

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

BOARD MEETING AGENDA

Date: February 5, 2025

Time: 2:00 p.m.

In-Person Meeting Location: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Agenda: Posted on the State electronic calendar as required by HRS section 92-7(b).

If you wish to submit written testimony on any agenda item, please submit your testimony to pest_control@dcca.hawaii.gov or by hard copy mail to Attn: Pest Control Board, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

The Board may move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Hawaii Revised Statutes (“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).

1. Call to Order
2. Approval of the September 23, 2024, Board Meeting Minutes
3. Executive Officer’s Report
 - a. Examination results from September 2024, October 2024, November 2024, and December 2024
4. Applications
 - a. Pest Control Operator (“PCO”)

	Applicant	Branch(es)
1.	Armelio Cabatingan, RME Ecolab, Inc., PCO-640 / BR-1, 2, 3	2

2.	James Croley, RME Eco Shield Pest Control Oahu LLC, PCO-1568 / BR-2, 3	2, 3
3.	Kimberly Foster, RME Na Makana Aloha Group Inc, PCO-1606 / BR-2, 3	2, 3
4.	Wayne Koide, RME, PCO-795 Reactivation Environ Control Inc, PCO-588 / BR-2, 3	2, 3
5.	Nexgen Pest Solutions LLC John Speed, RME, PCO-855 / BR-2, 3 Dual Status	2, 3
6.	Pest Help Hawaii LLC, PCO-1765 / BR-2 Bronson Tokioka, RME, PCO-1767 / BR-2 Additional Class	3

b. Pest Control Field Representative (“PCFR”)

	Applicant	Branch(es)
1.	Braden Barker Orkin LLC / BR- 1, 2, 3	2, 3
2.	James Diott Eco Shield Pest Control Oahu LLC, PCO-1568 / BR-2, 3	2, 3
3.	Braxton Garma Na Makana Aloha Group Inc, PCO-1606 / BR-2, 3	2, 3
4.	Rachel Kaohu Rentokil North America Inc. PCO-1620 / BR-1, 2, 3	3
5.	Jonathan Katayama Ecolab, Inc., PCO-640 / BR-1, 2, 3	2
6.	Phillip Lewis Rentokil North America Inc. PCO-1620 / BR-1, 2, 3	2
7.	Zachary Navas Eco Shield Pest Control Oahu LLC, PCO-1568 / BR-2, 3	2, 3
8.	Aileen Sta. Ines American Fumigation Services, LLC, PCO-1595 / BR-1	1

c. With Exam Ratifications

	Applicant	Branch(es)
1.	Ben Anitov, PCFR Orkin LLC / BR- 1, 2, 3	3
2.	Blake Cockett, PCFR Additional Classification Bowman Termite and Pest Management LLC, / BR-1, 2, 3	1
3.	Chelsey-Ann Kalua, PCFR Aloha Termite Kauai Inc, PCO-1118 / BR-1, 2, 3	2
4.	Alexis Marquez-Heredia, PCFR Bowman Termite and Pest Management LLC, / BR-1, 2, 3	2, 3
5.	Charles McGirr, PCO Additional Class Orkin LLC / BR- 1, 2, 3	3
6.	Jim Mones , PCFR Aloha Termite Kauai Inc, PCO-1118 / BR-1, 2, 3	2, 3
7.	Fernando Montejo, PCFR Aloha Termite Kauai Inc, PCO-1118 / BR-1, 2, 3	1, 2, 3
8.	Julian Valdez, PCFR Rentokil North America Inc. PCO-1620 / BR-1, 2, 3	2
9.	Clinton Yamashita, PCFR Rentokil North America Inc. PCO-1620 / BR-1, 2, 3	1

d. Trade Name Approval

	Applicant
1.	P.E.S.T. American Fumigation Services LLC, PCO-1595 / BR-1, 2, 3
2.	The Pest Group American Fumigation Services LLC, PCO-1595 / BR-1, 2, 3
3.	Bug Man Termite and Pest Control Kilauea Pest Control Inc, PCO-954 / BR-1, 2, 3

4.	Bug Man Kilauea Pest Control Inc, PCO-954 / BR-1, 2, 3
5.	The Bug Man Kilauea Pest Control Inc, PCO-954 / BR-1, 2, 3
6.	Warrior Pest Control Kilauea Pest Control Inc, PCO-954 / BR-1, 2, 3

5. 2025 Legislative Session

a. S.B. 139, Relating to Invasive Species

Authorizes any department of the Invasive Species Council, county, or any agent of a department of the Invasive Species Council or a county, including the Hawaii Ant Lab or an island-based invasive species committee to use community action programs for the control or eradication of certain invasive pests. Defines community action program. Exempts individuals participating in a community action program from pest control operator requirements and regulations.

b. Legislative Liaison

The Board will consider delegating authority to Board members to provide general subject matter information and/or testimony to the Legislature for the 2025 Legislative Session. Decision making to follow.

6. Delegation to Executive Officer

The Board will consider whether it will delegate to its Executive Officer(s) the authority to approve certain prior convictions on its behalf to expedite the application process. Decision making to follow.

