

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

MINUTES OF THE MEETING

Date: March 18, 2024

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, Chairperson
Terrance Manago, Industry Member, Vice Chairperson
William Lee, Industry Member
Jonathan Montalbo, Industry Member
Greg Takeshima, Department of Agriculture, Ex-Officio
Jia-Wei Tay, Ph.D., University of Hawaii Department of Plant &
Environmental Protection Sciences, Ex-Officio
Lei Ana E. Green, Executive Officer
Christopher Leong, Deputy Attorney General (“DAG”)
Marc Yoshimura, Secretary

Member(s)
Excused: Gracelda Simmons, Department of Health, Ex-Officio

Guest(s): Michelle Montgomery, Hawaii Ant Lab Manager

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, Chairperson Speed called the meeting to order at 2:03 p.m.

Approval of Minutes: Dr. Tay indicated the following correction is needed on the January 29, 2024, meeting minutes, under “Announcements”, with the date of the next meeting written as Monday, January 29, 2023, which should be corrected to be **March 18, 2024**.

It was motioned by Vice Chairperson Manago, seconded by Mr. Lee, and unanimously carried to approve with corrections the open session minutes of the January 29, 2024, meeting.

Chapter 91, HRS, a. In the Matter of the Pest Control Operator’s License of Kama’aina

Adjudicatory Matters: Termite & Pest Control, Inc., PCO-2021-19-L+, Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order; Exhibit "1"

The Board recessed at 2:05 p.m. and reconvened at 2:28 p.m.

It was moved by Mr. Takeshima, seconded by Dr. Tay, and unanimously carried to approve the above Adjudicatory Matter.

Executive Officer's Report:

a. Examination Report

**PSI
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED January 2024**

<u>EXAM</u>	<u>ADMINISTERED</u>				
	<u>NO. EXAMS</u>	<u>NO. FAIL</u>	<u>NO. PASS</u>	<u>% FAIL</u>	<u>%PASS</u>
PART 1	1	0	1	0%	100%
FIELD REP BR 1	1	0	1	0%	100%
OPERATOR BR 1	0	0	0	0%	0%
FIELD REP BR 2	1	0	1	0%	100%
OPERATOR BR 2	2	1	1	50%	50%
FIELD REP BR 3	5	1	4	20%	80%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				10	
TOTAL NO. EXAMS PASSED				8	
TOTAL NO. EXAMS FAILED				2	
TOTAL PERCENT PASSED				80%	
TOTAL PERCENT FAILED				20%	

**PSI
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED February 2024**

<u>EXAM</u>	<u>ADMINISTERED</u>				
	<u>NO. EXAMS</u>	<u>NO. FAIL</u>	<u>NO. PASS</u>	<u>% FAIL</u>	<u>%PASS</u>
PART 1	0	0	0	0%	0%
FIELD REP BR 1	1	0	1	0%	100%
OPERATOR BR 1	0	0	0	0%	0%
FIELD REP BR 2	8	2	6	25%	75%
OPERATOR BR 2	0	0	0	0%	0%
FIELD REP BR 3	3	0	3	0%	100%
OPERATOR BR 3	1	0	1	0%	100%

TOTAL NO. EXAMS ADMINISTERED	13
TOTAL NO. EXAMS PASSED	11
TOTAL NO. EXAMS FAILED	2
TOTAL PERCENT PASSED	84.62%
TOTAL PERCENT FAILED	15.38%

Correspondence:

- a. Michelle Montgomery, Hawaii Ant Lab
The Hawaii Ant Lab and Oahu Invasive Species Committee are partnering with community development non-profit groups and individual communities (such as homeowners associations and directly with volunteer residents) for the treatment of Little Fire Ants. Hawaii Ant Lab and partner organizations would provide the ant bait, pesticide application equipment, training, and general project management (such as scheduling, pesticide use logs, site monitoring). One of the non-profit partners of this initiative is seeking grants to fund their work on this project. The Hawaii Ant Lab requests the Board's determination on homeowners associations, select community volunteers, and non-profit partners conducting the treatment for Little Fire Ants through this program.

Michelle Montgomery introduced herself as the Manager of Hawaii Ant Lab. She stated she is attending today's Board meeting to answer any questions from the Board.

