

JAN 24 2018

A BILL FOR AN ACT

RELATING TO PEST CONTROL OPERATORS.

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

1 SECTION 1. The legislature finds that the current
2 examination process for licensed pest control operators under
3 Hawaii Administrative Rules is overly complicated and
4 frustrating for many candidates. Applicants are required to
5 take the core exam and an additional specialty exam to be
6 licensed in a specialty. If a candidate passes the core and
7 specialty exam, the certification is good for five years. If a
8 candidate passes the core exam but fails the specialty exam, the
9 candidate is limited to six months in which to retake and pass
10 the specialty exam or else the candidate must retake both exams.
11 If the candidate fails the core exam but passes the specialty
12 exam, the candidate must retake and pass both exams for
13 certification. Additionally, candidates must take and pass the
14 core exam for every new specialty, even if the candidate has
15 already passed the core exam.

16 The legislature further finds that continuing education
17 programs for pest control operator licensees are outdated.



1 Twenty-five continuing education training credits are required
2 over a five-year period for most specialties. Currently, there
3 is not a large enough variety of classes nor a large enough
4 number of classes offered to allow licensees to meet this
5 requirement easily. The legislature also finds that the
6 department of commerce and consumer affairs may not provide
7 adequate assistance to companies seeking additional training.
8 Applicants must wait for applications to be rejected in order to
9 know required credits, which adds months of delay and added
10 costs.

11 The legislature additionally finds that the last update to
12 published information regarding materials, processes, and
13 applications for pest control operator licenses occurred decades
14 ago and therefore is in need of modernization.

15 The purpose of this Act is to:

- 16 (1) Establish examination requirements for pest control
17 operator licenses in statute;
18 (2) Establish a more efficient examination process and
19 continuing education training process; and



(3) Require the department of commerce and consumer affairs and the department of agriculture to update their published information.

SECTION 2. Chapter 460J, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§460J-A Examination standards for pest control operators. Testable knowledge for the pest control operator examination shall include the following areas:

(1) An understanding of the general format and terminology of pesticide labels and labeling; an understanding of instructions, warnings, symbols, classification of the product, other information that may appear on the label, and the necessity for following label directions;

(2) An understanding of pesticide toxicity, common exposure routes and hazard to humans; precautions necessary to guard against injury; need for and use of protective clothing and equipment; symptoms of pesticide poisoning; first aid to be followed in pesticide poisoning; proper identification, storage,



1 transport, handling, mixing procedures and disposal
2 methods for pesticides and used pesticide containers,
3 including precautions to be taken to prevent children
4 from having access to pesticides and pesticide
5 containers; and procedures for confining and cleaning
6 up pesticide spills;

7 (3) An understanding of the potential environmental
8 consequences of the use and misuse of restricted use
9 pesticides, for example, the role of such factors as
10 climatic conditions, types of terrain, soil and
11 substrate, the presence of various non-target
12 organisms, and the potential for surface and ground
13 water contamination;

14 (4) The ability to identify pests and knowledge of the
15 importance of the biology of pests relevant to the
16 applicant's areas of operations;

17 (5) Knowledge of the characteristics of various kinds of
18 pesticides, including types of formulations,
19 compatibility, persistence, mode of action, toxicity,
20 hazard and residues associated with use;



- 1 (6) Knowledge of the relative importance of pesticides,
2 when they should and should not be used, and the
3 factors which influence their effectiveness;
- 4 (7) Practical knowledge of type, maintenance, use, and
5 calibration of pesticide application equipment and an
6 understanding of advantages and limitations of various
7 types of equipment. Additional knowledge of
8 calibration shall be required of applicants using or
9 supervising the use of highly specialized equipment
10 such as aircraft;
- 11 (8) A practical understanding of how to apply pesticides
12 in various formulations, such as dusts, wettable
13 powders, emulsifiable concentrates, solutions, and
14 gases, together with a knowledge of application
15 techniques, including timing, safety precautions and
16 restrictions;
- 17 (9) A practical understanding of pesticide drift potential
18 and its effect on non-target organisms, including but
19 not limited to, wildlife, apiaries, and human
20 habitation; and techniques and formulations which
21 reduce drift;