7. 2025 Meeting Schedule

The Board will discuss the 2025 Meeting Schedule.

8. Announcements

a. Next Meeting:

March 24, 2025
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

9. Adjournment

LG:my
1/30/25

If you need an auxiliary aid/service or other accommodation due to a disability, contact Lei Ana Green at (808) 586-2704 or pest_control@dcca.hawaii.gov as soon as possible, preferably by February 3, 2025. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

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

MINUTES OF THE MEETING

Date: September 23, 2024

Time: 2:00 p.m.

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

Present: 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: John Speed, Industry Member, Chairperson
Gracelda Simmons, Department of Health, Ex-Officio

Guest(s): None

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 Chairperson Manago called the meeting to order at 2:04 p.m.

Mr. Montalbo moved to amend the agenda to add the Pest Control Operator Branch 2 application for Armelio Cabatingan, as additional RME for Eco-Lab, Inc. Mr. Cabatingan’s Branch 2 application was previously published in the May 22, 2023, meeting agenda. The motion was seconded by Dr. Tay, and unanimously carried to approve this amendment to the agenda.

Approval of Minutes:

It was motioned by Mr. Lee, seconded by Mr. Montalbo, and unanimously carried to approve the open session minutes of the March 18, 2024, meeting.

Executive
Officer's Report: a. Examination Report

PSI
HAWAII PEST CONTROL EXAMINATIONS
EXAMINATIONS ADMINISTERED March 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	2	1	1	50%	50%
OPERATOR BR 2	0	0	0	0%	0%
FIELD REP BR 3	1	0	1	0%	100%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				4	
TOTAL NO. EXAMS PASSED				3	
TOTAL NO. EXAMS FAILED				1	
TOTAL PERCENT PASSED				75%	
TOTAL PERCENT FAILED				25%	

PSI
HAWAII PEST CONTROL EXAMINATIONS
EXAMINATIONS ADMINISTERED April 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	2	1	1	50%	50%
OPERATOR BR 2	1	0	1	0%	100%
FIELD REP BR 3	1	0	1	0%	100%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				6	
TOTAL NO. EXAMS PASSED				5	
TOTAL NO. EXAMS FAILED				1	
TOTAL PERCENT PASSED				83.33%	
TOTAL PERCENT FAILED				16.67%	

PSI
HAWAII PEST CONTROL EXAMINATIONS
EXAMINATIONS ADMINISTERED May 2024

<u>ADMINISTERED</u>					
<u>EXAM</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	1	1	1	100%	0%
OPERATOR BR 2	0	0	0	0%	0%
FIELD REP BR 3	2	1	1	50%	50%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				4	
TOTAL NO. EXAMS PASSED				2	
TOTAL NO. EXAMS FAILED				2	
TOTAL PERCENT PASSED				50%	
TOTAL PERCENT FAILED				50%	

PSI
HAWAII PEST CONTROL EXAMINATIONS
EXAMINATIONS ADMINISTERED June 2024

<u>ADMINISTERED</u>					
<u>EXAM</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	0	0	0	0%	0%
OPERATOR BR 2	0	0	0	0%	0%
FIELD REP BR 3	0	0	0	0%	0%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				1	
TOTAL NO. EXAMS PASSED				1	
TOTAL NO. EXAMS FAILED				0	
TOTAL PERCENT PASSED				100%	
TOTAL PERCENT FAILED				0%	

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

ADMINISTERED					
EXAM	NO. EXAMS	NO. FAIL	NO. PASS	% FAIL	%PASS
PART 1	0	0	0	0%	0%
FIELD REP BR 1	1	1	0	100%	0%
OPERATOR BR 1	0	0	0	0%	0%
FIELD REP BR 2	2	0	2	0%	100%
OPERATOR BR 2	0	0	0	0%	0%
FIELD REP BR 3	4	2	2	50%	50%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				7	
TOTAL NO. EXAMS PASSED				4	
TOTAL NO. EXAMS FAILED				3	
TOTAL PERCENT PASSED				57.14%	
TOTAL PERCENT FAILED				42.86%	

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

ADMINISTERED					
EXAM	NO. EXAMS	NO. FAIL	NO. PASS	% FAIL	%PASS
PART 1	0	0	0	0%	0%
FIELD REP BR 1	0	0	0	0%	0%
OPERATOR BR 1	0	0	0	0%	0%
FIELD REP BR 2	2	0	2	0%	100%
OPERATOR BR 2	0	0	0	0%	0%
FIELD REP BR 3	3	1	2	33.33%	66.67%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				5	
TOTAL NO. EXAMS PASSED				4	
TOTAL NO. EXAMS FAILED				1	
TOTAL PERCENT PASSED				80.0%	
TOTAL PERCENT FAILED				20%	

Correspondence: a. Jonathan Montalbo, Aloha Termite Kauai Inc.

Executive Officer Green stated that Mr. Montalbo's inquiry asked if a pest control operator (PCO) Branch 2, General Pest, license is

required to perform pest control work to treat for the coconut rhinoceros beetle (“CRB”).

