

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS (ASPCRO)

HISTORICAL RECORD

1977

PRESIDENT:	Robert McCarty, MS
VICE-PRESIDENT:	Richard Carlton, LA
SECRETARY:	F. R. Du Chanois, FL
TREASURER:	F. R. Du Chanois, FL
LOCATION OF ANNUAL MEETING:	Biloxi, MS
DATE:	10/18/77 to 10/20/77

EXECUTIVE BOARD MEETING: Reno, Nevada was decided upon for the next meeting.

Officers were asked to serve next year in the same capacity.

BUSINESS MEETING:

- **What the Industry Expects from the Regulatory Agency - Ron Brown, Mississippi Pest Control Association.
- **Training for Pest Control Operators - Dr. Ted Brook, Mississippi Extension Office.
- **NPCA Activities - Dr. Phil Spear
- **Bonding and Insurance Requirements - Mike Peeples, Mississippi Dept of Agriculture.
- **EPA Enforcement Activities - John Puglise
- **Reports by States of Licensing, Certification, Legislative & Enforcement Activities.

RESOLUTIONS:

- **Gratitude expressed to members of the host state for their hospitality.
- **ASPCRO urges OMB and EPA to continue the cooperative effort achieved through SFFIAC and between state and federal regulatory officials to implement FIFRA.
- **ASPCRO desires that the Pesticide Misuse Review Committees be established at the region level for greater input.

MISC: States in attendance were: Arizona, Illinois, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Tour of Southern Forest Experiment Station, Gulfport, Mississippi.

A-Accurate

S-Sensible

P-Personable

C-Consistent

R-Regulate

O-Organized in its efforts

The Seventeenth Annual Meeting of the Association of Structural Pest Control Regulatory Officials (ASPCRO) was held in Biloxi, Mississippi on October 18-20, 1977. Twenty-one state regulatory officials representing fifteen states attended the meeting.

The following states were represented: Arizona, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Virginia, West Virginia

Program of the
Seventeenth Annual Meeting
Association of Structural Pest Control Regulatory Officials
Biloxi, Mississippi
18-20 October, 1977
Tuesday, October 18, 1977

Registration

Welcome - Jack Coley, Director, Division of Plant Industry, Mississippi Department of Agriculture

What the Pest Control Industry Expects from a Regulatory Agency - Ron Brown, President, Mississippi Pest Control Association

Training for Pest Control Operators - Dr. Ted Brook, Extension Entomologist, Mississippi Cooperative Extension Service and Bill Blasingame, Stephenson Chemical Company, College Park, GA

National Pest Control Association Activities - Dr. Phil Spear, NPCA, Virginia

Bonding and Insurance Requirements - Mike Peeples, Supervisor Pest Control Section, Division of Plant Industry, Mississippi Dept. of Agriculture & Commerce

Environmental Protection Agency Enforcement Activities - John Puglise, EPA Atlanta, GA

Reports of Certification, Licensing and Enforcement Activities by the States:
All States Participating.

Wednesday, October 19, 1977

Tour - Souther Forest Experiment Station, Gulfport, Mississippi

Thursday, October 20, 1977

Business Session - State Members Only

Continue State Reports

Adjourn

ANNUAL MEETING
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS
BILOXI, MISSISSIPPI
OCTOBER 18, 19 & 20, 1977

TUESDAY, OCTOBER 18, 1977

- 8:00 A.M. - REGISTRATION
- 8:30 A.M. - WELCOME - Jack Coley, Director, Division of Plant Industry, MDAC
- 8:45 A.M. WHAT THE PCO INDUSTRY EXPECTS FROM A REGULATORY AGENCY -
Ron Brown, President, Mississippi Pest Control Association
- 9:15 A.M. TRAINING FOR PEST CONTROL OPERATORS -
Dr. Ted Brook, Extension Entomologist, Mississippi Cooperative
Extension Service
Bill Blasingame, Stephenson Chemical Company, College Park, Georgia
- 10:15 A.M. BREAK
- 10:30 A.M. NATIONAL PEST CONTROL ASSOCIATION ACTIVITIES -
Dr. Phil Spear, NPCA, Vienna, Virginia
- 12:00 Noon LUNCH
- 1:00 P.M. BONDING AND INSURANCE REQUIREMENTS - Mike Peebles, Supervisor Pest
Control Section, Division of Plant Industry, MDAC
- 1:30 P.M. ENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT ACTIVITIES -
John Puglise, Pesticides & Toxic Substances Enforcement Division,
Environmental Protection Agency, Region IV, Atlanta, Georgia
- 3:00 P.M. BREAK
- 3:20 P.M. REPORTS OF CERTIFICATION, LICENSING AND ENFORCEMENT ACTIVITIES -
All states present participating
- 5:00 P.M. ADJOURN

WEDNESDAY, OCTOBER 19, 1977

- 9:00 A.M. - TOUR - SOUTHERN FOREST EXPERIMENT STATION - Gulfport, Mississippi
- 4:00 P.M.

THURSDAY, OCTOBER 20, 1977

- 8:00 A.M. BUSINESS SESSION - State members only
CONTINUE STATE ACTIVITY REPORTS
- 12:00 Noon ADJOURN

MEMORANDUM

TO: Association of Structural Pest Control Regulatory Officials (ASPCRO)

FROM: Robert McCarty, President (Mississippi)

SUBJ: Minutes and Notes of Annual Meeting in Biloxi and Gulfport,
Mississippi, October 18, 19 and 20, 1977

The 17th Annual Meeting of ASPCRO was held at Holiday Inn, 92 West Beach Boulevard, Biloxi, Mississippi. Twenty-one state regulatory officials representing fifteen states attended the meeting. Speakers and guests in addition to state regulatory officials are listed with those registering.

F. R. Du Chanois (Florida), Secretary for the Association was not able to attend the meeting due to illness of his wife.

Minutes and notes were prepared by Mississippi Department of Agriculture and Commerce, Division of Plant Industry personnel including Patrica Harris, Jackie Ganann and Mike Peeples.

Copies of the program; resolutions; rosters of members, speakers and guests attending and reports submitted by various states are attached to the minutes and notes.

ANNUAL MEETING
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS
BILOXI, MISSISSIPPI
OCTOBER 18, 19 & 20, 1977

Tuesday, October 18, 1977

17th Annual Meeting Called to Order by Robert McCarty

WELCOME - JACK COLEY, DIRECTOR, DIVISION OF PLANT INDUSTRY
- (WELCOME REMARKS ATTACHED)

EVERYONE INTRODUCED THEMSELVES

WHAT THE PEST CONTROL INDUSTRY EXPECTS FROM A REGULATORY AGENCY -
Ron Brown, President, Mississippi Pest Control Association

The regulatory officials serve a dual role - they have to protect the public and be concerned with the health of the industry. You have to be equal. You cannot support the industry to the point that the public is not protected. The public benefits from good pest control business. Using the letters ASPCRO, we look to the industry to be:

A - accurate

S - sensible

P - personable

C - consistant

R - regulate

O - organized in its efforts

ACCURATE - We ask that your field men be as knowledgeable as possible about our industry, about our work, about the requirements that we must meet, and every Inspector in the field should be as knowledgeable about structural pest control and household pest control as any other field that he does work in. Field Inspectors have dual roles.

We ask that the Inspector attend training sessions just like pest control operators do. They should know the common practices on how to treat every house.

For the benefit of the Inspector as well as the pest control operator involved, the Inspector should deal in facts and not personal opinions. They should answer only "yes" or "no" questions. For example: Are termites present? Does the treatment meet specifications?

They should avoid the situation of telling the homeowner that it looks like the pest control company is liable. In many cases this can only be determined in a court of law.

SENSIBLE - Be reasonable. We would like for you to realize that the pest control operator is a businessman. He may be small or large, but they are all trying to make a living. Some companies do good work while others work is less than adequate. Nobody is perfect and everybody makes mistakes. Give the benefit of the doubt when a mistake is made and very little consequences have resulted. Help us to help ourselves.

You should realize that most of us are trying to do our best, and will correct our mistakes if you will give us a warning or show us the right way to do it.

It is not easy for the guy that is doing his best to live up to the rules and regulations when he is working elbow to elbow with someone who is not.

Sometimes it seems like some are called on the carpet for the smallest infractions and some get away with everything.

PERSONABLE - The regulatory agency should not be so distant that it is unapproachable. It should be an advisor and helpful. Our work is aided by Inspectors that are easy to talk to and meet. Inspectors should not be too friendly, however. Inspectors should get acquainted with all pest control operators in their area. This way we will know what to expect and will have the feeling of being able to advise him of our problems.

CONSISTANT - We should know what to expect from your Inspectors (what to expect in any situation). Often one man will make an inspection and will make a judgement and then another man will make the same inspection and make another judgement. This is not beneficial for everybody concerned. When the same conditions are present, the same judgement should be made. Every firm should be treated in the same way with room for honest mistakes. Every individual should be expected to meet minimum standards.

REGULATE - Put a stop to the ones that are breaking the law. Get help from respected pest control operators to do this. Most of the complaints that I get from the association is the matter of what is done about the guy that is operating illegally. They feel that the regulatory agency is not doing anything about it. I feel that usually an investigation is generated and in most cases what can be done is done.

A report back to the individuals who make the complaints

would be useful. Let them know what is going on. Many know of illegal situations but are hesitant to let the DPI know.

We don't need to increase the regulations governing PCO's but carry out the ones we already have.

Regulation efforts must be fair and just to all.

ORGANIZE - PCO's perform services in order to make a living. Production is what counts. Inspectors should move as quickly as possible when making inspections. Inspectors should not detain the PCO's.

SUMMARY

Accurate - Deal in facts. Tell only what needs to be told.
 Sensible - Make allowances for mistakes.
 Personable - Be helpful so that we will come to you for advise.
 Consistant - Be consistant.
 Regulate - Perform regulatory functions.
 Organize - Be organized.

DISCUSSION

ROBERT MCCARTY GAVE A BRIEF INTRODUCTION FOR EACH SPEAKER

TRAINING FOR PEST CONTROL OPERATORS - Dr. Ted Brook, MS Extension Service

Pest control operators and aerial applicators are the hardest people in the world to get to sit down to take training, tests, etc. because when they do, they are losing money.

The pest control business is big in Mississippi.

If a person was to spend all of this time in training, he would be well trained, but he would not be making any money. There needs to be a happy medium where you can keep people updated on what is new in the business, but where they are still performing their work.

Training is always a constant need. There is always a fresh supply of people that need to be trained.

