

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

MINUTES OF THE MEETING

Date: May 22, 2023

Time: 2:00 p.m.

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

Present: John Speed, Industry Member, Vice Chair
Scott Ai, Public Member
Greg Takeshima, Department of Agriculture, Ex-Officio
Gracelda Simmons, Department of Health, Ex-Officio
Terrance Manago, Industry Member
William Lee, Industry Member
Lei Ana E. Green, Executive Officer
Christopher Leong, Esq., Deputy Attorney General (“DAG Leong”)
Andrew Kim, Esq., Deputy Attorney General (“DAG Kim”)
Shasteen Hiona, Secretary

Member(s)
Excused: Jia-Wei Tay, Ph.D., Department of Plant & Environmental Protection
Sciences, Ex-Officio
Julian Yates, Ph.D., Public Member
David Lau, Industry Member, Chair

Guest(s): Tim Lyons – Hawaii Pest Control Association (“HPCA”)
Steve Russo – Terminix

Agenda: The agenda for this meeting was posted to the State electronic calendar pursuant to HRS section 92-7(b).

Call to Order: There being quorum present, Vice Chair Speed called the meeting to order at 2:01 p.m.

Executive Session: At 2:02p.m., it was moved by Mr. Ai, seconded by Mr. Lee, and unanimously carried to move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 92-5(a)(1), and to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

At 3:21p.m., it was moved by Mr. Lee, seconded by Mr. Takeshima, and unanimously carried to return to the Board's order of business.

Approval of Minutes:

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

It was moved by Ms. Simmons, seconded by Mr. Lee, and unanimously carried to approve the Board meeting minutes of February 21, 2023.

Executive Officer's Report:

Executive Officer Green announced that the terms for Chairperson Lau, Dr. Yates, and Mr. Ai all expire on June 30, 2023, and today is their last scheduled meeting as members of the Board. She thanked Mr. Ai, who was present, and expressed gratitude to Chairperson Lau and Dr. Yates, who were excused, for their time and service over years.

a. Examination Report

Executive Officer Green stated that she has not yet received exam results to share with the Board, though she is working with PSI and the PVL Exam Branch to obtain the results to date.

b. Hawaii State Ethics Commission – 2023 Annual Financial Disclosure

Executive Officer Green also reminded the Board members to submit their Financial Disclosures by May 31, 2023.

c. Hawaii State Ethics Commission – Ethics Training

Executive Officer Green reminded the Board members to complete the required Ethics Training with the Hawaii State Ethics Commission.

Applications:

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

a. Pest Control Operator ("PCO")

	Applicant	Branch(es)
1.	Arasi Incorporated Darryl Pagud	2 – DEFER

2.	Armelio Cabatingan Ecolab, Inc (PCO-640 / BR-1, 2, 3)	2 – DEFER
3.	Kilauea Pest Control (PCO-954 / BR-2, 3) Additional Classification Timothy Drake, RME (PCO-1024 / BR-1, 2, 3)	1 – APPROVE
4.	Keith Lee Will Kill Termites & Pests, LLC (PCO-126 / BR-2, 3)	2 and 3 – APPROVE

b. Pest Control Field Representative (“PCFR”)

	Applicant	Branch(es)
1.	Michelle Abalos (PCFR-1708 / BR-2) Additional Classification The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	3 – DEFER
2.	Tehani Adaoag-Chun Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 and 3 – APPROVE PENDING ADDITIONAL DOCUMENTATION
3.	Henry Addison, III The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	1 – DEFER 2 – APPROVE 3 – APPROVE PENDING ADDITIONAL DOCUMENTATION
4.	Ferdinand Andres Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
5.	Gene Ansagay Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
6.	Daniel Baird (PCFR-1722 / BR-2) Additional Classification The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	3 – APPROVE
7.	Jonathan Benjamin The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	3 – APPROVE