Dr. Tay stated that the CRB primarily targets trees, such as coconut trees and palm trees.

Mr. Lee and Mr. Montalbo agreed, and stated the CRB is primarily looking for live fibrous matter, such as new growth of palm trees.

Mr. Lee stated that there is an example of a coconut rhinoceros beetle falling onto the roof of a house from a palm tree, then entering the attic and eating through the ceiling and entering the household, which shows that the CRB could enter a structure.

Dr. Tay responded that, based on the CRB’s current behavior, entering a household would be an exception and not the norm, as the CRB does not appear to typically invade structures.

Mr. Lee opined that if a member of the public wishes to treat the structure for the CRB, then a pest control operator license is required to treat the structure.

After discussion, it was the consensus of the Board that a license is not required to treat the trees that the CRB is most likely to inhabit. However, a pest control operator Branch 2 license is required to treat a structure for the CRB.

b. Clinton Yamashita, Orkin, LLC

Executive Officer Green informed the Board of an inquiry received from Clinton Yamashita from Orkin, LLC.

She referred the Board to Hawaii Revised Statutes (“HRS”) section 460J-1:

“‘Pest control’ means, with respect to wood-destroying pests, or other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting, or performing the following for hire:

- (1) Identifying pests or infestations;
- (2) Making an inspection for the purpose of identifying or attempting to identify infestations of household or other structures by pests;
- (3) Making inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to infestations; or

- (4) Making contracts, or submitting bids for, or the use of avicides, insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices, for the purpose of eliminating, exterminating, controlling, or preventing infestations of pests or organisms.”

Mr. Yamashita’s questions and the Board’s determinations are as follows:

Question 1: We have call centers outside of Hawaii. To what extent can the call center staff assist with phone inquiries?

After discussion, it was the consensus of the Board that unlicensed call center staff may perform administrative work, such as scheduling, billing, and taking messages.

Question 2: For new customers calling in and requesting information about our services, can someone outside of Hawaii give that person an estimate of what the cost would be and schedule an appointment for a licensed Hawaii Pest Control Operator to further engage with that person?

After discussion, it was the consensus of the Board that unlicensed call center staff may help a caller schedule an appointment for a licensed Hawaii Pest Control Operator to further engage with that person. Pursuant to section 460J-1, a Hawaii pest control operator or pest control field representative license is required in order to provide estimates (costs).

Question 3: Is someone outside of Hawaii allowed to answer the following questions from a caller: What would the cost be for Orkin to provide me pest control service at my home? What type of programs for pest control are available?”

After discussion, it was the consensus of the Board that a Hawaii pest control operator or pest control field representative license is required to answer the following questions from a caller: “What would the cost be for Orkin to provide me pest control service at my home?” or “What type of programs for pest control are available?” Pursuant to section 460J-1, a Hawaii pest control operator or pest control field representative license is required in order to provide recommendations and estimates (costs).

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

	Applicant	Branch(es)
1.	Andrew Kim, PCO Hawaii Pest Solutions, Inc., PCO-1216 / BR-2, 3	2, 3 - APPROVED
2.	Aileen Ines American Fumigation Services, LLC, PCO-1595 / BR-1	1 - DEFERRED
3.	Armelio Cabatingan, RME Ecolab, Inc., PCO-640 / BR-1, 2, 3	2 - DEFERRED

b. Pest Control Field Representative (“PCFR”)

	Applicant	Branch(es)
1.	Chad Land Rentokil North America, Inc., PCO-1620 / BR-1, 2, 3	1, 2, 3 – APPROVED, PENDING ADDITIONAL DOCUMENTATION

c. With Exam Ratifications

	Applicant	Branch(es)
1.	Prospero Donato, PCFR Orkin, LLC, PCO-1349 / BR-1, 2, 3	2, 3
2.	Rebecca London, PCFR Orkin, LLC, PCO-1349 / BR-1, 2, 3	2
3.	Julian Valdez, PCFR Rentokil North America, Inc., PCO-1620 / BR-1, 2, 3	2

d. Without Exam Ratifications

	Applicant	Branch(es)
4.	808 Pest Exterminator, LLC Tyler Mayekawa, RME, PCO-1769 / BR-2	2
5.	Patrick Whang, PCFR-695 Reactivation Aloha Termite Kauai, Inc., PCO-1118 / BR-1, 2, 3	2, 3

e. Trade Name Approval

	Trade Name / Licensee	
1.	Terminix Rentokil North America, Inc., PCO-1620 / BR-1, 2, 3	APPROVED
2.	Kona Coast Pest Control Rentokil North America, Inc., PCO-1620 / BR-1, 2, 3	APPROVED

3.	Terminix Commercial Hawaii Rentokil North America, Inc., PCO-1620 / BR-1, 2, 3	APPROVED
4.	Sandwich Isle Pest Solutions Rentokil North America, Inc., PCO-1620 / BR-1, 2, 3	APPROVED

It was motioned by Mr. Takeshima, seconded by Mr. Montalbo, and unanimously carried by the majority to approve, defer, deny, or ratify applications and tradenames as noted above, with Mr. Montalbo recusing himself from the application for Patrick Whang, PCFR-695, and Vice Chairperson Manago recusing himself from the application of Andrew Kim.