The Division, the Extension Department, and Experiment Station, etc. have helped in training pest control operators.

You can really get the pest control operator's attention when the Division mails out a letter advising that a meeting is to be held and if you don't attend, your license will be cancelled.

There have been many meetings held during the last two years plus private certification training held in every county - commercial certification, dealer training and permit training. About 50% of the industry has attended some type of training session.

PERMIT HOLDER WAS ASKED TO BE DEFINED

The permit training was perhaps the best training as it gave us a two day shot at trainees.

Discussed the upcoming Insect Control Conference. Usually about 200 pest control operators attend this meeting.

We try to find out what the pest control operator needs to know and incorporate this information in our training sessions as making these topics for the meetings and also including this information in our training manuals. We try to give them information that will help them improve their business.

Our training program for certification will be converted to a video tape program.

(SLIDE PRESENTATION) An example of the type slide tape training that is conducted was shown. The presentation was from the dealer training program and was entitled "Clean Up of Pesticide Spills."

We believe that we could save time and money by converting the training program to video tape.

DISCUSSION

Has any thought been given to recertification training?

Yes, that is one reason for the video tape type of program. A person would not have to travel so far to be certified.

How are you deciding which material should be used on the program?

Training is more or less geared to minimum qualifications needed to use restricted use pesticides.

There is a good bit of duplication in our program. Some material is not appropriate for certain groups and this is being revised.

What is the cost of the units?

\$120,000 for the whole package of recorders. The production is what costs.

Have you been in touch with other states concerning making a tape?

Yes

ROBERT MCCARTY OUTLINED THE MISSISSIPPI RECERTIFICATION PROGRAM - To maintain certification a person will be required to attend a training program or pass an examination.

Bill Blasingame - Stephenson Chemical Company, College Park, Georgia

Reflected about past meetings.

The training of the pest control operator has come a long way. For a long time and at the present time, material has come from the National Pest Control Association and training activities have also taken place.

In the pest control industry, there are large companies and there are small companies.

A lot of the training burden has been placed on the larger pest control operators in recent times. These trained pest control operators move on to other companies. Thus taking their training to other companies. There is a willingness to share on the part of these larger companies. Many people have been involved in the training.

1. People realize that the pest control business has changed.

Most of the states structural pest control laws in the Southeast came into being in the late 40's and early 50's. Training that was applicable then is not applicable now.

The laws that were sufficient in the late 40's and early 50's for fly-by-night pest control operators is not appropriate now.

Examinations and training need to be geared for now.

2. The clients of the pest control operator have changed also.

One thing about training that has not changed is that training has always been a number 1 issue with pest control operators. The need for training has not changed one iota.

What has changed is in what level the training is needed.

PROFESSIONALISM IN BUSINESS WAS DISCUSSED

I feel that pest control operators have been more professional during the last ten years.

THE ROLE OF THE SERVICEMAN WAS DISCUSSED

Everybody needs to be a professional.

The pest control people believe in training.

People will let you know that they approve of the pest control law. It has raised the plateau of the pest control operator.

There has to be enforcement of laws.

The South has not been concerned with new regulations in recent years as they are used to regulation.

It is a waste of training and time to spend all our time in one area of training.

Most of the regulatory concern has been on termite control.

There is a need to focus on other areas besides wood-destroying organisms.

Examinations need to contain meaningful information that is necessary in order to effectively use pesticides.

Certification is one of the things that we established training sessions for.

Primary reason for training is to improve the qualifications of the services that the people give.

There is a lot of difference in the services people give. (the type of services)

MATTER OF A PESTICIDE BEING VOLUNTARILY TAKEN OFF THE MARKET

The regulatory agency can inspect our training courses at any time. We try to teach the professional approach to pest control.

Professional - Competency
 Pride in business
 Ethics in carrying out work
 (one to one relationship)
 Confidence in people doing work (Servicemen)
 Communication

The measure to good pest control is not how much spray you put out but how well you control the pests.

I am proud of the training activities we have currently. Training is increasing. Right now we have four or five courses that we offer on a recurring basis, special courses and certification courses.

1. Our courses have been approved for recertification by some states.
2. You are welcome to attend training sessions.

DISCUSSION

NATIONAL PEST CONTROL ASSOCIATION ACTIVITIES - Dr. Phil Spear

I think without a doubt we can emphasize that the programs we see from a national point of view are indicated by change. There are so many factors that are affecting change. They give us concern and our customers concern.

Consumers are much better informed.

Change is a signal of good things.

We appreciate our part on the program.

The National Pest Control Association members are users of pesticides.

We are interested in the use and application of pesticides for the benefit of our customers.

The great majority of pest control operators are part of NPCA.

Most of our people are small businessmen. The one-man operator. 25% of our membership had earnings of less than \$15,000.

Discussed the makeup of their headquarters. They have moved their headquarters from Elizabeth, NJ, to Vienna, VA, a suburb of Washington.

Most of our people are professionals or at least semi-professionals. Each has a big responsibility to carry out.

Budget prepared last week. Comes close to \$1,000,000.

The smallest member is expected to pay \$115 dues which supplies a portion of the budget.

Among programs that are of interest:

1. Business management
2. A number of communications are mailed out regularly including:
 - (1) News about the association, (2) Government affairs,
 - (3) Technical news and (4) Management materials.

If the regulatory agencies will write to me, we will provide you with a complimentary mailing. We will put out one per office. You can, also, subscribe if another mailing is desired.

3. We offer consultation - primarily to members. One of the most important functions that I have carried out during the last 20 years has been on the end of the phone.

There is a lot of need for assistance.

We have a lot of questions from suppliers that want to know what the market is for their products.

4. A new program that we started about five years ago was Government Affairs. It is certainly the most news worthy and conspicuous

of our programs. This is mostly out of necessity.

DISCUSSED INTERPRETATION OF AMENDMENTS TO FIFRA. ALSO, DISCUSSED
UPCOMING NPCA CONVENTION. TALKED ABOUT THE TOPICS THAT WOULD BE
DISCUSSED.

Our association during the next $\frac{1}{2}$ year will have some shift in its internal structure. (DISCUSSED THE CHANGES) We now have a lawyer on our staff. He offers official interpretation of the law and offers general support in some cases.

I have spent a great deal of time in the past few years dealing with various organizations as a representative of NPCA.

We would appreciate receiving monthly or annual reports or other mailings made by states. By doing this there can be an exchange of information.

We are going to have a stronger voice in political activities.

We have been very successful in arousing members interest. This is important to us.

SHOWED MATERIAL THAT IS MAILED BY NPCA

If a pest control operator does not wish to belong to the Association we can provide them this material with a markup from the member cost.

If you wish to use our material, we can sell it to you at a bulk rate. (FOR EDUCATIONAL PURPOSES)

I see problems coming down the line. All must cooperate in solving them.

1. Retention of pesticides that are of concern to us.

We have delegated in each state an industry member to deal with the official agencies in the state to provide whatever material they can concerning the use of different pesticides that are important to us. We will try to assist these individuals. Pesticide Assessment Teams in each state need all the help that they can get.

2. Voluntary cancellation is of concern.

Discussed suspension and cancellation of pesticides. EPA issued a notice in September concerning cancelled pesticides. Products cannot be manufactured after cancellation. A product that is in the users' hands can be used according to label directions until it is condemned. Notification in the Federal Register of cancellation of a pesticide shall be sufficient.

3. I am concerned with operators that are not enlightened on using pesticides correctly.

4. FHA-VA Certificates

In some areas there has been as many problems from wood decay as from wood destroying insects.

ROBERT MCCARTY MADE COMMENTS. DISCUSSION

1. Advisory Committee
2. SFFIAC. Would hate to see it abolished. SFFIAC enforcement working group made 90 recommendations to EPA during the last few years and 80 have been accepted. This association can have some affect on this committee.
3. Pesticide Assessment Team - All officials need to have contact with representative in state.
4. Discussed LINDANE, BAT CONTROL, POWDER-POST BEETLES, AND BAYTEX.

BONDING AND INSURANCE REQUIREMENTS - Mike Peeples

(TALK ATTACHED)

ROBERT MCCARTY DEFINED WHAT A BOND ISDISCUSSIONENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT ACTIVITIES - John PugliseDISCUSSED THE DIFFERENT TYPES OF PEOPLE IN HIS DEPARTMENT (FIELD INSPECTORS, CASE PREPARATIONS OFFICERS, SECRETARIES, SECTION CHIEFS)DISCUSSED WHAT HAPPENS WHEN A COMPLAINT COMES UP:

1. The Field Inspector makes an extensive inspection and investigation
2. When he brings in the information, the office staff evaluates the case:
 1. If there is no violation - no action is taken
 2. A warning letter is written if this is warranted
 3. Civil complaint may be issued
 4. Criminal complaint may be issued

You have to prove that a violation has been committed. The product may not be registered or the product has been used inconsistently with directions on the label.

1. The product must be registered and must have been misused (not used in accordance with the directions on the label).

2. You go to homeowner and take an affidavit of what happened. Photograph area, take swabs of cabinets, etc. Get a medical statement if necessary.
3. Go to pest control operator, give them a notice of inspection. Also, tell them about the suspected violation. The inspector can inspect and sample pesticides on hand. He can, also, make an examination of books and records. If we did not have the authority to do this, we would have to obtain a warrant. You get the pest control operator to sign an affidavit telling his story.
4. Inspector photographs label. Also, he tries to get together with the serviceman doing the work and obtains his story and gets him to sign an affidavit. The Inspector then reports to his office.
5. The Case Preparation Officer assembles data and checks to see if product is registered, checks the evidence with the lab, and checks with the hospital if necessary and checks to see if there was a violation of the label.
6. With all the information on hand, they follow the Case Proceedings Manual. We try for consistency. We then write up the complaint and suggest fine if warranted. The fine depends on the amount of business the pest control company does.

GAVE SOME SAMPLE CASES AND TOLD WHAT WAS DONE IN EACH CASE. SHOWED FILM OF PESTICIDE MISUSE REVIEW COMMITTEE HOLDING HEARING ON MISUSE OF DIAZINON BY PCO.

