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# 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17 programs for pest control operator licensees are outdated.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



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

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

7 "§460J-A Examination standards for pest control operators.

8 Testable knowledge for the pest control operator examination  
 9 shall include the following areas:

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

16 (2) An understanding of pesticide toxicity, common  
 17 exposure routes and hazard to humans; precautions  
 18 necessary to guard against injury; need for and use of  
 19 protective clothing and equipment; symptoms of  
 20 pesticide poisoning; first aid to be followed in  
 21 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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INTRODUCED BY:

*Calvin K. Ay*

JAN 24 2018



**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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