Election of Officers:

a. Chairperson

It was moved by Mr. Montalbo, seconded by Mr. Lee, and unanimously carried to elect Terrence Manago as Chairperson.

b. Vice Chairperson

It was moved by Mr. Montalbo, seconded by Mr. Lee, and unanimously carried to elect William Lee as Vice Chairperson.

Announcements:

a. Next Meeting:

TBD
 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 3:03 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

10/20/24

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

PEST CONTROL SUMMARY OF EXAMS ADMINISTERED

September-24

EXAM	# ADMIN	1st Time PASS	1st Time PASS%	TOTAL FAIL	TOTAL PASS	TOTAL FAIL %	TOTAL PASS %
Pest Control Operator Business and Law	0	0	0.00%	0	0	0.00%	0.00%
Fumigation - Pest Control Field Representative	2	1	50.00%	0	2	0.00%	100.00%
Fumigation - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
General Pest - Pest Control Field Representative	4	3	75.00%	0	4	0.00%	100.00%
General Pest - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
Termite - Pest Control Field Representative	2	1	50.00%	1	1	50.00%	50.00%
Termite - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%

TOTAL EXAMS ADMINISTERED	8
EXAM PASSED 1st TIME	5
EXAM PASSED 1st TIME %	62.50%
TOTAL EXAMS FAILED	1
TOTAL EXAMS PASSED	7
TOTAL PERCENTAGE FAILED %	12.50%
TOTAL PERCENTAGE PASSED %	87.50%

PEST CONTROL SUMMARY OF EXAMS ADMINISTERED

October-24

EXAM	# ADMIN	1st Time PASS	1st Time PASS%	TOTAL FAIL	TOTAL PASS	TOTAL FAIL %	TOTAL PASS %
Pest Control Operator Business and Law	0	0	0.00%	0	0	0.00%	0.00%
Fumigation - Pest Control Field Representative	2	0	0.00%	2	0	100.00%	0.00%
Fumigation - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
General Pest - Pest Control Field Representative	2	1	50.00%	1	1	50.00%	50.00%
General Pest - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
Termite - Pest Control Field Representative	2	0	0.00%	2	0	100.00%	0.00%
Termite - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%

TOTAL EXAMS ADMINISTERED	6
EXAM PASSED 1st TIME	1
EXAM PASSED 1st TIME %	16.67%
TOTAL EXAMS FAILED	5
TOTAL EXAMS PASSED	1
TOTAL PERCENTAGE FAILED %	83.33%
TOTAL PERCENTAGE PASSED %	16.67%

PEST CONTROL SUMMARY OF EXAMS ADMINISTERED

November-24

EXAM	# ADMIN	1st Time PASS	1st Time PASS%	TOTAL FAIL	TOTAL PASS	TOTAL FAIL %	TOTAL PASS %
Pest Control Operator Business and Law	0	0	0.00%	0	0	0.00%	0.00%
Fumigation - Pest Control Field Representative	0	0	0.00%	0	0	0.00%	0.00%
Fumigation - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
General Pest - Pest Control Field Representative	1	0	0.00%	1	0	100.00%	0.00%
General Pest - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
Termite - Pest Control Field Representative	0	0	0.00%	0	0	100.00%	0.00%
Termite - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%

TOTAL EXAMS ADMINISTERED	1
EXAM PASSED 1st TIME	0
EXAM PASSED 1st TIME %	0.00%
TOTAL EXAMS FAILED	1
TOTAL EXAMS PASSED	0
TOTAL PERCENTAGE FAILED %	100.00%
TOTAL PERCENTAGE PASSED %	0.00%

PEST CONTROL SUMMARY OF EXAMS ADMINISTERED

December-24

EXAM	# ADMIN	1st Time PASS	1st Time PASS%	TOTAL FAIL	TOTAL PASS	TOTAL FAIL %	TOTAL PASS %
Pest Control Operator Business and Law	0	0	0.00%	0	0	0.00%	0.00%
Fumigation - Pest Control Field Representative	0	0	0.00%	0	0	0.00%	0.00%
Fumigation - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
General Pest - Pest Control Field Representative	0	0	0.00%	0	0	0.00%	0.00%
General Pest - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%
Termite - Pest Control Field Representative	1	0	0.00%	0	1	0.00%	0.00%
Termite - Pest Control Operator	0	0	0.00%	0	0	0.00%	0.00%

TOTAL EXAMS ADMINISTERED	1
EXAM PASSED 1st TIME	0
EXAM PASSED 1st TIME %	0.00%
TOTAL EXAMS FAILED	0
TOTAL EXAMS PASSED	1
TOTAL PERCENTAGE FAILED %	0.00%
TOTAL PERCENTAGE PASSED %	100.00%

JAN 15 2025

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that high-impact invasive
2 pests such as little fire ants (LFA) are rapidly spreading
3 across the State, including on Oahu where LFA infestations in
4 neighborhoods have drastically increased in the past few years
5 with more than sixty active sites as of May 2024.