8.	Matthew Bester Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – DEFER
9.	Daniel Bui Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
10.	Destynee-Skye Carvalho Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
11.	Marcus Colwin The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	2 – APPROVE
12.	Joseph Correa The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	2 – APPROVE 3 – APPROVE PENDING ADDITIONAL DOCUMENTATION
13.	Josiah Dallago Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
14.	James Daniel Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE
15.	Lawrence De Rego Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
16.	Bryson Fiesta Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
17.	Christy Ann Gusman Mid-Pacific Pest Control, Inc (PCO-803 / BR-1, 2, 3)	1, 2 and 3 – APPROVE PENDING ADDITIONAL DOCUMENTATION
18.	Bradly Hanis The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	1, 2, and 3 – APPROVE
19.	Reynaldo Jaquez, III Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION

20.	Brandon Jeffries Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE
21.	Christopher Jones Orkin, LLC (PCO-1349 / BR-1, 2, 3)	3 – APPROVE PENDING ADDITIONAL DOCUMENTATION
22.	Mark Kanazawa Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
23.	Dejah Keanu The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	1 – APPROVE PENDING ADDITIONAL DOCUMENTATION 2 and 3 – APPROVE
24.	Taofi Latu, Jr. Additional Classification The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	3 – DEFER
25.	Jason Lugaresi Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE
26.	Jacob Mendrin Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE
27.	Danny Morelik Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE
28.	David Sasada The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION 3 – DEFER
29.	Edward Sistoza Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION
30.	Marlon Warren Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – APPROVE PENDING ADDITIONAL DOCUMENTATION

c. Tradename Approval

Applicant	
1.	Ka Mana'Olana Aloha Group, Inc (PCO-1713 / BR-2, 3) dba Imua Pest Management
	APPROVE

Mr. Lee recused himself from the application of Keith Lee.

Vice Chair Speed recused himself from the additional classification application of Kilauea Pest Control.

It was motioned by Mr. Manago, seconded by Ms. Simmons, and carried by the majority to approve or defer the applications and tradename as noted above.

2023 Legislation:

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

a. HB245, RELATING TO VESSELS. / SB1524, RELATING TO VESSELS.

Prohibits a vessel from being fumigated on ocean waters. Allows an owner whose vessel is required to be fumigated on ocean waters to apply for an exemption from the division of boating and ocean recreation. Requires any vessel granted an exemption to be fully covered and sealed while being fumigated and for any period of time thereafter needed to prevent fumigant or other chemicals from entering ocean waters.

Executive Officer Green reported that this bill was heard by the House Committee on Water and Land, February 2, 2023, 9:30 AM, and was passed with amendments. It was referred to the Committee on Judiciary & Hawaiian Affairs, but not heard.

b. HB254, RELATING TO PESTICIDES.

Requires the department of agriculture to use consistent units of measurement in its summary to the public on the amounts of restricted use pesticides used. Effective 1/1/2024, establishes a one-half mile buffer zone for pesticides around schools and state and county public parks.

Executive Officer Green reported that this bill was introduced but not heard at a hearing.

c. SB22, RELATING TO BED BUGS.

Prohibits landlords, including those operating in public housing and educational dorm settings, from renting a dwelling unit that the landlord knows has a current bed bug infestation. Establishes procedures that landlords shall take upon receiving notice of an actual or suspected bed bug infestation

Executive Officer Green reported that this bill was heard at the Senate Committee on Commerce and Consumer Protection / Housing, on February 10, 2023, 9:30 AM and was passed with amendments. It was then referred to Committee on Judiciary, Thursday, February 23, 2023, 9:45 AM and was passed unamended.

Old Business:

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

a. Pest Control Operator and Pest Control Field Representative Exams

i. PSI Exam Review

Executive Officer Green stated that subject matter experts for pest control operators will be reviewing and making recommendations on the questions included in the PSI exams administered for the Board. She also provided information that PSI has testing facilities in Oahu, Maui, Kauai, and Hawai'i Island. On Oahu, testing date options are available up to five days a week, depending on the number of seats available on a given day. On neighbor islands, testing date availability it may occur once or twice a month, depending on the facility and the number of seats available on a given day.

b. Updates to the application instructions and Board forms

Executive Office Green provided Board members with copies of the Board's forms, which she had been directed to update in a prior Board meeting. Before posting them to the Board's website, she asked if there were any further amendments required. She referenced a question raised in the February 21, 2023, meeting, and the discussion regarding the number of applications that are deferred or approved pending additional documentation. At this time, the Board's forms can be reviewed to ascertain if there are clear instructions provided.