DISCUSSION - MEMBERS PRESENT MADE COMMENTS ON VARIOUS EPA ENFORCEMENT PROCEDURES

ROBERT MCCARTY APPOINTED TWO COMMITTEES

Nomination Committee for nominating officers for 1978:

Charlie Chapman
Claude Jones
Rudy Howell

Resolutions Committee:

Neal Ogg
Ray Elliott
Robert Mesecher

Wednesday, October 19, 1977

TOUR - SOUTHERN FOREST EXPERIMENT STATION - Gulfport, Mississippi
(PROGRAM FOR TOUR ATTACHED)

Thursday, October 30, 1977

STATE REPORTS WERE PRESENTED BY THE FOLLOWING STATES:

1. Tennessee - Copy Attached
2. North Carolina - Copy Attached
3. Oklahoma - Copy Attached
4. Louisiana
5. Virginia
6. Maryland - Copy Attached
7. South Carolina - Copy Attached
8. West Virginia
9. Missouri - Copy Attached
10. Arizona - Copy Attached
11. Texas
12. Nevada - Copy Attached
13. New Mexico - Copy Attached
14. Illinois
15. Michigan - Copy Attached
16. Mississippi

BUSINESS SESSION

Reno, Nevada was decided on as the location for the 1978 meeting.

Election of officers - Present officers were asked to serve in the same capacity for another year.

RESOLUTIONS PRESENTED BY NEIL OGG

Resolutions adopted are as follows and copies are attached:

Abandonment of SFFIAC. Motion made to have Mr. McCarty get together information concerning this and submit to the association.

Discussed registration fees. What they were needed for. Discussed the matter of postage. A financial report will be given at next meeting and each meeting following.

Missouri made an offer to pay for duplication one year.

Wanted copies of resolutions to go to other important associations.

ANNUAL MEETING
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS
BILOXI, MISSISSIPPI
OCTOBER 18, 19 & 20, 1977

Tuesday, October 18, 1977

PERSONS ATTENDING MEETING

REGISTRATION: PAUL J. BOWES - LOUISIANA
DAVID A. RAMSEY - MISSOURI
DAVID SHRIVER - MARYLAND
BETTY B. SISK - ARIZONA
CHARLES J. HROMADA - TERMINIX, MEMPHIS
ROBERT L. MESECHER - MICHIGAN
RICHARD CARLTON - LOUISIANA
HARVEY DOMINICK - ILLINOIS
RAY ELLIOTT - OKLAHOMA
CHARLES ROCK - VIRGINIA
LONNIE MATHEWS - NEW MEXICO
LARRY BLALOCK - NEVADA
NEIL OGG - SOUTH CAROLINA
BOB FRAME - WEST VIRGINIA
JOHN PUGLISE - EPA, GEORGIA
VERN WALTER - MEMPHIS
CLAUDE E. JONES - TENNESSEE
PAUL PAINTER - EPA, MISSISSIPPI
RON BROWN - REDD PEST CONTROL, JACKSON
PHIL SPEAR - NPCA
W. E. BLASINGAME - STEPHENSON CHEMICAL COMPANY
RUDY HOWELL - NORTH CAROLINA
MILLARD RICH, JR. - NORTH CAROLINA
CHARLIE CHAPMAN - TEXAS
GORDON REDD - REDD PEST CONTROL, GULFPORT
BOB RUSSELL - ORKIN, ATLANTA
FRANK HACKETT - ORKIN, ATLANTA
HARVEY MASSEY - ORKIN, ATLANTA
M. M. PRICE - DISTRICT ENTOMOLOGIST, GULFPORT
ROBERT MCCARTY - DPI, MISSISSIPPI
JACK COLEY - DPI, MISSISSIPPI
MIKE PEEPLES - DPI, MISSISSIPPI
PAT HARRIS - DPI, MISSISSIPPI

RESOLUTION ADOPTED

AT

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS MEETING

BILOXI, MISSISSIPPI . . .

October 18-20, 1977

RESOLUTION NO. I

WHEREAS, the 17th Annual Meeting of the Association of Structural Pest Control Regulatory Officials was a tremendous success, and

WHEREAS, the site of this meeting was the most pleasant State of Mississippi, and

WHEREAS, the organization and substance of this meeting was most useful and informative,

NOW, THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials in session at Biloxi, Mississippi, on October 20, 1977, extend a most hearty appreciation to their Host State, Mississippi, and their Host and President, Robert McCarty, his staff, all guest speakers, the U. S. Forest Service Southern Forest Experiment Station and industry hospitality sponsors.

RESOLUTION ADOPTED

AT

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS MEETING

BILOXI, MISSISSIPPI

October 18-20, 1977

RESOLUTION NO. II

WHEREAS, the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) has been a tremendously important tool in the implementation of the amendments to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in a common sense manner, and

WHEREAS, additional amendments to FIFRA continue to be deemed necessary by the U. S. Congress, and

WHEREAS, amendments to FIFRA were made in 1972, 1975 and will shortly be forthcoming,

NOW, THEREFORE, BE IT RESOLVED, that the American Association of Structural Pest Control Officials urges the Director of the Office of Management and Budget of the United States, the Administrator of the U. S. Environmental Protection Agency and the President of the United States to continue the cooperative effort achieved through SFFIAC and between state and federal regulatory officials to implement FIFRA. This cooperative implementation must be continued until FIFRA is fully implemented.

RESOLUTION ADOPTED

AT

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS MEETING

BILOXI, MISSISSIPPI

October 18-20, 1977

RESOLUTION NO. III

WHEREAS, the Environmental Protection Agency's Pesticide Misuse Review Committee is presently conducted in Washington, D. C., in most instances, and

WHEREAS, to allow for more decentralization of federal regulatory activities and increase of efficiency in processing reviews, and

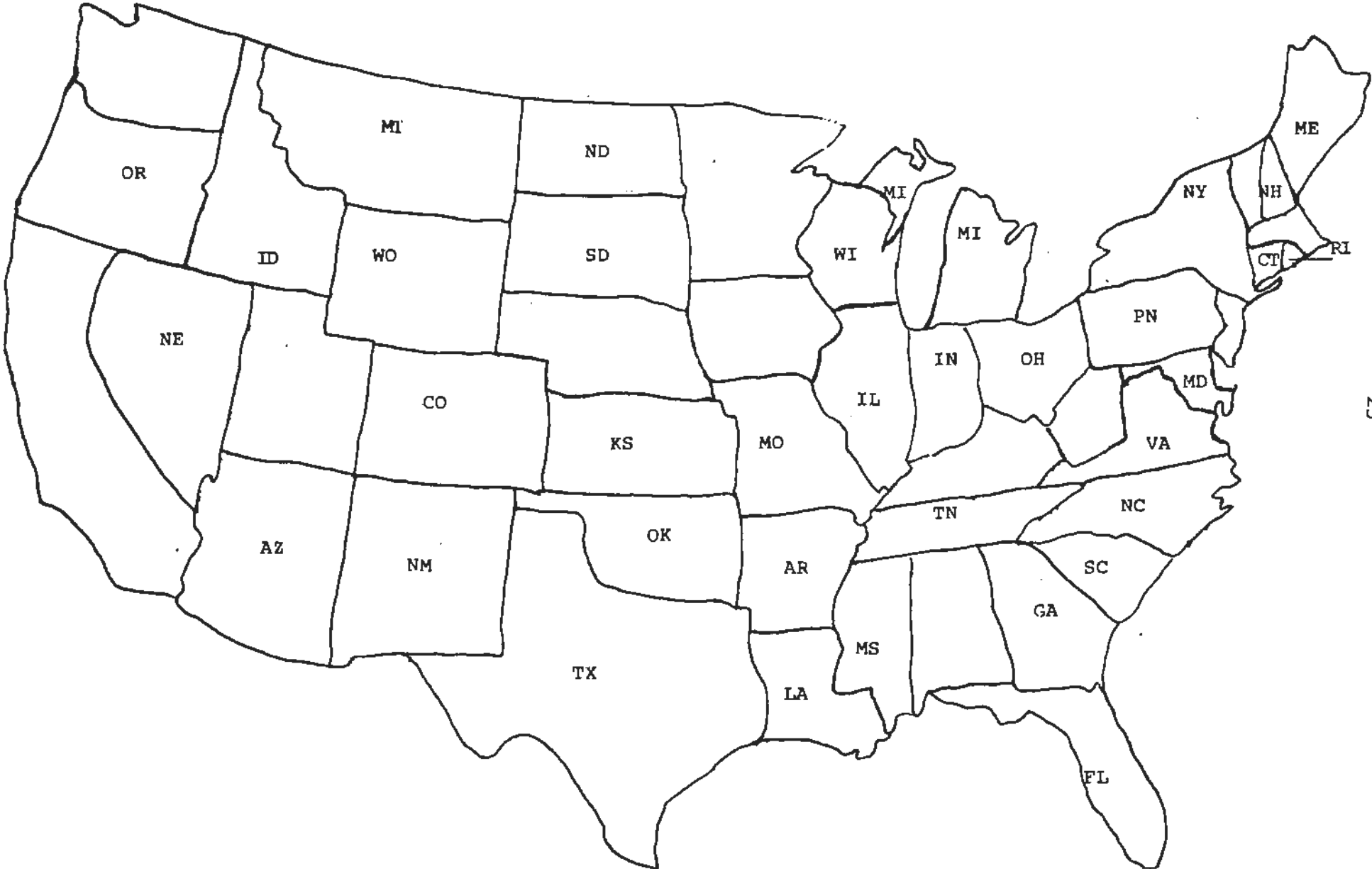
WHEREAS, to allow a greater input of region and affected states familiar with the local situation,

NOW, THEREFORE, BE IT RESOLVED, that it is the desire of the Association of Structural Pest Control Regulatory Officials that the Pesticide Misuse Review Committees be established at the region level in all regions with a member of this committee to be a representative from the affected state lead agency.