Executive Officer Green asked Ms. Montgomery to provide an in-depth explanation on the initiative that has been brought to the Board for discussion and its determination.

Ms. Montgomery stated the capacity of Hawaii Ant Lab on Oahu is greatly limited. There are 2.5 people with Hawaii Ant Lab, and maybe 2 people with the Oahu Invasive Species Committee, who are actively trying to address the growing numbers of infestations on Oahu, with 60 current infestations that they are aware of. About 75% of these infestations are in residential areas, which are on an active waiting list or are actively being worked on.

In order to address this, Hawaii Ant Lab is starting a community action plan, in which they are engaging the community to be able to get these sites under management sooner than later as they are unsure when they will receive more funding to hire staff to perform treatments. This action plan is like a stop gap measure to get things under control. To do this, community support or support from individuals is imperative to either treat their own properties or a community as a whole to address entire infestation. For individual property owners who cannot do this, there are

a select few community volunteers who can address the infestations in their community. The Hawaii Ant Lab would provide ant bait, either commercial granules or Hawaii Ant Lab gel bait, such as Tango or Advion. In addition, they would also provide products suitable for specific situations or infestations, such as a treatment plan, schedule, follow-up, and monitoring to make sure treatments are effective.

This action plan is not about omitting or circumventing contributions from pest control operators ("PCO"). The Hawaii Ant Lab would provide proper training for PCOs to provide effective services. However, a lot of communities are unable to pay for PCOs to treat infestations.

Chairperson Speed asked Ms. Montgomery when Hawaii Ant Lab took over running Little Fire Ant ("LFA") infestations on Oahu from the Department of Agriculture ("DOA").

Ms. Montgomery stated Hawaii Ant Lab lost direct oversight by the DOA when Derek Arakaki retired around 2017/2018. Prior to his retirement, they provided 2 staff members to support eradication and control efforts. The DOA did not replace Mr. Arakaki and took a hands-off approach to LFAs on Oahu, and statewide. Thus, nobody has the capacity, and Hawaii Ant Lab has been trying to fill the gap.

Chairperson Speed asked Mr. Takeshima if this is an accurate assessment of the staffing in the DOA for the issue of LFAs.

Mr. Takeshima stated that Ms. Montgomery is referring to the Pest Control Branch where they have vacancies for entomologists. Currently there is only 1 entomologist. He confirmed capacity is an issue on both sides.

Chairperson Speed clarified that he asked that question because when industry members come into contact with LFA's, they are required to refer to the Department of Agriculture or the Hawaii Ant Lab.

Ms. Montgomery stated they have been working with the DOA for many years, as a gap filling agency for the neighbor islands when the DOA does not have the capacity to fully respond to an invasive species. Right now, they are working on a Memorandum of Understanding ("MOU") to identify the roles of each of the organizations and agencies. She anticipates that the DOA will be taking on more within the industry by addressing issues in nurseries, farms, and the like. This is to be geared towards helping communities and residents in filling that void because it is outside the scope of the DOA.

With regard to educating pest control operators, Mr. Lee asked Ms. Montgomery if they are holding events to provide education of the Hawaii Ant Lab's method of control of LFAs.

Ms. Montgomery indicated she provided a general presentation for a conference held by Kilauea Pest Control to educate PCOs on the big picture of the LFA issue on Oahu. They also held a training with Sandwich Isle Pest Solutions. They provide 2-day sessions where the first day is a classroom session providing education regarding the pests, why it is different, detection, and products that are utilized to control LFAs. The second day is surveillance, where the PCOs will go out into the field to do a survey so they know what to look for, how to do a site assessment, and how to apply barrier treatments.

Mr. Lee asked how companies are able to participate in this training.

Ms. Montgomery stated they have a list of PCOs. A co-worker started working through the list and has started contacting companies to inform them of the training and to find out the number of companies that are interested so that they would be able to plan out training sessions.

Mr. Lee stated that it's critical that everyone gets training as quickly as possible, and as broadly as possible. He asked Ms. Montgomery if she could use State resources to reach more broadly, and perhaps attend the pest control industry conference in November.

Ms. Montgomery stated that they've attended the industry conference before and met with PCOs, but not all want to perform the work.

Chairperson Speed asked if they are working with an attorney regarding liability with regard to distributing pesticides.