The Board discussed amending the Job Report form instructions for PCFRs and PCOs, for Branch 2 and Branch 3, to clarify that for PCFRs, at least one (1), but not more than ten (10) jobs shall consist of

monitoring, baiting, or non-chemical methods; and for PCOs at least five (5) but not more than fifty (50) jobs shall consist of monitoring, baiting, or non-chemical methods. The requirement of “not more than 10 jobs” and “not more than 50 jobs” is provided in Hawaii Administrative Rules (“HAR”) section 16-94-17. However, it has been the Board’s longstanding position that a PCFR applicant must have at least one (1) non-chemical job application and a PCO must have at least five (5) non-chemical job applications; and stating that minimum requirement on the form may help clarify and result in fewer deferrals / approvals pending additional documentation.

The Board also discussed the possibility of clarifying the portion of the form that states that for Branch 2 and for Branch 3, not more than ten (10) jobs for PCFRs and for not more than fifty (50) jobs for PCOs, “shall consist of monitoring, baiting, or non-chemical methods”. This requirement is also pursuant to HAR section 16-94-17. Many applicants are including chemical baiting, but the Board is looking for non-chemical jobs. For Branch 2, that could be jobs such as inspection, monitoring, dewebbing, and non-chemical baiting such as cheese or peanut butter. For Branch 3, that could include jobs such as inspection or monitoring. The ambiguity with the “baiting” portion of the instructions could be due to changes in the industry from when this section of the HAR was last amended. For example, in the past, it was possible to have bait for Branch 3 that was non-chemical, such as Sentricon bait. However, termite bait is now formulated with a chemical component, so baiting for Branch 3 may no longer be a non-chemical job application. Thus, it is the Board’s understanding of HAR section 16-94-17(A)(3)(b) and (c) and 16-94-17(B)(2)(b) and (c), that the “baiting” in “monitoring, baiting, or non-chemical methods” refers to a non-chemical bait. The Board discussed amending the form to reflect that.

DAG Leong advised that as the minimum required number of nonchemical jobs has been a longstanding Board position, it is ok for the form to be updated to provide the minimum number of jobs in the instructions. However, the HAR states that no more than ten (10) or (50) those jobs “shall consist of monitoring, baiting, or non-chemical methods”, thus the Board should provide instructions that are consistent with its rules.

The Board also discussed clarifying the “Certified Applicator of Record” on the form, so that applicants understand that if the applicant checks “yes” in that field on the form, the applicant is affirming that the applicant holds the appropriate certification issued by the Hawaii Department of Agriculture. The appropriate certification is required to apply restricted use pesticides. For example, when performing Branch 1 fumigation work, only an individual holding the appropriate certification may apply the fumigant.

After discussion, it was the consensus of the Board to:

- 1) amend the Job Report form instructions for PCFRs and PCOs, for Branch 2 and Branch 3, to clarify that for PCFRs, at least one (1), but not more than ten (10) jobs shall consist of monitoring, baiting, or non-chemical methods; and for PCOs at least five (5,) but not more than fifty (50) jobs shall consist of monitoring, baiting, or non-chemical methods; and
- 2) amend the Job Report form instructions for all branches, for PCFRs and PCOs, to clarify that if the applicant checks "yes" in that field on the form, the applicant is affirming that the applicant holds the appropriate certification issued by the Department of Agriculture.

At a future meeting, the Board may discuss reviewing and possibly amending its rules regarding experience requirements.

Announcements:

a. Next Meeting:

Monday, August 21, 2023
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Adjournment:

There being no further business to discuss, the meeting adjourned at 4:27 p.m.

Taken and recorded by:

Taken and recorded by:

/s/ Lei Ana Green
Lei Ana Green
Executive Officer

/s/ Shasteen Hiona
Shasteen Hiona
Secretary

LG:sh

06/19/23

Minutes approved as is.

Minutes approved with changes, see minutes of _____.