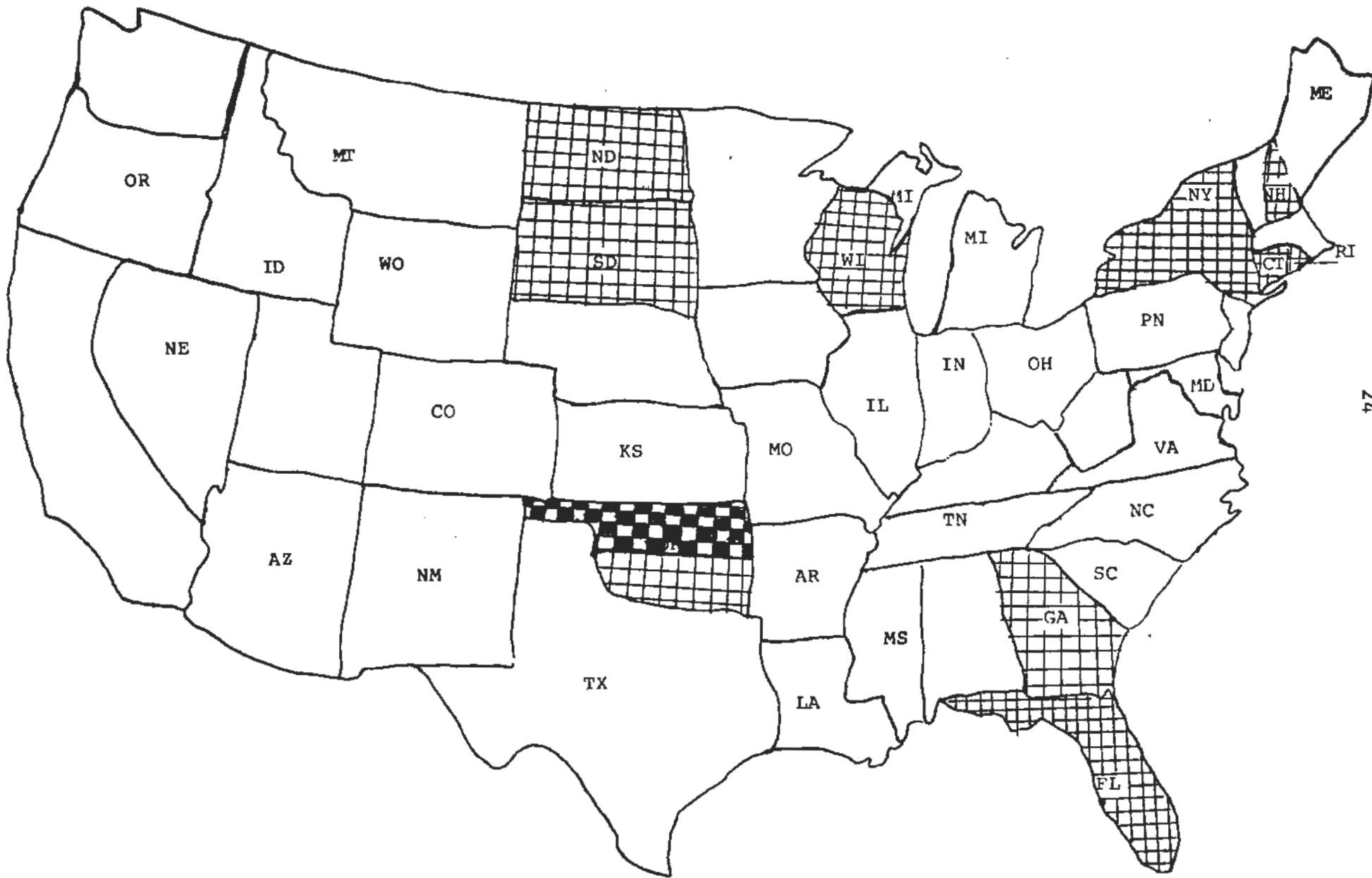
STATES RESPONDING TO LICENSE AND BOND QUESTIONNAIRE

1. Arizona
2. Arkansas
3. Colorado
4. Connecticut
5. Florida
6. Georgia
7. Idaho
8. Illinois
9. Indiana
10. Kansas
11. Louisiana
12. Maine
13. Maryland
14. Michigan
15. Mississippi
16. Missouri
17. Montana
18. Nevada
19. New Hampshire
20. New Mexico
21. New York
22. North Carolina
23. North Dakota
24. Ohio
25. Oklahoma
26. Oregon
27. Pennsylvania
28. Rhode Island
29. South Carolina
30. South Dakota
31. Tennessee
32. Texas
33. Virginia
34. Wisconsin
35. Wyoming

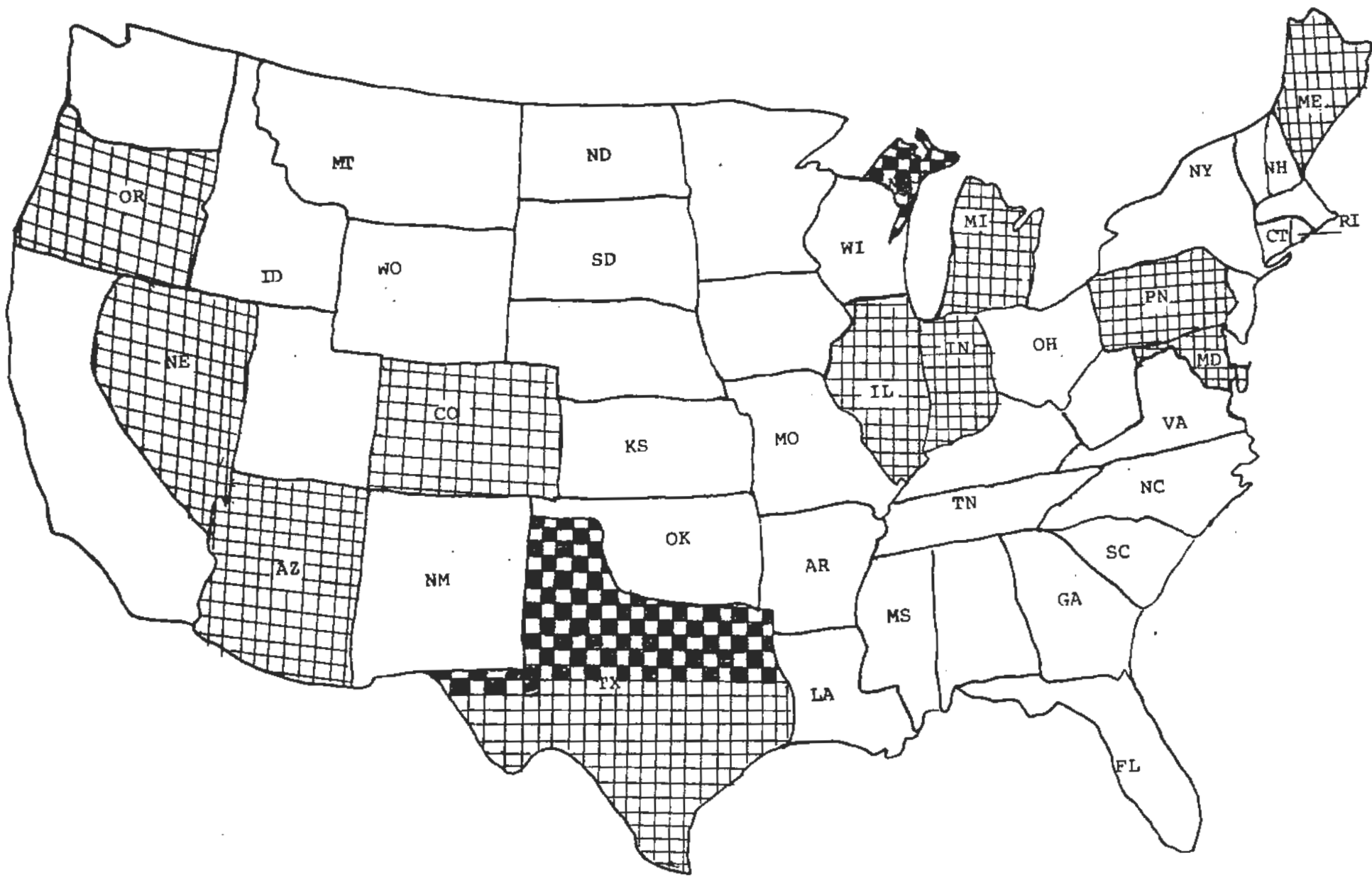
STATES RESPONDING TO LICENSE AND BONDING QUESTIONNAIRE



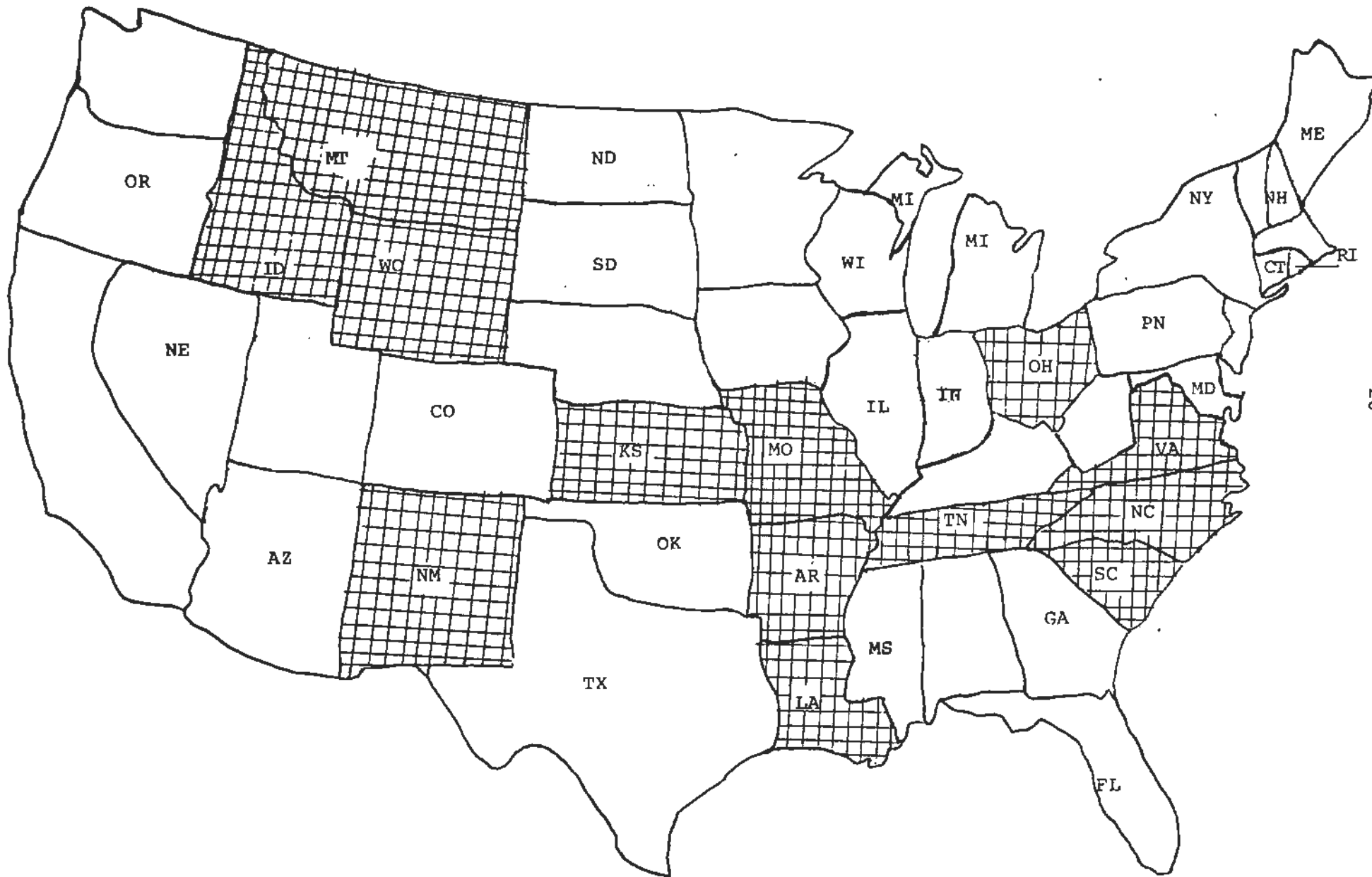
STATES WITH NO BOND OR INSURANCE REQUIREMENTS