Ms. Montgomery indicated they have not because they do not want their organization to be looked at as being a pesticide distributor, which is why she believes this needs to be a part of an organized concerted localized eradication effort. With this community eradication program, each infestation is being operated and managed as it should be for a localized eradication. Before going out to do a delineation of the infestation, they have to obtain 90% of the residents' permissions to go on their property. With property access, they are able to properly delineate, determine how far spread the issue is in the area, and devise appropriate treatment. Everyone in the treatment area has to be fully informed on the products labels. Their organization will be on-site to conduct a one-time training with individuals who will be performing the treatments. Follow-ups are

done to ensure the treatments are being followed, and to reinforce understanding of how to do the treatments. Additional monitoring is provided to make sure treatments are working and to provide troubleshooting assistance, as needed. This is a stopgap until they are able to obtain appropriate staffing.

Mr. Takeshima asked if the Hawaii Ant Lab provides personal protective equipment ("PPE").

Ms. Montgomery stated they provide gloves, eye protection, and require individuals performing treatments to wear long sleeves, long pants, and close-toed shoes.

Mr. Lee asked if they'd be using volunteers who don't live in the specific area being treated.

Ms. Montgomery answered yes.

Mr. Lee inquired about insurance coverage with regard to possible liability or worker's compensation issues that may arise, as PCOs are required to have that insurance coverage.

Ms. Montgomery stated insurance is not required of their community volunteers. The safeguards placed by their organization is that they have met the criteria to perform these treatments, pets are to remain indoors, the residents need to remain indoors if not participating with the treatments. The pets and residents may exit their homes once the volunteer completes the treatment and leaves their property.

Chairperson Speed asked if a license is required to apply these treatments.

Ms. Montgomery answered no as the treatments used are non-restricted use pesticides. They use commercial baits or gel baits for residential areas.

Chairperson Speed asked if the Hawaii Ant Lab is a government organization.

Ms. Montgomery stated they fall under the University of Hawai'i. Hawaii Ant Lab is insured under the university, but the community volunteers are not.

Dr. Tay asked about the Hawaii Ant Lab's nonprofit partners and if they are familiar with treatments.

Ms. Montgomery stated that nonprofit partners/organizations have general liability insurance and they operate under Hawaii Ant Lab's guidance. An advantage is that the partners and organizations have the community relationships to obtain property permissions and the volunteers. These organizations are also looking to obtain grant funds, so that this doesn't take funds from their other initiatives.

Chairperson Speed noted the efforts in combatting the spread of Zika or the West Nile viruses, and how we treat the pests spreading the viruses in the community. He stated that when we consider the State Vector Control, he cannot recall a case where the State agency would engage a community member to perform work on another individual's property. Chairperson Speed asked Mr. Lee if there have been issues on the island of Hawaii where individuals have been trying to treat LFAs themselves.

Mr. Lee stated that we hear of unlicensed individuals performing pest control services. However, he is licensed, and he is responsible for what his employees do. If there's water running down a hill, he may tell everyone down the hill there's a chance of infestation.

Ms. Montgomery stated they do canvassing and surveys in the community.

Mr. Lee asked about what happens when a property is up against a large landowner or against State property and we can't get access to appropriately treat the infestation. He stated that those big properties need to be treated as part of the endeavor to make our communities LFA free.

Ms. Montgomery stated that if it is Department of Land and Natural resources ("DLNR") property, then they can treat. However, they have had difficulties getting in touch with some other owners of large pieces of land.

Vice Chairperson Manago asked if the Hawaii Ant Lab has a timeline to carry out this project or will they simply work until they run out of money.

Ms. Montgomery stated they are already out of money.

Vice-Chairperson Manago expressed his concern that if Hawaii Ant Lab gets to a point where they are unable to control LFAs, then the State may

question Hawaii Ant Lab's ability and subsequently rely solely on PCOs to address the issue.

Ms. Montgomery stated that over the past 8 to 9 months, there has been a lot of attention on this. The Hawaii Ant Lab has stated consistently over the past few years that this is a problem, but only now is it really being made public. She indicated that the Legislature does not want to give up on these efforts, and may probably provide money this year, but it may not be long-term. This kind of project not only starts these eradication initiatives, but it also provides training and educating the public and homeowners on how to deal with this on their own, for the long-term.

