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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-SIXTH STATE LEGISLATURE
REGULAR SESSION, 2010

MONDAY, MARCH 28, 2011
2:00 P.M.

TESTIMONY ON
HOUSE CONCURRENT RESOLUTION NO. 82/HOUSE RESOLUTION NO. 76

STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR
PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS, AND
TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013
REGULAR SESSION OF THE HAWAII LEGISLATURE.

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TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND TO THE HONORABLE RYAN I. YAMANE, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department")
appreciates the opportunity to testify on H.C.R. No. 82 and H.R. No. 76. My name
is Jo Ann Uchida of the Department's Regulated Industries Complaints Office
("RICO"). RICO supports these resolutions.

Testimony on H.C.R. No. 82/H.R. No. 76
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H.C.R. No. 82 and H.R. No. 76 strongly urge the Pest Control Board to develop standards for pest control operators and termite inspection reports. At the present time, the standards for termite inspections are not set forth in the pest control law or its rules, so it is difficult to determine whether a termite inspection was performed adequately. As such, the resolutions will aid in enforcement.

Thank you for this opportunity to testify on H.C.R. No. 82 and H.R. No. 76. I will be happy to answer any questions that the members of the Committee may have.

**PRESENTATION OF THE
PEST CONTROL BOARD**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Monday, March 28, 2011
2:00 p.m.

TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 82 AND HOUSE RESOLUTION NO. 76, STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS, AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE.

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Julian Yates, Vice Chair of the Pest Control Board ("Board").

Thank you for the opportunity to testify in support of H.C.R. 82 and H.R. 76 which strongly urges the Board to develop standards for Pest Control Operators and Termite Inspection Reports, and to adopt these standards prior to the convening of the 2013 regular session of the Hawaii Legislature.

I am happy to report that the Board is already working on developing standards upon the recommendation by Jo Ann Uchida, Complaint and Enforcement Officer, that such standards would aid in licensing enforcement activities. Thus, while this resolution is unnecessary, the Board sees merit in establishing standards in collaboration with the pest control industry and interested members of the public, and supports its passage.

Thank you for the opportunity to testify in support of this measure.



HAWAII PEST CONTROL ASSOCIATION

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March 28, 2011

Testimony To: House Committee on Consumer Protection & Commerce
Representative Robert N. Herkes, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: HCR 82 / HR 76 – STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE.

Chair Herkes and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association.

We have no objections to this resolution.

Thank you.

Sandra-Ann Y.H. Wong
Attorney at Law, a Law Corporation

*1050 Bishop Street, #514
Honolulu, Hawaii 96813*

TESTIMONY IN STRONG SUPPORT OF HCR 82/HR 76

To: House Committee on Consumer Protection & Commerce
Hearing on March 28, 2011 at 2p.m. in Room 325

Chair Herkes and members of the committee:

HCR 82/HR 76 is a collaborative effort between various stakeholders, including the Hawaii Pest Control Board, The Regulated Industries Complaints Office ("RICO"), and the Hawaii Pest Control Association. The genesis of HCR 82/HR 76 occurred when it was brought to the stakeholders attention that there currently exist no standards for pest control operators and termite inspections in the laws and administrative rules. Without such standards, even if the pest control operator is grossly negligent in performing his/her job, the consumer has no recourse under the law against inadequate and unprofessional pest control operators and termite inspection reports.

RICO in testimony before this Committee has testified that without standards it is difficult for it to determine whether a termite inspection was performed adequately.¹ Similarly, the Hawaii Pest Control Board has testified before this Commission that standards would aid in licensing enforcement activities.² Also, it is important to note, the Hawaii Pest Control Board has testified before this Committee that it does not object to the development of standards for Pest Control operators.³

Thus, there is consensus that standards need to be developed. I understand that the Hawaii Pest Control Board has started the development of standards, but, with all due respect to the Board, this Resolution is still important to pass to ensure that the Board understands that this is an issue that is important to the Legislature and to ensure that the Board develops these standards expeditiously and with input from interest parties. I cannot emphasize enough, that until these standards are developed, Hawaii consumers are left defenseless against negligent pest control operators and termite inspections.

Thank you for the opportunity to provide testimony in strong support.

Sandra-Ann Y. H. Wong

¹ See RICO testimony to HB 315.

² See Hawaii Pest Control Board testimony to HB 315.

³ See Hawaii Pest Control Association testimony to HB 315.

CPCtestimony

From: beeps@hawaii.rr.com
Sent: Friday, March 25, 2011 12:42 PM
To: CPCtestimony
Subject: HCR82 being heard on march 28 at 2p.m.

Dear Rep. Herkes:

My name is Rayna Matsumoto, myself and the following people are in favor of HCR82 and ask that you pass it out. This should have been long ago. As consumers, we thank you.

Please pass out HCR 82 and HR 76:

Rayna Matsumoto	Jane Brown
Kaiyen Higa	Alyssa and Dan Bower
Avery Kaneshiro	Sheryl Nojima
Tiffany Dame	Les Fukuta
Natalie Sawyer	Sophia Ogawa
Katie Armstrong	Mala Wong
Isabelle Sato	Jacob and Hannah Gomez
Gram Kam	Donovan Ogami
Nick Kam	
Gunther Flynn	Mahalo nui!
Susan Ward	
Rodney Kaulupali	

TESTIMONY IN **STRONG SUPPORT** OF HCR 82/HR 76

To: House Committee on Consumer Protection & Commerce
Hearing on March 28, 2011 at 2p.m. in Room 325

From: Kaz McDonald

Aloha Chair Herkes and members of the committee: I am in strong support of this bill because currently there are no consequences if Pest Control Operators are negligent in performing their duties.

Therefore, I strongly urge the Chair and the Committee to pass this bill out and to set a deadline of the Pest Control Board to develop and implement standards.

This Resolution is also important because the Pest Control Board needs to have a deadline. Otherwise, it will take forever. Actually, I can't believe that they have gone so long without standards. Needless to say, this was not prudent or in the best interest of consumers. It makes you question whether they are appointed to serve the pest control operators or consumers. The Governor needs to do an evaluation of the Board members.

Thank you for the opportunity to provide testimony.

TESTIMONY IN STRONG SUPPORT OF HCR82/HR76

Hearing on March 28, 2011 at 2p.m. in Room 325

Dear House Committee on Consumer Protection & Commerce:

Please pass this resolution out. It is long overdue.

When I learned that Pest Control Operators did not have any standards, I couldn't believe it. That means that they can do anything they want and there are no consequences.

The Pest Control Board should have adopted standards long ago. I'm glad that the Legislature is finally getting the Board to do its job. I applaud you for a job well done.

Sincerely,
Autumn Duncan