6 The legislature further finds that the university of Hawaii
7 projects, including the Hawaii ant lab and the island-based
8 invasive species-committees (ISCs) provide practical and applied
9 research and extension services to support and fill gaps to meet
10 the goal of protecting the islands and communities from the
11 impacts of particularly harmful invasive species. However,
12 these projects are grant-funded and do not always have
13 sufficient staff and resources to control and eliminate
14 infestations of LFA in neighborhoods on Oahu, Kauai, and Maui,
15 or to support neighborhoods on Hawaii island that wish to carry
16 out control programs.



1 The legislature also finds that authorizing the departments
2 of the Hawaii invasive species council, the counties, and their
3 agents, including the Hawaii ant lab and the ISCs, to develop
4 and supervise community action programs that utilize volunteers
5 who live or work in infested areas to control or eradicate pests
6 like the LFA would be a cost-effective and efficient approach to
7 combat these invasive pests.

8 Accordingly, the purpose of this Act is to authorize the
9 use of community action programs for the control or eradication
10 of certain invasive pests.

11 SECTION 2. Chapter 460J, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§460J- Community action programs. (a) Any department
15 of the invasive species council, county, or any agent of a
16 department of the invasive species council or a county,
17 including the Hawaii ant lab or an island-based invasive species
18 committee, may develop and carry out a community action program
19 for any invasive species identified by the invasive species
20 council for control or eradication.

21 (b) A community action program shall:



- 1 (1) Include training for community action program
2 volunteer participants on the application and use of
3 each non-restricted use pesticide utilized in the
4 program;
- 5 (2) Include education and outreach to each community where
6 a community action program will be carried out;
- 7 (3) Ensure appropriate supervision of all volunteers
8 preparing or applying a non-registered pesticide under
9 the program;
- 10 (4) Ensure that any non-restricted use pesticide used in
11 the program is applied in accordance with its label;
12 and
- 13 (5) Ensure that any non-restricted use pesticide
14 distributed to owners or occupiers of a property
15 includes the full label for the pesticide.
- 16 (c) Any individual participating in a community action
17 program shall not be considered a pest control operator.
- 18 (d) A community action program may utilize volunteers
19 employed by any employer that agrees to make its employees or
20 staff available during their work hours to participate in the
21 community action program.



1 (e) A community action program may contract with, and
2 provide compensation to, a person carrying out education and
3 outreach as required by subsection (b)(2).

4 (f) Any employee or agent of any department of the
5 invasive species council or county, including the Hawaii ant lab
6 or an island-based invasive species committee, and any
7 individual volunteer participating in a community action program
8 shall be liable only for damage caused by acts beyond the scope
9 of the person's authority, or acts resulting from the person's
10 negligence, gross negligence, or intentional misconduct while
11 carrying out a community action program.

12 (g) As used in this section:

13 "Community action program" means a program carried out by a
14 department of the invasive species council, a county, or their
15 agent, including the Hawaii ant lab or an island-based invasive
16 species committee, that utilizes volunteers to distribute or
17 apply non-restricted use pesticides in a particular community or
18 geographic area to control or eradicate an invasive species
19 identified by the invasive species council for control or
20 eradication.



1 "Department of the invasive species council" means each of
2 the state entities that comprise the invasive species council
3 established pursuant to section 194-2, including:

- 4 (1) The department of agriculture;
- 5 (2) The department of business, economic development, and
6 tourism;
- 7 (3) The department of health;
- 8 (4) The department of land and natural resources;
- 9 (5) The department of transportation; and
- 10 (6) The university of Hawaii."

11 SECTION 3. Section 460J-26, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§460J-26 Exemptions.** This chapter shall not apply to:

- 14 (1) Officials of the federal government on military
15 reservations;
- 16 (2) Personnel of the United States Department of
17 Agriculture, the state department of agriculture, or
18 state department of land and natural resources, or the
19 United States Public Health Service in the performance
20 of their official duties;



- 1 (3) Other government employees who conduct research on
- 2 pesticides or pest control or who use pesticides in
- 3 the performance of their duties;
- 4 (4) Qualified scientific personnel specially exempted by
- 5 the board;
- 6 (5) Persons engaged in pest control for agricultural
- 7 purposes; [ø]
- 8 (6) Engineers or architects licensed under chapter 464
- 9 who:
 - 10 (A) Draft or prepare design documents that prescribe
 - 11 anti-termite or anti-pest measures, including the
 - 12 specification of termiticides, that are required
 - 13 by the building code and other governmental
 - 14 agencies;
 - 15 (B) Conduct building condition or assessment surveys
 - 16 to observe and evaluate the condition of the
 - 17 building or structure, if the primary purpose of
 - 18 these surveys is not to report on the
 - 19 identification of infestations; or
 - 20 (C) Prepare reports based on the results of the
 - 21 surveys specified in subparagraph (B) that



