms. Green summarized the proposed bill with amendments to Hawaii Revised Statutes (HRS) chapter 142 and asked for the Board's opinion and comments given the proposed language and the definition of pest control and pest control operators in HRS 460J.

Chair Manago stated that if pest control is performed in or near a structure or any type of building, a licensed pest control operator must perform the pest control work. If it is in a field with no structure, then it would be different.

Vice Chair Montalbo stated that if the pest control work noted in the bill is being performed in or near a structure, then this work would fall under the regulation of 460J-23, and this pest control work can be performed by a licensed pest control operator or a beekeeper working with a licensed pest control operator. He stated that anyone can be a beekeeper, without licensing or regulation, and the wording in the proposed bill will need to be changed. If the pest infestation is on a fence post near a home and could invade the home then it's still structural pest control. However, if the pest infestation is in the middle of a hundred acre coffee field, with no structure, then it's not pest control as regulated by HRS 460J.

Mr. Lau stated that beekeepers are not licensed and are not regulated, as pest control operators and entities are. This should go on the record and if anything was to move forward, that it would need substantive

information on the beekeeper industry. Ms. Green noted that beekeepers are required to register with the Department of Agriculture (DOA) and renew once a year.

Dr. Yates questioned the proposed bill's language noting the destruction of beehives as a last resort if all of the methods are ineffective or unavailable, with concern that this language is too general and the decision to destroy or not is left to an individual's judgement. It may be possible that an individual does not know what to do to save the beehive and he is concerned that bees will be killed due to lack of knowledge and methods.

Ms. Simmons asked who determines if the bees are aggressive and makes the decision to move the hive elsewhere, and does this bill only apply to state and county facilities and not residential and commercial buildings. Ms. Green said that this bill would apply to any person that receives state or county funds. Ms. Simmons said that there are a lot of state or county facilities that have a swarm and it is not made clear who to contact: a pest control operator or a beekeeper. Chair Manago stated that if there is a structure, regardless of funding from the state or county, a pest control operator will need to be contracted to perform pest control work.

Dr. Tay echoed Dr. Yate's concern with the proposed language regarding the destruction of beehives and suggested the need for proper documentation to prove that destruction of the beehive is the last resort as other methods are ineffective. Ms. Green asked for clarification if it is a recommendation that an individual would need to provide documentation to the Board to make the decision before any action can be taken on removing a beehive or swarm. Chair Manago noted that if there is an infestation in a school or a home, it may not be safe to wait for a consultation and often the customer needs the infestation eliminated immediately to reduce risk of harm to people.

Mr. Lyons, of HPCA, raised his hand to provide testimony. He noted this bill stemmed from a bee infestation at Iolani Palace, and the job was not done correctly. DAGS got involved and they stated that a bid needs to be submitted for a pest control operator, and this is when 460J was added to the proposed language. The destruction language came about as, typically, it would not be a beekeeper that would engage in any destructive activity and would make any effort to move or relocate the hives. However, there are situations where beehives are in a structure and in a place where cannot be extracted safely. In this kind of situation, a destructive method would be used and the pest control operator would use their expertise to treat or not treat. He concluded that HPCA does not have a problem with the language regarding beehive destruction and leaving it to the judgement of the pest control operator, provided that the

amendment states the work must be contracted with a pest control operator and/or a beekeeper who is under the supervision of a pest control operator. This way, a joint decision is made.

Ms. Simmons is interested in feedback, regarding this language, from the association that is working on Africanized Honeybees, to see if it is appropriate, as perhaps they want to add some qualifiers as far as making a determination.

b. A Bill For An Act Relating to Sunshine Law boards

The purpose of this bill is to expand and enhance public participation in public meetings, lower the costs of holding meetings, protect public health and safety, promote voluntary participation on boards, and avoid unnecessary and possibly burdensome travel by board members, staff, testifiers, observers, other participants, and the general public, by allowing boards to use interactive conference technology to conduct virtual meetings under the Sunshine Law.

Ms. Green noted that the COVID-19 pandemic forced the implementation of emergency measures suspending certain requirements of the state's Sunshine Law in order to allow boards to virtually meet. Under the emergency proclamation, for example, the requirement to make a Board member's location, such as their home or place of business, accessible to the public to attend a meeting, has been waived. SB439 and SB442, bills with identical language, have been introduced to address virtual meeting legislation. The Professional and Vocational Licensing Division is tracking both measures and will offer comments.

c. Legislative Committee

Ms. Green shared that, due to the COVID-19 pandemic and necessary modifications to the Legislative session and virtual hearings process, there are strict deadlines in place during this Legislative session for hearings and testimony. Bills are being introduced, hearings will be scheduled, and the Board's opinion may be needed before a bill can be discussed at the next Board meeting. She asked the Board if they would like to form a Legislative Committee, consisting of 3 Board members, in order to obtain the Board's opinion on a bill that may be scheduled for a hearing in the interim between Board meetings.

It was moved by Mr. Ai, seconded by Dr. Yates, and unanimously carried to name the following Board members to the Legislative Committee:

Members: David Lau, Jon Montalbo, and Terrance Manago
Alternate Member: Julian Yates

Old Business: a. Rule Revisions

i. Process Update

Ms. Green stated that the updates were submitted, and we are waiting for the final copy to forward for signatures.

b. Updating licensure exam questions

i. Fumigation questions and calculator

Vice Chair Montalbo stated that the Exam Committee met to review the PCFR fumigation exam questions and made necessary updates. Prometric will make the adjustments and the committee will meet again to review the draft prior to publishing the updated exam.

c. Discussion on Board position from 09/23/19 meeting: the PCO/RME, who is on the physical job site overseeing the work being performed, needs to be the one signing the Certification of Training and Field Experience.

i. Associated Training Form

Ms. Green stated that last September the Board discussed the desired content for the associated training form and this form would be required in addition to the experience verification form that is already required, but we could combine the two to make one form. If an applicant receives training from her or his PCO/RME, then the applicant would complete pages one and two. If the applicant receives training from associated training from a PCO/RME who is not her or his employer, the applicant would complete all pages of the form.

Mr. Russo, from The Terminix International Company, raised his hand to give testimony. He asked if we still need two signatures, one from Company A and one from Company B. Ms. Green answered yes.

Vice Chair Montalbo asked if we will have this form for the RMEs, as well. For example, if a PCO is going to train for a branch for which they are not currently licensed, that PCO would have to work for someone else to get the experience. Ms. Green will look in to options to discuss at a future Board meeting.

It was motioned by Dr. Yates, seconded by Mr. Ai, and unanimously carried to approve the Associate Training form as presented.