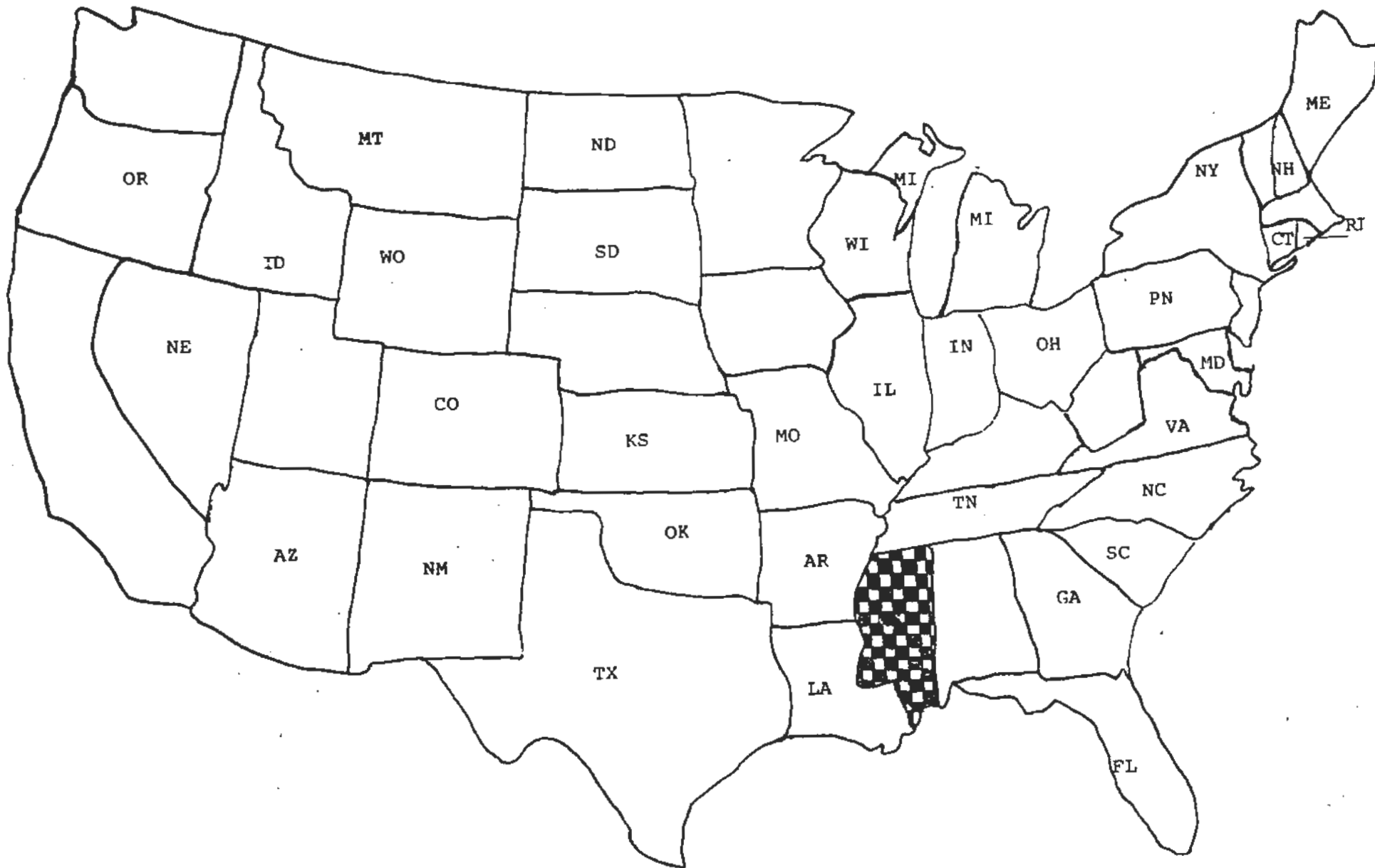
STATES WITH INSURANCE REQUIREMENTS ONLY



STATES WITH INSURANCE AND/OR BOND REQUIREMENTS



STATES WITH BOND REQUIREMENTS ONLY



TENNESSEE DEPARTMENT OF AGRICULTURE

Sept. 30, 1977

NUMBER OF COMMERCIAL APPLICATORS CERTIFIED IN TENNESSEE

Forrest Pest Control	91
Ornamental & Turf Pest Cont.	64
Aquatic Pest Control	11
Right-of-Way Pest Control	30
Industrial, Institutional Structural & Health Related Pest Control	609
Licensed Commercial Pest Control Operators	939
Public Health Pest Control	119
Demonstration & Research Pest Control	1244
Aerial Pest Control	207
Commercial Applicators Certified (Total)	3,314
Private Applicators Certified	62,000
Licensed Co.'s Chartered in Tennessee	324
Total number of Termite inspections made by State Inspectors	3436
Number of inspections that met State standards	2713
Number of request inspections made by State Inspectors	290
Number of sub standard inspections made by State Inspectors	433
Number of days spent investigating non-licensed operators	28
Number of warrants issued	8
Number of cases settled without fines	4
Number of cases settled with fines	2
Number of cases still pending	2

INFORMATION FOR PRESENTATION AT

ANNUAL MEETING OF ASPCRO

BILOXI, MISSISSIPPI

OCTOBER 18 - 20, 1977

I. N. C. Structural Pest Control Law - enacted 1955, amended in 1957, 1967, 1973, 1975, and 1977.

A. 1975 Amendments, effective July 1, 1976; purpose of amendments to bring law in compliance with EPA requirements.

AMENDMENTS:

- (1) Provisions for certifying applicators - persons using pesticides classified as restricted-use by the N. C. Pesticide Board and/or EPA must be certified. Persons exempt from provisions: (a) persons conducting lab research and (b) Medical Doctors and Doctors of Vet. Medicine using restricted-use pesticides in their work.
- (2) Financial Responsibility - Applicant for license must furnish proof of his financial responsibility to pay person suffering from the use or application of pesticides in the form of liability insurance or other means acceptable to the Committee (Board) before license is issued.

Minimum Limits of Liability Insurance:

Property Damage	\$ 10,000 Each Occurrence
Bodily Damage	\$100,000 Each Occurrence

B. 1977 Amendments, effective April 19, 1977; purpose of amendments to make law constitutional.

Background: On September 2, 1975, Committee suspended wood-destroying organism license (W Phase) of T. H. Brotherton for a two (2) year period. Licensee filed notice of appeal to Wake County Superior Court, Raleigh, North Carolina. Appeal was heard in March of 1976 and court rules Structural Pest Control Committee's authority to make reasonable rules and regulations as may be necessary to protect the interest, health, and safety of the general public as set forth under G. S. 106-65.29 is an unconstitutional delegation of legislative authority. In similar cases, the North Carolina Supreme Court said that the General Assembly may neither give up its authority to make laws and regulations nor delegate that authority to other departments

or agencies such as the Structural Pest Control Committee, unless it sets up specific guidelines and standards to be followed.

AMENDMENTS:

- (1) Guidelines for establishing Committee rules and regulations.
- (2) Definition of term "labeling".
- (3) Power of Committee to deny, suspend, or revoke operator's identification card and certified applicator's identification card.
- (4) Gives Commissioner of Agriculture authority to appoint special inspectors who shall have authority to arrest with or without a warrant when a violation of law is committed in their presence.
- (5) Licensees who falsify any records required under the law or who use a restricted pesticide in a manner inconsistent with its labeling shall be guilty of a misdemeanor.
- (6) Sets forth minimum and maximum penalties for each violation:

"Not less than \$100.00 or not more than \$1000.00 or shall be imprisoned for not less than 60 days nor more than 6 months, or both."

II. Rules and Regulations:

- A. Adopted by Structural Pest Control Commission on November 2, 1955.

Amended 1957, 1958, 1959, and 1964

- B. Readopted by Structural Pest Control Committee on September 22, 1967.

Amended 1970, 1971, and 1975

Readopted May 25, 1977 - Parts I and II effective June 1, 1977 and Part III effective October 21, 1977.

- (1) 1975 Amendments - (effective July 1, 1976 - not enforced until November 1, 1976):
 - (a) Guidelines for determining active infestation of wood-destroying beetles and other wood-destroying insects prior to treatment.

- (b) Prohibits the re-application of pesticides to structures for the prevention and/or control of powder-post beetles and subterranean termites after an initial treatment except under certain conditions.
- (c) Requires soil outside foundation walls to be treated.
- (d) Location of individual water source must be shown on diagram of structure.
- (e) Licensed fumigator is required to notify Committee 5 days in advance of any fumigation of a residential structure.
- (f) Increase in re-inspection fees (formerly \$10.00 for each re-inspection):
 - \$10.00 for 1st re-inspection
 - \$25.00 for 2nd re-inspection
 - \$50.00 for 3rd re-inspection and each re-inspection thereafter

(2) 1977 Amendments:

- (a) Set forth state inspection procedures with respect to powder-post beetle (anobiid and lyctid species) treatment performed by licensed operators.
- (b) Records of structural pest control work:
 1. Type of records to be maintained.
 2. Length of period records are to be maintained.

III. Information on licensees, holders of operators identification cards, and certified applicators - 1976-77 year (July 1, 1976 - June 30, 1977):

- A. Licensees - EPA rules that persons who obtained licenses under "The Grandfather Clause" (without examination) must pass written examination in order to be certified. Seventy-two GFCs and 55 passed written examination for certification. Seventeen persons did not take examination.