1 identify the location, extent, and probable cause
 2 of the pest damage (e.g., "termite damage");
 3 provided that where a report concerns termite
 4 damage, the particular type or species of termite
 5 shall not be specified unless the report is
 6 written in consultation with a licensed pest
 7 control operator licensed in termite control or
 8 other duly recognized expert in urban entomology,
 9 such as an insect taxonomist or urban
 10 entomologist with expertise in the identification
 11 or control of termites; and provided further that
 12 if a licensed pest control operator is not
 13 consulted, the report shall include a
 14 recommendation that a licensed pest control
 15 operator be contracted for further assessment or
 16 treatment[-]; or

17 (7) Individuals participating in a community action
 18 program under section 460J- ."

19 SECTION 4. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'JPL', is written over a horizontal line that follows the text 'INTRODUCED BY:'. The signature is stylized and cursive.

S.B. NO. 139

Report Title:

Community Action Programs; Invasive Species; Little Fire Ants;
Hawaii Ant Lab

Description:

Authorizes any department of the Invasive Species Council, county, or any agent of a department of the Invasive Species Council or a county, including the Hawaii Ant Lab or an island-based invasive species committee to use community action programs for the control or eradication of certain invasive pests. Defines community action program. Exempts individuals participating in a community action program from pest control operator requirements and regulations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





Cabinet-level direction on invasive species issues
Hawaii Invasive Species Council

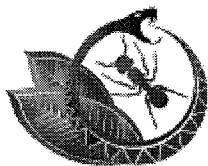
[Home](#) » [Invasive Species](#) » [Invasive Species Profiles](#)

INVASIVE SPECIES PROFILES

The federal and state definitions for “invasive species” are broad, non-regulatory terms that describe any non-native species that causes or could cause harm to agriculture, natural resources, economy, or human health. In Hawaii, there are thousands of species that fit this broad definition of “invasive species.”

There is currently no regulatory list of “invasive species” in Hawaii. The HISC is in the process of developing administrative rules that would describe a small subset of species for which control and eradication over a large geographic area are still possible. This will include species like miconia, or little fire ants, which have substantial negative impacts but can still be managed at island-wide scales or on large geographic areas within islands.

The species below are not meant to represent a regulatory intent, nor is this a comprehensive list of species fitting the state “invasive species” definition. The species below are those for which the HISC has directed funding for research, and/or prevention and control actions.



REPORT INVASIVE SPECIES
643-PEST
643pest.org
 CALL OR CLICK TO PROTECT HAWAII

NAME	REGULATORY STATUS	PREVENTION / CONTROL CATEGORY
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Bodhi Tree (<i>Ficus religiosa</i>)		MoMISC Target Species
Bronze-Leaved Clerodendrum (<i>Clerodendrum quadriloculare</i>)		
Butterfly bush (<i>Buddleja davidii</i>)		
<u>Cane Tibouchina (<i>Tibouchina herbaceae</i>)</u>	Hawaii Noxious Weed List	OISC Target Species
Cape Ivy (<i>Delaria odorata</i>)		OISC Target Species
<u>Cattail (<i>Typha latifolia</i>)</u>		KISC Target Species
Cherokee Rose (<i>Rosa laevigata</i>)		
Chinese Tallow Tree (<i>Sapium sebiferum</i>)		BIISC EDRR Species
<u>Christmas Berry (<i>Schinus terebinthifolius</i>)</u>		
Cissus (<i>Cissus repens</i>)		
Cogon Grass (<i>Imperata cylindrica</i>)	Hawaii Noxious Weed List Federal Noxious Weed List	

<u>Fountain Grass</u> (<i>Pennisetum setaceum</i>)	Hawaii Noxious Weed List	KISC EDRR Species OISC Target Species MISC Target Species BIISC Target Species
<u>French Broom</u> (<i>Genista monspessulana</i>)		
<u>Giant Reed</u> (<i>Arundo donax</i>)		KISC Target Species
<u>Glory Bush</u> (<i>Tibouchina urvilleana</i>)	Hawaii Noxious Weed List	OISC Target Species
<u>Gorilla Ogo</u> (<i>Gracilaria salicornia</i>)		
<u>Gorse</u> (<i>Ulex europaeus</i>)	Hawaii Noxious Weed List	
<u>Himalayan Blackberry</u> (<i>Rubus discolor</i>)		OISC Target Species
<u>Himalayan Ginger</u> (<i>Hedychium gardnerianum</i>)		
<u>Himalayan Raspberry</u> (<i>Rubus ellipticus</i>)	Hawaii Noxious Weed List	
<u>Hiptage</u> (<i>Hiptage benghalensis</i>)		