Ms. Montgomery clarified her reasoning for using the term "eradication" rather than "control", explaining that they want to address the entire issue instead of solely shooting at the base of individual trees. They are looking at the whole site and try to address everything in one concerted effort.

From a regulatory standpoint, Mr. Takeshima asked Ms. Montgomery if the Hawaii Ant Lab is able to provide either the DOA, or specifically the Pesticides Branch, a list of registrants and who has been trained for treatment. This is so, if necessary, the Pesticides Branch could follow-up with those who have been trained.

Ms. Montgomery stated they can and asked him to let them know what information they would need.

Ms. Montgomery also shared that nonprofit organizations are being asked by the public why individuals are unable to do the testing and have Hawaii Ant Lab do the treatments. The problem is the data from the testing needs to be good data for proper analysis. It is hard to track testing that the public may do by placing sticks, which would not provide appropriate data. They are working on tools that the public can use, but this process will take a while.

Vice Chairperson Manago asked Ms. Montgomery if she would be interested in providing training sessions for pest control industry members of the Hawaii Pest Control Associate ("HPCA").

Ms. Montgomery said she would be interested in working with the HPCA.

Mr. Lee stated that his company performs pest control work for LFAs, but it is expensive. He said the product has doubled in cost, so his rates must increase to cover the costs.

Ms. Montgomery stated they are trying to be proactive by getting the community prepared to manage their own properties and to hopefully obtain a workforce with a list of PCOs who are willing to assist.

Executive Officer Green asked DAG Leong if Hawaii Ant Lab's employees qualified for one of the exemptions provided in Hawaii Revised Statutes ("HRS") section 460J-26. For example, if a Hawaii Ant Lab employee identifies LFAs and treats for those LFAs on private property, are they exempt from the requirements of licensure pursuant to HRS section 460J-26(3), which states in relevant part that this chapter shall not apply to "other government employees who conduct research on pesticides or pest control or who use pesticides in the performance of their duties." DAG Leong responded that they may if they are government employees who use pesticides in the performance of their duties.

Ms. Montgomery stated the Hawaii Ant Lab accepts verbal or written approval for permission to survey a property. In order for this program to treat their property, permission is required in writing and stating property access is granted, and the treatment can be performed by a volunteer.

Executive Officer Green referenced the Board's earlier question regarding liability insurance coverage, and stated that PCOs are required by law to carry general liability insurance and, if they have employees, also workers compensation insurance.

Mr. Lee voiced his concern regarding liability issues that Hawaii Ant Lab or community volunteers could encounter, for example, in the event a community volunteer gets injured by a homeowner's pet, or if a pet gets sick due to the volunteer's treatments for LFAs. Mr. Lee asked who is responsible for protecting that volunteer or the Hawaii Ant Lab in a situation like that.

Board members expressed interest in ensuring that this initiative be done legally and suggested that the program hire at least one licensed PCO to assist with the initiative, though there are many who may be able to help.

Mr. Lee asked Ms. Montgomery if they already have treatment products on-hand and enough funding.

Ms. Montgomery stated they only stock about 3 months' worth of product. With regard to funding, they have some but are still waiting for consistent funding, which will afford them the ability to bulk up their stock of products and supplies.

The Board expressed their strong desire for the Legislature to provide the necessary funding to provide the resources the Hawaii Ant Lab requires, including the ability to hire licensed PCOs to assist. Additionally, the State could assist in reaching out to qualified PCOs to address these eradication issues.

Vice Chairperson Manago asked Ms. Montgomery if she holds community meetings on the Big Island.

Ms. Montgomery stated they present at community meetings regarding their project. After they delineate the infestation and determine who is in the treatment area, they hold community meetings with those people to make sure they understand what it entails and to ensure they are onboard.

Executive Officer Green stated that the Hawaii Ant Lab requested the Board's determination on homeowners associations, select community volunteers, and non-profit partners conducting the treatment for LFAs through its proposed program.

It was the consensus of the Board that pursuant to HRS section 460J-26(3), employees of the Hawaii Ant Lab may use pesticides in the performance of their duties to treat for LFAs. However, HRS section 460J-26(3), does not exempt homeowners associations, select community volunteers, or non-profit partners from the requirements of HRS chapter 460J.

