

“**Non-chemical pest control device**” means any device that purports to eliminate or control pests by attracting, repelling, or killing pests without the use of chemicals. The device shall include, but not be limited to, electromagnetic waves, sound and ultrasound, cosmic, and other waves.

(Generally excluded are sticky traps, snap traps, indoor/outdoor flying insect traps involving the use of black lights and/or lures as attractants, mechanical traps, and traps containing naturally occurring pheromones as the sole ingredient.)

§4-66-34 Applications for licensing pesticides and for approval of non-chemical pest control devices. The procedures for licensing pesticides or approval of non-chemical pest control devices as defined in Chapter 460J, Hawaii Revised Statutes, hereinafter referred to as devices, are as follows:

- (1) Applications shall be filed by applicant or by an agent whom the applicant has designated by a notarized letter;
- (2) Applications shall be made on forms provided by the department and shall contain the following information: name and address of the person whose name shall appear on the label, name and address of the applicant, name of the pesticide or device as shown on the label, the EPA registration number (for pesticides), the EPA establishment number, and the signature of the applicant;
- (3) Applications shall be submitted at least thirty days before the time when it is desired that licensing take effect;
- (4) Applications shall be accompanied by a number of copies of each label and any other printed or graphic matter which is required to accompany the pesticide or device when offered for sale, including all claims and directions for use as specified by the head; and
- (5) If requested by the head, the applicant for a pesticide license shall provide the complete formula of the pesticide including active and inert ingredients and a description of tests and the results thereof on which claims are based, including efficacy, residue, safety, and other supporting data that shows the pesticide shall perform its intended function without unreasonable adverse effects on humans or the environment.
- (6) If requested by the head, the applicant for device approval shall provide a description of the principles fundamental to the efficacy of the device and a description of the tests conducted according to the procedures described below and the results thereof on which claims are based, including efficacy, reliability, safety and other supporting data that show the device will perform its intended function without causing unreasonable adverse effects on humans or the environment.

- (7) Each test submitted pursuant to this section shall be based on a written protocol that clearly indicates the objectives and all the methods for the conduct of the test. The protocol shall contain, but not be limited to, the following information:
 - (A) A descriptive title and statement of the purpose of the study;
 - (B) The name and address of the sponsor and address of the testing facility at which the study was conducted;
 - (C) Justification for the selection of the test organism;
 - (D) Where applicable, the number, body weight range, sex, source of supply, species, strain, substrain and age of the organisms tested;
 - (E) A description of the experimental design, including the methods for the control of bias;
 - (F) Where applicable, a description or identification of the diet for the test animals or fertilization and irrigation schedules for plants used in the test;
 - (G) Treatments, such as the test frequency and volume for devices, and the method and frequency of administration;
 - (H) The type and frequency of data collection, and measurements to be made;
 - (I) The records to be maintained;
 - (J) The date of approval by the sponsor and the signature of the test director; and
 - (K) A statement of the proposed statistical analyses to be used.
- (8) The department may test devices to determine the reliability, efficacy and safety of the device. The applicant shall provide devices to the department upon its request in order to conduct testing.
- (9) The department shall provide the applicant with a written estimate of the costs necessary to conduct testing, a description of the tests to be conducted, and estimated schedule to complete the tests.
- (10) If the applicant agrees to have the device tested by the department or its authorized representative, half of the estimated costs of the tests shall be paid to the department before the tests are started. The balance shall be paid to the department upon completion of the tests.
- (11) The applicant may initiate tests required pursuant to (8) above, using qualified testing facilities, with the concurrence of the department.

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