1 (10) Knowledge of applicable federal and state laws and
2 rules; and

3 (11) A demonstrated knowledge of the common features of
4 pest organisms and characteristics of damage they
5 cause, pest development and biology as it may be
6 relevant to problem identification and control, and
7 the ability to identify pests relevant to the
8 applicator's areas of operations.

9 **\$460J-B Examination process.** The procedures for licensing
10 pest control operators are as follows:

11 (1) For initial license of pest control operators and
12 renewal of pest control operators' licenses,
13 application shall be on forms provided by the board.
14 The applicant for the pest control operator license
15 shall pass a written examination with a score of
16 seventy per cent or better, at a time and place
17 designated by the board. Instruction and examination
18 shall cover the standards specified in sections 460J-A
19 in a core examination and, if applicable, section
20 460J-12 in a branch examination. The board shall
21 provide uniform study materials to all applicants;



1 (2) If the applicant fails to pass the core examination,
2 that applicant is eligible to be re-examined no sooner
3 than fourteen days after the date of the failed
4 examination. A passing score on the core examination
5 will be valid for months after the date of
6 examination. The applicant may use a passing score on
7 the core examination to be eligible to take branch
8 examinations;

9 (3) Certification in a branch under section 460J-12
10 requires a passing score on the core examination and
11 the branch examination. A passing score on the core
12 examination within months of the testing date of
13 the branch examination shall be sufficient for the
14 applicant to be eligible for the branch examination.
15 If the applicant passes the examinations and meets all
16 other requirements for licensing, a license shall be
17 issued that shall be valid for months;

18 (4) If an applicant fails to pass the core examination but
19 passes the branch examination, that applicant is
20 eligible to be re-examined for the core examination no



1 sooner than fourteen days and no later than six months
2 after the date of the failed examination; and
3 (5) For renewal of a pest control operator license,
4 application for renewal may be made no sooner than
5 ninety days before and no later than thirty days after
6 expiration of the license. An applicant for renewal
7 shall accumulate the prescribed number of hours of
8 continuing education training approved for each branch
9 in which the operator is certified. Completion of the
10 continuing education training must be verified by
11 documentation approved by the board. The continuing
12 education training must be completed prior to the
13 expiration date on the operator's license. The
14 minimum number of continuing education training hours
15 for each branch is as follows:
16 (A) Fumigation. hours of training;
17 (B) General Pest. hours of training; and
18 (C) Termite. hours of training;
19 provided that continuing education training must be
20 pertinent to the branch for which the applicant is seeking
21 to renew the license; provided further that the board shall



1 offer online class options for continuing education
2 training and shall provide uniform study materials."

3 SECTION 3. There is established within the department of
4 commerce and consumer affairs one part-time (0.5) PTE pest
5 control operator application coordinator position to assist pest
6 control operators with license, examination, and continuing
7 education training applications and paperwork.

8 SECTION 4. The department of commerce and consumer affairs
9 and the department of agriculture shall review and update all
10 published information regarding pest control operator licenses,
11 examinations, and continuing education training requirements and
12 processes to reflect the purposes of this Act.

13 SECTION 5. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 6. In codifying the new sections added by section
17 2 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 7. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect on January 1, 2019.

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S.B. NO. 3071

Report Title:

Pest Control Operators; Examination Requirements; Continuing Education Training

Description:

Establishes pest control operator examination processes in statute. Establishes pest control operator continuing education training requirements. Establishes a pest control operator application coordinator position in the DCCA. Requires the DCCA and the DOA to review and update all published information regarding pest control operator licenses, examinations, and continuing education training requirements and processes.

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