Executive Officer Green stated that this seems to be a large and far-reaching issue and the pest control industry may have some opinions or suggestions for success. Executive Officer Green mentioned to Ms. Montgomery that she may wish to have discussion with more members of the pest control industry, for example through the HPCA, to discuss the breadth of the issue and how they may pool resources to address the matter in a way that can meet the eradication goals.

Ms. Montgomery stated that would be preferred.

Chairperson Speed thanked Ms. Montgomery for her time.

Applications: a. Pest Control Operator (“PCO”)

	Applicant	Branch(es)
1.	Pest Help Hawaii, LLC Bronson Tokioka, RME	2 - APPROVED

b. Pest Control Field Representative (“PCFR”)

	Applicant	Branch(es)
1.	Angelita Aipoalani Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2 – Approved pending additional documentation
2.	Michelle Albalos Additional Classification The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	3 - DEFERRED
3.	Earl Cachola Additional Classification Orkin, LLC (PCO-1349 / BR-1, 2, 3)	3 - APPROVED
4.	Joshua Canyon Kilauea Pest Control Inc. (PCO-954 / BR-1, 2, 3)	3 - Approved pending additional documentation
5.	Jared Frazier Additional Classification The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	1 - APPROVED
6.	Sergio Hoyos Orkin, LLC (PCO-1349 / BR-1, 2, 3)	3 - APPROVED
7.	Christina Kawamoto-Butler Smart Pest Prevention LLC (PCO-1398 / BR-2, 3)	2 - APPROVED
8.	Rachel Kaohu The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	3 - DEFERRED
9.	Forest Matthews Additional Classification The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	1 - APPROVED

10.	Praise Morris Na Makana Aloha Group Inc. (PCO-1606 / BR-2, 3)	2, 3 - APPROVED
11.	Jonathan Olarti Kilauea Pest Control Inc. (PCO-954 / BR-1, 2, 3)	3 - Approved pending additional documentation
12.	Dennis Segovia Jr. The Terminix International Company, LP (PCO-618 / BR-1, 2, 3)	1, 2, 3 - APPROVED

It was motioned by Vice Chairperson Manago, seconded by Dr. Tay, and carried by the majority to approve or defer applications as noted above. Chairperson Speed recused himself from the applications of Joshua Canyon and Jonathan Olarti.

2024 Legislation:

- a. H.B. 1582 / S.B. 2366, Relating to Neonicotinoids
Classifies neonicotinoid pesticides as restricted use pesticides and establishes a list of chemicals that belong to the neonicotinoid class of chemicals.

Mr. Takeshima reported both bills are dead.

- b. H.B. 2646, Relating to Pesticides
Requires monthly rather than annual reporting of restricted use pesticides. Amends the contents of reports to include specific geospatial data and information, site information, and increased detail on the amount of restricted use pesticides used. Requires the department of agriculture to develop an online reporting tool for restricted use pesticides.

Mr. Takeshima reported this bill is dead.

- c. H.B. 2648, Relating to Neonicotinoids
Amends the definition of "restricted use pesticide" to include neonicotinoid pesticides.

Mr. Takeshima reported this bill is dead.

- d. S.B. 3315, 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. Establishes a one-half mile buffer zone for pesticides around schools and state and county public parks.

Mr. Takeshima reported this bill is dead.

e. S.B. 3316, S.D. 1, Relating to Pesticides

Requires quarterly rather than annual reporting of all use of restricted use pesticides. Amends the contents of reports to include specific geospatial data and information and increased detail on the amount of restricted use pesticides used. Requires the Department of Agriculture to develop an online reporting tool for restricted use pesticides. Takes effect 7/1/2040. (SD1)

Mr. Takeshima reported this bill passed through the Senate and is awaiting a hearing.

Announcements:

a. Next Meeting:

Monday, June 17, 2024
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 3:47 p.m.

Reviewed and Approved by:

Taken and recorded by:

/s/ Lei Ana Green

Lei Ana Green
Executive Officer

/s/ Marc Yoshimura

Marc Yoshimura
Secretary

LG:my

4/15/24

[X] Minutes approved as is.

[] Minutes approved with changes, see minutes of _____.