(1) 266 License Exams given:

76 Exams passed
190 Exams failed

(2) 384 operators licensed:

<u>Operators</u>	<u>Type of license (P, W, & F)</u>
14	P
25	W
2	F

<u>Operators</u>	<u>Type of license (P, W, & F)</u>
280	PW
61	PWF
<u>2</u>	PF
384	Total

Orkin: 41 licensees
Terminix: 28 licensees

4 Female license holders

B. Persons holding Operators Identification Cards: 1,472

C. Certified Applicators:

(1) No. of certification examinations given: 1,195

No. of exams passed: 699
No. of exams failed: 496

(2) No. of applicators: 339

<u>Applicator</u>	<u>Type of Certification (P, W, & F)</u>
69	P
19	W
15	F
157	PW
53	PWF
25	PF
<u>1</u>	WF
339	Total

Female certified applicators: 11
No. of certified applicators with Pest Control Industry: 159
No. of certified applicators not with Pest Control Industry: 180
Total: 339

(a) Applicators with Pest Control Industry:

<u>Applicator</u>	<u>Type of Certification (P, W, & F)</u>
19	P
9	W
1	F
107	PW
<u>23</u>	PWF
159	Total

(b) Applicators not with Pest Control Industry:

<u>Applicator</u>	<u>Type of Certification (P, W, & F)</u>
50	P
10	W
14	F
50	PW
30	PWF
25	PF
<u>1</u>	WF
180	Total

1. Employees of Applicators not with Pest Control Industry:

<u>Employer</u>	<u>No of Applicators</u>
Government	84
Educational Agencies.....	34
City, County, & State Govt...24	
Federal Govt.....	<u>26</u>
	84
Private Industry	96
Tobacco Manufacturers.....	27
Food Manufacturers.....	42
Realty Companies.....	12
Chemical Companies.....	3
Others.....	<u>12</u>
	96

IV. Inspections:A. Termite Jobs:

2,160 Jobs inspected and 51% substandard

B. Soil Samples:

1,774 Jobs sampled and tested and 8% substandard

286 Licensees sampled and tested and 31% had substandard jobs

C. Inspections of Chemicals, Records, and Equipment:

545 Inspections made and 28% substandard

342 Licensees inspected and 39% has substandard chemicals, records, and equipment



STATE DEPARTMENT OF AGRICULTURE
PLANT INDUSTRY DIVISION

DALE O. LAUBACH
 Director

JON R. FORD
 Commissioner

REPORT OF PESTICIDE APPLICATOR REGULATORY ACTIVITIES
PRESENTED TO THE 1977 ANNUAL MEETING OF THE
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS
BY ORIN R. ELLIOTT, SUPERVISOR, PESTICIDE APPLICATOR SECTION

The year since our last meeting has been an eventful one.

Much of our effort has been focused toward passage of State Legislation which is compatible with the amended FIFRA. On June 8, 1977 Governor David L. Boren signed into law Senate Bill 190 which amended much of Oklahoma's existing Pesticide Legislation. With the amendments of SB 190 we now feel that the Oklahoma Pesticide laws are compatible with the provisions of FIFRA.

With the amendments of SB 190, Oklahoma now has two principle laws governing pesticides. One is a pesticide registration law and one is a pesticide use law (a copy of this law is attached).

At this time we are in the process of updating existing Rules and Regulations and developing new Rules and Regulations made necessary by the passage of SB 190.

For those of you who may be familiar with the Oklahoma Structural Pest Control Act it should be pointed out that this law is under going much debate. SB 190 does not specifically address this act. However, it is in conflict with the act in a number of areas. Several opinions exist as to what the future of this act should be. The provisions of this act are specific to pesticide applicators in Category 7. A complete formal legal opinion has been requested but is not expected before November or December of this year.

We have since our last meeting begun our certification of Commercial and Non-Commercial pesticide applicators. This program has been funded primarily by an EPA grant.

Certification requirements for Commercial and Non-Commercial pesticide applicators are the same. Each is required to pass a two hundred question General Certification examination. Additionally, a specific category examination of from fifty to one hundred questions must be satisfactorily completed in each category in which the applicant intends to do work.

As of the date of this report we have issued certifications in the following categories:

<u>Category Number</u>	<u>Category Description</u>	<u>Certificates Issued</u>
1 (a)	Agricultural Plant	269
3	Ornamental and Turf	561
4	Seed Treatment	40
7 (a)	General Pest Control	220
7 (b)	Termite Control	250
10	Demonstration and Research	530
	Aerial	167

Training Sessions are scheduled to begin later this month in Categories (2) Forest; (5) Aquatic; (6) Right of Way; (7c) Fumigation and (11) Bird and Predatory Animal.

We have continued with our Private Applicator Certification program. To date a total of 17,228 certifications have been issued.

In addition to the legislative amendments we in the Department of Agriculture have undergone a great deal of change in the past year. In March of this year the Oklahoma State Board of Agriculture felt that it would be beneficial if the Entomology and Plant Industry Division and the Seed, Feed and Fertilizer Division were combined into one Plant Industry Division.

This combination of Divisions has created some problems in transition but is proving to be a most interesting and beneficial change.

In the past each Division has had about ten (10) inspectors, each responsible for a large area of the state. This caused a great deal of added cost in Travel and Per Diem as well as time lost in commuting between locations of work responsibility.

With the combination the Division now has a field staff of one Chief Inspector and Twenty-one (21) Field Inspectors each responsible for an area of from one (1) to five (5) counties. Although there may be some lost efficiency due to the added laws for which they are responsible we feel that this will be more that offset by the savings in time, cost of Travel and Per Diem and a greater visibility of our enforcement personnel.

During the past twelve months the Pesticide Applicator Section has received some Four-hundred seventy-five complaints which have been or are in the process of being investigated by the Field Staff of the Division. Approximately Seventy-five percent of these complaints directly concern Structural Pest Control (Category 7).

As a direct result of these complaint investigations several meetings have been conducted to allow accused applicators to show cause why it should not be recommended that their license be revoked. A total of Eight (8) revocation hearings have been held resulting in the suspension or revocation of four licenses.

Where it has been appropriate our field personnel have worked closely with other state law enforcement officials. These activities have resulted in many criminal charges being filed with at least three felony and several misdemeanor convictions being obtained.

A benefit which we have reaped from the combination of the two divisions is that the added manpower has allowed us to do more routine compliance inspections.

We feel that these quality control inspections will in the long run prove to be beneficial because we will find many violations and effect a correction before they can turn into complaints.

In closing, I want to say that I feel that we are making a great deal of progress in Oklahoma in our Pesticide Applicator Training, Certification and Enforcement Programs. The effectiveness appears to be on the increase as does the response and enthusiasm shown by the permit holders and the citizens.

I want to thank each of you for the opportunity to present this report to the Association of Structural Pest Control Regulatory Officials. I also want to invite each of you to visit us in our great State whenever you can. You will always be welcome.

Thank You.

ASSOCIATION OF STRUCTURAL PEST CONTROL
REGULATORY OFFICIALS

MARYLAND REPORT
DAVID SHRIVER, SUPERVISOR
PESTICIDE REGULATION

I. Law and Regulations

A. Structural Pest Control - Category of VII

1. Business License

Fee - \$50.00 per year
Liability Insurance

- a. Bodily Injury - \$100,000 each person
300,000 each occurrence
- b. Property damage \$ 15,000 each occurrence
30,000 annual aggregate

Certification - by examination

2. Certification

Experience Requirement - one year
Fees - \$50.00 per year - one category
25.00 " " - additional category

Examination
Written
Practical

B. Commercial Applicators

Certification required for all pesticide use regardless of classification

C. Corporate Pest Control

Required for restricted use pesticide only

D. Public Agency Applicators and Permits

Federal, State, Local Government - No Fees

E. Registered Employees

All working under certified applicator must be registered and carry an
Identification Card

F. Vehicle Identification

All vehicles must show license number and name of business

Assoc. of Structural Pest Control Regulatory Officials

II. State Inspections

- A. Pesticide Application Records
- B. All equipment must have backflow preventers
- C. Complaints - All complaints must be in writing prior to making investigation by staff (except emergencies).

III. Pest Problems

- A. Termites
 - subterranean
 - drywood - (three in last year)
- B. Carpenter Ants
- C. Powder Pest Beetles
- D. Old House Borer
 - Problem created this year with chlordane used in house sprayed with chlordane for O.H.B. Child was hydrocephalic and suffered severe effects.
- E. Wharf borers - becoming increasing problem in Baltimore in building built near waterfront.
- F. Carpenter Bees
- G. Wood decay - rot, etc.

IV. Problem Areas

- A. Termite Inspection Reports
- B. Inspection warranties guarantees - too variable, some too inclusive, some very condemning to operator.
- C. Treatment guarantees - same as above
- D. Soil testing - need standard residue levels

V. Enforcement

- A. Licensing - still finding unlicensed operators - about 6 per year
- B. Use of Unregistered pesticides - example:
 - BELT - used for termite control

Assoc. of Structural Pest Control Regulatory Officials

- C. Fraud - currently in court on four cases - have convicted six cases - all have received maximum penalty of law including fine and incarceration.
- D. Soil testing - has become very valuable in Maryland as enforcement tool.

VITAL STATISTICS

Structural Pest Control Operators Certified	- 650
Pest Control Business Licenses	- 420
Registered Employees	- 5,000
Private Applicators	- 6,100

South Carolina Report

to

Association of Structural Pest Control Regulatory Officials

Biloxi, Mississippi

October 18-20, 1977

Neil Ogg, Pesticide Coordinator
Clemson University, Clemson, S. C.

1. Organizational Structure:

Clemson University
College of Agricultural Sciences
Division of Regulatory & Public Service Programs
Plant Pest Regulatory Service - administers all
categories of pesticide applicants

2. Legislative and Other Activities:

South Carolina Pesticide Control Act (1975):
Regulations have been completed for this act. With several minor changes suggested by EPA, these regulations will be final and enforceable. New provisions for PCO's include: Pesticide Assurance statements issued to clients, vehicle identification, record maintenance. Approval was given to the attached wood infestation report. Computer aided license renewal will be initiated this month.

3. Training for Certification:

The Cooperative Extension Service of Clemson University has conducted three - two day training sessions for pest control operators (PCO) this year. Approximately 400 people attended these three sessions. Following each training session the Plant Pest Regulatory Service administered the certification exams.

4. Certification of Applicators:

Applicators are certified through the certifications examinations. The Core exam covers basic material and is drawn from EPA/USDA's Apply Pesticides Correctly - A Guide for Commercial Applicators and a brief summary highlighting the South Carolina Pesticide Control Act. The passing rate is 82%. The category for structural pest control is Category 7 - Industrial, Institutional, Structural and Health Related. This examination is drawn from the Cooperative Extension Service's Pesticide Training Series 7. Passing rate is 70%. Traditionally successful completion of the certification examination results in one being termed certified; however, licensing requirements must be met before restricted use pesticides can be purchased or applied. Requirements are: successful completion of Core and category exam, financial responsibility of \$5,000, and the \$25.00 annual fee. Examinations are offered quarterly in at least three locations across the State.