<u>Miconia</u> (<i>Miconia calvescens</i>)	Hawaii Noxious Weed List	KISC Target Species OISC Target Species MISC Target Species BIISC Target Species
Molucca Raspberry (<i>Rubus sieboldii</i>)	Hawaii Noxious Weed List	
Mule's Foot Fern (<i>Angiopteris evecta</i>)		
Mullein (<i>Verbascum thapsus</i>)	Hawaii Noxious Weed List	MISC Target Species
Mysore Raspberry (<i>Rubus niveus</i>)	Hawaii Noxious Weed List	
<u>New Zealand Flax</u> (<i>Phormium tenax</i>)		MoMISC Target Species
Night Blooming Jasmine (<i>Cestrum</i> sp.)		
Nile Tulip (<i>Markhamia lutea</i>)		BIISC EDRR Species
Oriental Bittersweet (<i>Celastrus orbiculatus</i>)		

Smoke Bush (<i>Buddleja madagascariensis</i>)		
Spanish Broom (<i>Spartium junceum</i>)		
Spiked Pepper (<i>Piper aduncum</i>)	Hawaii Noxious Weed List	
Stranvaesia Photinia (<i>Photinia davidiana</i>)		BIISC Target Species
Strawberry Guava (<i>Psidium cattleianum</i>)		
Sweet Autumn Clematis (<i>Clematis terniflora</i>)		
Tibouchina Genus (<i>Tibouchina sp.</i>)	Hawaii Noxious Weed List	BIISC EDRR Species
Tree of Heaven (<i>Ailanthus altissima</i>)		
Tumbleweed/ Russian thistle (<i>Salsola kali</i>)	Hawaii Noxious Weed List	MoMISC Target Species
Wax Myrtle (<i>Morella cerifera</i>)		BIISC Target Species
Vertebrates		

<u>Red-vented Bulbul (<i>Pycnonotus cafer</i>)</u>	Hawaii Injurious Wildlife	
<u>Red-whiskered Bulbul (<i>Pycnonotus jocosus</i>)</u>	Hawaii Injurious Wildlife Federal Injurious Wildlife	
Rodents		
<u>Rose-ringed Parakeet (<i>Psittacula krameri</i>)</u>	Hawaii Injurious Wildlife	
Snakes	Hawaii Injurious Wildlife	
Ungulates	Hawaii Injurious Wildlife	
<u>Veiled Chameleon (<i>Chameleo calyptratus</i>)</u>	Hawaii Injurious Wildlife	
Invertebrates		
<u>Africanized Honeybee (<i>Apis mellifera scutellata</i>)</u>	Hawaii Injurious Wildlife	

<p><u>Little Fire Ant (<i>Wasmannia auropunctata</i>)</u></p>	<p>Hawaii Injurious Wildlife</p> <p>HDOA Pest for Control</p>	<p>KISC Target Species</p> <p>OISC Target Species</p> <p>MoMISC EDRR Species</p> <p>MISC Target Species</p>
<p><u>Mosquitos</u></p>	<p>Hawaii Department of Health – Vector Control Branch</p>	
<p><u>Naio Thrips (<i>Klambothrips myopori</i>)</u></p>	<p>HDOA Pest Advisory</p>	
<p><u>Nettle Caterpillar (<i>Darna pallivitta</i>)</u></p>	<p>Hawaii Injurious Wildlife</p> <p>HDOA Pest for Control</p>	
<p><u>Ramie moth (<i>Arcte coerulea</i>)</u></p>	<p>HDOA Pest Advisory</p>	
<p><u>Rat Lungworm (<i>Angiostrongylus cantonensis</i> – parasitic nematode (roundworm parasite))</u></p>	<p>Hawaii Department of Health</p>	
<p><u>Red Imported Fire Ant (<i>Solenopsis invicta</i>)</u></p>	<p>Hawaii Injurious Wildlife</p> <p>HDOA Pest for Control</p>	
<p><u>Small Hive Beetle (<i>Aethina tumida</i>)</u></p>	<p>Hawaii Injurious Wildlife</p>	

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.

(xiii)	Randy Phimmasen The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1, 2, 3	BR-1 & 3 Approved BR-2 Approved pending verification of additional information on job lists
(xix)	Patricio Pinones The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
(xv)	Ladislau Roy The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2, 3	BR-2 Approved BR-3 Approved pending verification of additional information on job list
(xvi)	Christian Searle The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved pending verification of additional information on job list

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

Unfinished Business:

a. Rule Revisions

(i) HAR section 16-94-17

EO Tamanaha reported to the Board that the Permitted Interaction Group ("PIG"), met this morning to discuss the HAR section 16-94-17. She further stated that the PIG will have another meeting prior to the next scheduled meeting. Once the PIG decides what they will propose, they will make a recommendation to the Board at the next regularly scheduled meeting.

Scope:



a. Email received from Cal Westergard from the Pesticide Education Branch (HDOA) in Hilo

The Big Island has a Little Fire Ant ("LFA") issue. Many landscapers and arborists are being bitten when taking care of client yards. These landscapers/arborists would also like to treat private land for LFA (using pesticides). These landscapers/arborists are not treating any structures, just ornamental landscapes. Would these landscapers/arborists need to have a PCO license?

