

## CPCtestimony

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**From:** Danielle Bass on behalf of Rep. Ryan Yamane  
**Sent:** Monday, January 31, 2011 11:21 AM  
**To:** CPCtestimony  
**Subject:** FW: HB 315 - Relating to Pest Control Operators

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**From:** Gary Smith [mailto:garykali2@yahoo.com]  
**Sent:** Saturday, January 29, 2011 12:50 AM  
**To:** Rep. Robert Herkes; Rep. Ryan Yamane  
**Cc:** Cheryl Lewis  
**Subject:** Re: HB 315 - Relating to Pest Control Operators

1/28/2011

Testimony to: House Committee on Consumer Protection and Commerce

Representative Robert N. Herkes, Chair

Presented by: Gary E. Smith PCO 614

Mokihana Pest Control, Inc

1586 Haleukana St.(Puhi Ind. Park)

Lihue, HI 96766

Subject: HB 315-Relating to Control Operators

Mr. Chairman and Members of the Committee:

My name is Gary E Smith, President of Mokihana Pest Control, Inc. I have been in the Hawaii Pest Control Industry for 35 years and have owned and operated my company for 30 years. **I oppose HB 315.** During this time I have personally done several thousand termite inspections and have experienced minimal criticism of the current TIR form. Although the format for the current inspection report is not perfect, members of our association (Hawaii Pest Control Association) helped craft and get the current report form approved by the Pest Control Board over 10 years ago. It replaced a very antiquated 1 page report. Further our Association implemented a 2 day 16 hour Termite Inspector's Course about the same time. We also have ongoing training and certification programs to keep our members certified and up to date.

Irrespective of the laws intent to protect the consumer, changing the wording of the TIR and creating additional standards only creates more confusion. I invite you and your members to visit me at my office and review the thousands of TIR's we have done and make your conclusion as to whether we need a new set of standards or do we just need the industry as a whole to uphold the current standards by using qualified inspectors (State certified Pest applicators License, Field Rep Lic. and Inspectors Training Course) who are capable of doing a professional inspection and issuing a professional report.

Further I find it very curious that over the years of issuing reports, generally whenever a homeowner who recently purchased a home where we did the TIR, calls about a possible termite problem, they rarely fully reviewed the report prior to purchase. I know this as I do not discuss the findings with them unless they have the report in hand. Over the years I have had a minimal number of calls from the buyer as to the findings in the report prior to closing of escrow. It is only after the fact that the report and its findings come into question. I have signed many escrow documents in my day and I can say the paper signing and small print is rampant. I never had time to read any of it, let alone understand it other than to sign the document and move to the next one. Our report is just part of all that paper work!!! It's just one more paper to sign so you can close escrow.

**I oppose HB 315** as we do not need more laws to improve on the termite inspection report. Those that do lousy jobs will continue to do so and those of us who do good work will undeservedly have to jump through more hoops. The changes you hope to make to address consumer protection will do little to accomplish that effort. If there is a genuine problem out there, we need to know what the problem is and have these issues brought to the Pest Control Board and our Association so that we can correct the problem. I can think of several things that should be addressed before you make changes to the Termite Inspection Report....If the buyer is ultimately the one who needs the report to close escrow, why is the seller's Realtor requesting it and the seller paying for it? Shouldn't the buyer be responsible to choose the inspector and pay for the report since he will pay the consequences for a lousy inspection. If it was sent directly to him prior to the closing day would he not have more time to review and question it? Further, we at MPC,Inc. always request the sellers disclosure prior to inspection and notice anomalies from time to time where the seller is not being totally forth right. What are the penalties for that? Our Association has pondered these issues but these are controled by other entities more powerful than we are. Nevertheless we continue to work on improvement in conjunction with the Pest Control Board as well as Hawaii State Dept. of Agriculture on behalf of our members and non-members in the Pest Control Industry as well as the consumers who use our services.

Thank you for the opportunity to testify.

Sincerely,

Gary E Smith

President

Mokihana Pest Control, Inc. PCO 614