The South Carolina law hinges around certification of applicators to use restricted use pesticides. A State restricted use list effective January 1, 1978, includes the initial 23 restricted use pesticides identified by EPA, all formulations of chlordane above 10% and all formulations of heptachlor, dieldrin and aldrin.

5. Reciprocity:

Full reciprocity has been established between South Carolina and North Carolina including structural pest control. Reciprocity in all areas of pest control excepting structural have been established between Georgia and South Carolina. Structural pest control reciprocity between Georgia and South Carolina will probably be forthcoming soon, however. Reciprocity between Louisiana and South Carolina in Category 6 Right - of - Way has been established.

6. Applicators Certified to Date:

As of October 1, 1977, 2,978 applicators have passed the certification examination (all categories). Eight-hundred and sixty-nine is the combined number of individuals certified in Category 7 - Industrial, Institutional, Structural and Health Related Pest Control, subcategory: A=General and B=Fumigation.

WOOD INFESTATION REPORT

Date _____

File No. _____

This is to report that a qualified inspector employed by this firm has carefully inspected readily accessible areas of the property located at the below address for termites, other wood destroying insects, and fungi. This report specifically excludes hidden areas and areas not readily accessible and the undersigned pest control operator disclaims that he has made any inspection of such hidden or of such areas not readily accessible.

THE INSPECTION DESCRIBED HEREIN HAS BEEN MADE ON THE BASIS OF VISIBLE EVIDENCE OF READILY ACCESSIBLE AREAS AND THIS REPORT IS SUBMITTED WITHOUT WARRANTY, GUARANTEE, OR REPRESENTATION AS TO CONCEALED EVIDENCE OF INFESTATION OR DAMAGE OR AS TO FUTURE INFESTATION.

The inspection for fungi is limited to that portion of the building below the floor level of the first main floor.

LOCATION AND DESCRIPTION OF PROPERTY INSPECTED: _____

TYPE OF TRANSACTION: FHA _____ VA _____ CONVENTIONAL _____ LOAN ASSUMPTION _____ CASH SALE _____

INFESTATION:

- | | | Check One | |
|---|--|--------------------------|--------------------------|
| | | YES | NO |
| 1 | There is active infestation of: (A) Termites | <input type="checkbox"/> | <input type="checkbox"/> |
| | (B) Other wood destroying insects | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 | There is evidence of a previous infestation of: (A) Termites | <input type="checkbox"/> | <input type="checkbox"/> |
| | (B) Other wood destroying insects | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 | There is visible evidence of prior treatment | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 | There is evidence of the presence of fungi below the floor level of the first main floor | <input type="checkbox"/> | <input type="checkbox"/> |

DAMAGE:

- | | | | |
|----|--|--------------------------|--------------------------|
| 1. | At the time of our inspection, there were visible damaged structural members (columns, sills, joists, plates, headers, stairs, porch supports). If the answer is "YES",
(A) Specify: Termites _____ Powder-Post Beetles _____
Others (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 | Damaged structural members have been repaired. If not repaired, answer "NO" and explain on reverse. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 | In our opinion there is insufficient visible damage to recommend repair. Explain on the reverse side why repair was not recommended. | <input type="checkbox"/> | <input type="checkbox"/> |

TREATMENT:

- | | | Check 1 or 2 | |
|----|--|--------------------------|--|
| 1. | The property described was treated by us for the control of _____
The present guaranty, subject to all original terms and conditions, will expire on _____
and may be renewed at \$ _____ annually by the new owner. | <input type="checkbox"/> | |
| 2. | The property described has not been treated by us or is not now under contract with our firm | <input type="checkbox"/> | |

LICENSE NUMBER OF PERSON SIGNING THIS REPORT _____

FIRM: _____

BY: _____

ADDRESS OF FIRM: _____

(CITY)

(STATE)

ACKNOWLEDGEMENT:

PURCHASER ACKNOWLEDGES THAT HE HAS RECEIVED A COPY OF THIS REPORT.

DATE ACKNOWLEDGED _____

(PURCHASER'S SIGNATURE) _____

SEE OTHER SIDE OF THIS REPORT FOR ADDITIONAL CONDITIONS GOVERNING THIS REPORT.

CONDITIONS GOVERNING THIS REPORT

This report is based on observations and opinions of our inspector. It must be noted that all buildings have some structural wood members which are not visible or accessible for inspection. It is not always possible to determine the presence of infestations without extensive probing, and, in some cases, actual dismantling of parts of the structure being inspected.

All inspections and reports will be made on the basis of what is visible and we will not render opinions covering areas that are enclosed or not readily accessible, areas of finished rooms, areas concealed by wall coverings, floor coverings, furniture, equipment, stored articles, or any portion of the structure in which inspection would necessitate tearing out or marring of finished work. We do not move furniture, appliances, equipment, etc.

The areas of the sub-structure that are accessible and open for inspection will be inspected. The substructure is defined as that portion of the building below the floor level of the first main floor.

Detached garages, sheds, lean-tos, fences, or other buildings on the property will not be included in this inspection report unless specifically noted

If there is evidence of active infestation or past infestation of termites and/or other wood destroying insects or fungi, it must be assumed that there is some damage to the building caused by this infestation.

The company, upon specific request and agreement as to additional charge, will open any inaccessible, concealed, or enclosed area and inspect same and make a report thereon.

Any visible damage to a structural member rendering it structurally unsound has been repaired; or, if not repaired, it is so indicated in this report. Our inspectors are not engineers or builders and you may wish to call a qualified engineer or expert in the building trade to ascertain their opinion as to whether or not there is structural damage to this property.

REMARKS

THIS SPACE CAN BE USED TO CLARIFY ANY STATEMENT MADE. INCLUDE ITEM NUMBER WITH EACH EXPLANATION.

Lined area for writing remarks.

RECEIVED

OCT 28 1977

**DIVISION OF PLANT
INDUSTRY M.O.C.**

MISSOURI REPORT

to

Association of Structural Pest Control Regulatory Officials

Biloxi, Mississippi, 17-19 October 1977

David A. Ramsey

Bureau of Pesticide Control

The Bureau of Pesticide Control and indeed, the entire Missouri Department of Agriculture, have incurred considerable changes since Mr. E. C. "Tim" Houser spoke to you at last year's meeting in Scottsdale, Arizona. Tim left the department to establish a private business in the "bootheel" region of Missouri. I was asked to relocate in Jefferson City and assume Tim's duties. About the same time, we acquired a new governor and a new director of agriculture. Recent months have brought a rapid change in personnel for the department including a new director for the Plant Industries Division, of which the Bureau of Pesticide Control is a part.

At present, the bureau consists of two pesticide technicians, two clerk-typists, four pesticide inspectors and myself. Six additional inspector positions have been approved and funded. Additionally, we have ten economic poisons inspectors, one secretary and eight area supervisors that spend at least 25 per cent of their time in the area of pesticides. We administer the Missouri Pesticide Use Act, the Missouri Economic Poisons Law, the Missouri Treated Timber Law and the Johnson Grass Control Act.

The Pesticide Use Act was amended during the last general assembly to provide for the needs of persons affected by the act, the needs of the Missouri Department of Agriculture and the requirements set forth by the FIFRA as amended and the rules promulgated thereunder. Principle changes included; (1) renaming the act, (2) providing for licensing of individuals rather than persons, (3) adding a certified noncommercial applicator classification, (4) defining misuse, (5) extending record keeping requirements to the owner or company manager, (6) extending the validity of the private applicator license to five years, (7) providing for attorney general action when a prosecuting attorney will not act, and (8) stating maximum fines for violators of the act. These amendments became law September 28.

Rules to accompany the act are presently going through the amending process. These rules cannot be promulgated before December 11, therefore I have requested and received an extension of contingency approval of Missouri's State Plan from the EPA. Our extension is good until January 10, 1978.

Besides rule changes made necessary by the amended act, I am proposing a more specific definition of direct supervision, stating the requirement of continuing training for applicators and operators, and providing for the disposal of examinations after one year retention by the bureau.

Recently we promulgated a new rule and an amended rule. The former dealt with forms to be accepted as evidence of financial responsibility and the latter revised the qualification requirements for structural pest control applicators.

To date we have certified the following number of individuals in each category within the commercial applicator classification:

<u>CATEGORY</u>	<u>NUMBER</u>
1a Ag. Plant	500
1b Ag. Animal	110
2 Forest	50
3 Ornamental & Turf	550
4 Seed Treatment	60
5 Aquatic	100
6 Right-of-Way	220
7a General Structural	820
7b Termite	750
7c Fumigation	100
8 Public Health	50
10 Demonstration & Research	30

A total of 1,750 commercial applicators are certified.

In addition, we have certified 37,000 private applicators.

Now that we have a proposed list of restricted use pesticides we have begun issuing public operator, noncommercial applicator and dealer licenses.

We have redesigned our applicator licenses so that those for commercial applicators are green, public operators are blue and noncommercial applicators are brown. They are all two-part certificates similar to Virginia's. Private applicator licenses are manila IBM cards and dealer licenses are yellow IBM cards.

All-in-all the Missouri pesticide applicator certification program is progressing nicely thanks to the diligent efforts of our hard working staff.

ARIZONA - Betty B. Sisk

The Arizona Structural Pest Control Board is a separate and distinct State entity answerable only to the Governor. The Board was created in 1965 and consists of five members, two representing public interest and three members whose principal interest has been the practice of structural pest control. The Board is a self-supporting agency or a 90-10 Agency. Board receives 90% of all revenue received and the state retains 10%. Arizona presently has approximately 250 licensed companies. Fees for examination are \$100.00 and licensing \$100.00. Renewals are on a calendar year basis. Financial responsibility must be submitted and on file prior to the issuance of any license.

The necessary legislation was adopted by the State of Arizona in May, 1974 which enabled the State to comply with the Federal Act. The Board of Pesticide Control (Agriculture Agency) was appointed the lead agency by the Governor, however, each agency has the necessary legislation to perform their own certification. An agreement between the lead agency and the Structural Board divided the categories within the realm of their present laws and duties. Structural Board therefore certifies in the categories of VII - Industrial, Institutional and Health Related Pest Control (general pest, wood destroying, fumigation and weed); III - Ornamental and Turf; and V - Aquatic (non-agricultural waters).