EO Tamanaha told the Board that she also received several other calls from landscapers/arborists regarding the LFA issue on the Big Island, so it seems to be a prevalent issue.

EO Tamanaha referred the Board to Hawaii Revised Statutes ("HRS") Chapter 460J-1, Definitions:

" 'Pest control' means, with respect to wood-destroying pests, or other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof,..."

EO Tamanaha told the Board that the law refers to households and other structures and that per the exemptions related to pest control, it does not apply to pest control for agricultural purposes. As stated in HRS 460J-26(5):

"Exemptions. This chapter shall not apply to:

(5) Persons engaged in pest control for agricultural purposes;

The Board will have to make the determination on the definition of pest control and whether this particular treatment of LFAs fits within that definition.

The Board concluded that if the landscapers/arborists are in their clients' yard treating LFAs, which may invade a household or other structure per HRS 460J-1, this would require a pest control license.

Public Comment:

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 discussing or acting on items raised by Public Comment that are not already on the agenda. ***Public Comment will be limited to 5 minutes per person at the discretion of the Chairperson***

None.

Announcements:

a. Next Meeting:

Monday, September 23, 2019
2:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

it is a violation to send a unlicensed person no matter how experienced to secure pest control work, identify infestations, make inspections and recommendations, submit bids or sign contracts without a PCFR or PCO license.”

The EO stated that the Board may affirm its interpretation from 2000.

DAG Paige mentioned that the objective is to be able to read the two statutory sections in harmony. He added that there may be certain types of duties/obligations under a contract that would be applicable to HRS §460J-23, which may not necessarily include the TIR.

Members discussed that an unlicensed person may not do TIRs and that a purpose of obtaining a field representative license is to be able to identify and write reports. Another member stated that a lot of people are sending unlicensed individuals to do these things. Mr. Lyons agreed that this is happening in the industry.

Mr. Lyons mentioned that the TIR form from 2005 provides a field for the name of the inspector, not the name of licensed inspector. But there is another block for the name of the RME. He suggested that, once there is clarity on this issue, HPCA will help get the word out.

The EO informed Mr. Lyons that the current TIR form has a field for the PCFR/PCO to sign.

DAG Paige suggested that this matter is likely to be of interest to a lot of people, so the Board should consider placing this matter on the agenda for the next Board meeting.

After discussion, the Board directed the EO to respond to the two inquires informing the individuals that a PCFR license is required for TIRs and warranty inspections.

c. PCO License for Advertising and Commercial Pest Control Treatment

Dr. Kenneth Grace briefed the Board on an inquiry from the Big Island Invasive Species Committee. There is a committee on every Island that does public service work including some ant control. The individuals on the committee are trained by the Hawaii Ant Lab and in turn, are training homeowners. The committee asked if it were to do this as a business, would a license be necessary even if they were not entering homes, but only applying baits outside

Dr. Grace indicated that based on review of the statutes and discussions with the EO, he informed the Big Island Invasive Species Committee that a PCO license would be required.

Board Delegation to EO on Applications with Prior Convictions

For Board consideration: Would the Board like to “delegate” to the EO approval of prior convictions from applicants that meet the following criteria:

- Only one conviction on record;
- No felony conviction;
- Applicant has complied (nothing outstanding, e.g. probation, fine, etc.) with court sanctions/fines, etc.;
- Conviction not related to applicant’s performance as a pest control field representative or pest control operator; and
- Conviction not within 5 years of date application received.

Proposed delegation list of convictions below:

Conviction	Delegated to EO
<u>Traffic Violations/Tickets:</u> <ul style="list-style-type: none"> - Speeding - Parking - Driving w/out or with expired license - Not wearing a seat belt - Failing to stop at stop sign - Failure to yield right of way to vehicle - Following too closely - Violate restrictions on driver’s license - Negligent driving - Running a red light - Talking on cell phone while driving - Driving in emergency lane - Failing to stop for school bus - Driving w/out insurance - Making left turn at intersection - Grass parking in public park - No bicycle or moped tax decal - Bicycle racing - Parking in tow zone - Delinquent vehicle tax 	
Unlawful entry w/out park permit	
Minor in possession of alcohol	
Curfew violations	
Trespass	
Reckless/Wet driving	
Negligent driving	
Possess open container while driving	
Obstruction of Highway	
Disorderly conduct	

Board Delegation to EO on Applications with Prior Convictions

Dog/cat at large, unlicensed animal, unlawful animal attack	
Telephone harassment	
Disturbing the peace	
Criminal damage property/Injury to real property	
Criminal Contempt of Court	
DUI/DWI/OVI	
Driving with a 0.08 higher blood alcohol	
DUI-Property damage	
Operating a motorboat while intoxicated	
Failure to appear in answer to citations	
Drinking in public/drunken in public	

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

2025 MEETING SCHEDULE

Board meeting from 2:00 p.m. to 4:00 p.m.

Meeting Date	Day	Conference Room
January 27	Monday	King Kalakaua
March 24	Monday	King Kalakaua
June 30	Monday	King Kalakaua
September 29	Monday	King Kalakaua