The State Plan was signed by our Governor in May of 1976 and Region IX (EPA -S.F.) approved on a contingency basis pending on the promulgation of necessary regulations which both agencies adopted. In January 1977 the amendments were incorporation into the State Plan, and it finally appeared in the Federal Register as of June 20, 1977.

The training was stipulated within the State Plan to be outside of the State Agencies therefore, training sessions have been spearheaded by the Cooperative Extension Service, U of A. Private training has also been performed, however.

Fee structure for certification adopted was \$15.00 for initial examination and certification; \$5.00 for renewal or re-certification; and \$1.50 for identification card.

Provisions for re-certification have been established by a rule requiring every certified person to be re-certified every 3 years by attending training course provided by the Cooperative Extension Service and being successful in the exam administered by the Board.

We presently have approximately 1200 certified - 900 in category VII; 350 in category III and 50 in Aquatic. Passing grade is 70% and we have had an average of 75% passing the first time the exam is taken. They are given a second chance. All in all, only about 8% have failed. We started our certification program in 1975 on a fiscal year basis, therefore, we already have had our first group renewed in June, 1977. (approximately 700 at that time). No one was grandfathered into our certification and no provisions were provided for reciprocity. Reciprocity is one of the items to be considered in the modification of the State Plan in the future. We have estimated the cost of \$27-\$30. to certify each applicant.

The Structural Pest Control Board employees include one inspector, two clerical assistants and myself.

The Structural Pest Control Board has signed a cooperative enforcement agreement with EPA on a reimbursement basis for \$30,000. Our one inspector was trained for six months under this agreement and now has his federal credential. This agreement will end in February 1978. Within this agreement, one of the provisions

that our Agency must perform 60 use investigations; 30 within the licensed PCO's and 30 with the certified applicator only. To date we have provided 54 use investigations; 1 accident ; 1 market surveillance; 1 establishment; and 1 producer establishment investigation.

We are negotiating a new grant for \$50,000. This will enable us to hire an additional inspector and staffing for the office. This application will be submitted October 30 and the approval is expected by March 1978.

NEVADA REPORT

I. Certified Applicators

- A. To date - 21 Certification Schools
 - 1. To date 971 certified applicators (i.e. applicators having passed the general exam)
 - a. 694 Commercial Applicators - 62%
 - b. 277 Private Applicators - 28%
 - 2. Category Breakdown - attached
- B. Restricted Use List - 23 pesticides
- C. Issuance of Certification Credentials
 - 1. Commences - 10/17/77
 - 2. Credentials expire 12/31/78
- D. Adopted Regulations - Effective 1/17/77

II. Pest Control Operators

- A. Revised and updated exams
 - 1. Employ a "card" system
 - 2. Correspond to license category changes
- B. Adopted Regulations - Effective 1/17/77
- C. Firms licensed - 70
- D. Activity Summary - attached

III. Cooperative Enforcement Agreement

- A. Coordinate pesticide regulatory activities
 - 1. Import monitoring
 - a. Monitor all shipments
 - b. None to date
 - 2. Domestic market surveillance
 - a. Wholesale or retail establishments - 50
 - b. Samples - 40
 - c. Unregistered products
 - (1) Supply houses
 - (2) State only registered products
 - 3. Experimental use
 - a. Monitor all uses
 - b. None to date
 - 4. Producer establishments -
 - a. All producers - 17
 - b. Samples - 8
 - 5. Use investigations
 - a. Agricultural uses - 30
 - b. Non-agricultural uses - 20
 - c. Samples - 5
 - 6. Episodes
 - a. All cases
 - b. Sample when necessary

- B. Training by EPA
 - 1. Fieldmen
 - 2. Lab personnel
- C. Equipment and supplies
 - 1. Furnished by EPA
 - 2. Grants from EPA
- D. Enforcement procedures
 - 1. Action: agreement between State and EPA
 - 2. State action - hold off sale
 - 3. Federal action - fines
- E. Advantages and disadvantages
 - 1. Advantages
 - a. Training
 - b. Equipment
 - c. Buffer - applicators
 - d. Additional regulatory authority
 - 2. Disadvantages
 - a. Manpower requirement
 - b. Paperwork
 - c. Federal inspection standards

NEW MEXICO DEPARTMENT OF AGRICULTURE

DIVISION OF PESTICIDE CONTROL
Box 3AQ/Las Cruces, New Mexico 88003
Telephone (505) 646-2133



ACTIVITY REPORT - NEW MEXICO

The New Mexico Department of Agriculture is the lead agency located at New Mexico State University. We had our Pesticide Control Act passed by our legislature in 1973. Our Act provides for licensing of the commercial pesticide applicator and the serviceman/operator.

This spring we held four (4) certification workshops around the State and certified 115 people in ornamental and turf pest control. We have already certified 88 pest control operators some of which are also licensed in ornamental and turf pest control.

This summer we suspended three (3) pest control operator's licenses and revoked two (2) of them for fraudulent termite work. The third pest control operator's license is suspended until January 1st of 1978, and if he reappplies his application will be taken under advisement. The fraudulent termite work was done by Charles W. Shaw and Tom Shaw dba All State Pestaway. Fraudulent termite work consisted of spraying toxaphene under the houses. A soil test showed 14,800 PPM. No trenching or rodding was done. Charges were filed on the Shaws in court, but they failed to show up so we now have arrest warrants out for them.

I would like to recommend that a suspension or revocation of a pest control operator license be reported to bordering states.

Activity Report - New Mexico

We now have 4,500 private applicators certified of which 400 are certified to use the M-44 a sodium cyanide ejector device to control coyotes and wild dogs. A predator management specialist was hired to hold workshops and certify the farmers and ranchers, and to enforce the 26 restrictions formulated by E. P. A.

An Enforcement Grant with E. P. A. has been submitted. The Grant will allow for a new employee, new lab equipment for analysis of residue samples, various equipment for sampling pesticides, etc.

A problem has arisen when an Indian Pueblo Housing Authority representative called and wanted us to train and certify some of their people to do structural control work on the 26 pueblos and reservations. We have agreed to hold a workshop and issue a letter stating they they have attended a certification workshop, but not issuing them a license since the State of New Mexico has no authority on Indian land. Another problem that could cause us problem is the case where minorities that can not read, write or speak English want to be licensed and certified. At this time since pesticide labels have to be read to be understood, we do not feel we can license these people.

Submitted By: Lonnie Mathews
Assistant Chief
Division of Pesticide
Management

STATE OF MICHIGAN

REGULATORY ACTIVITIES FOR 1977

The regulatory activities associated with pesticide applicators in Michigan during 1977 have been primarily directed toward certification and licensing. A majority of my remarks will be focused in these two areas although I will touch briefly on enforcement, consumer complaints and our proposed restricted use pesticide regulation.

Pesticide applicators in Michigan are regulated under authority of the Michigan Pesticide Control Act of 1976, PA No. 171, and Regulation No. 636. Act 171 became effective June 25, 1976 and implementation of the certification requirements began January 1, 1977 for the purpose of licensing commercial applicators. Under Michigan law licensed applicators must be certified to qualify for a license whether they use either general or restricted use pesticides. Full implementation of the certification requirements becomes effective October 21, 1977.

Our certification program for commercial applicators has become a statistic of Murphy's Law. The first thing to go wrong was a delay in obtaining all of the training manuals being produced by the Cooperative Extension Service at Michigan State University. The University Printing Office was hampered by a strike and we did not receive manuals for structural pest control operators until the second week in January. One manual for outdoor applicators was delayed until April 25 due to lack of input from some of the extension specialists. Another facet was mail service. After many phone calls from constituents we were forced to adopt UPS or First Class mail in lieu of Fourth Class at considerably more cost.

After resolving the mail situation we became confronted with problems involving the automated system of machine scoring examinations and informing applicants of their results. The score sheets being used resulted in many errors appearing on the audit trails which delayed processing exam results an additional three weeks longer than our projected three week turn around. Because of this time delay we experienced a large volume of phone calls that became time consuming for our clerical as well as myself. Eventually we were able to make various modifications in our instructions to examinees that helped to decrease the percent of errors and hired additional part-time help to assist with processing applications and score sheets.

In July of this year we made a critical evaluation of our certification process and were able to identify the problem areas. Methods Management Division made a study of each operation and came up with some constructive ideas which we have put into effect. The first and most obvious problem was space and personnel. Secondly, we needed a more efficient means for correcting errors on applications and score sheets and reduce the amount of time consumed in handling telephone inquiries.

We were fortunate in acquiring additional office space and separate facilities for our certification and licensing section as of October 10. Additional clerical personnel are readily available from the state secretarial pool on short notice during peak periods. Computer terminals are being installed which will provide fast retrieval of information and the capability for making on the spot error corrections. Hopefully, our expanded facilities and increased capabilities will enable us to complete initial certification for an estimated 30,000 applicators prior to the 1978 use season.

During the first nine months of operation we have processed applications for 2,835 commercial applicators and 5,261 private applicators for a total of 8,096. We have issued certification credentials for 1,184 commercial applicators and 3,630 private applicators for a total of 4,814. We have administered approximately 12,000 examinations which includes all category examinations. The pass-fail ratio for commercial applicators has been about 42%. Only a small percentage of commercial applicators have obtained a passing score on the first attempt. Many of them have repeated the examinations as much as three and four times before obtaining a passing score.

Our biggest enforcement problem this past year has been lack of compliance with the certification requirements for licensing. Because of the lateness in obtaining all of the category manuals we permitted commercial applicators to pursue their business activities for a reasonable amount of time if they had made application and were insured. After July 1 we proceeded to issue cease and desist orders to those individuals who were still dragging their feet. In some instances we obtained warrants for those found violating the cease and desist order. Out of a total of 960 license applications we have managed to issue only 603 licenses and some of these were limited only to the categories in which the individual had qualified. Additional categories are added to the license upon satisfactory completion of a category examination.

We received a normal number of consumer complaints against pesticide applicators this past year. An analysis of the complaints received this year indicates a trend is developing toward more acute awareness of pesticide applicators by the general public. Aerial applicators in particular are very visible. One complainant believes that her cow died after an adjoining field was sprayed by an aerial applicator. This was ruled out after extensive laboratory analysis and considerable expense to the taxpayers. We also had complaints against structural pest control operators with respect to charges for their services and in some instances misidentification of the pest problem.

Another facet of our regulatory activity centers on restricted use pesticides. Our state presently has a regulation governing the sale of certain pesticides which the Director has determined to be highly toxic to warm blooded animals. This regulation designates ~~204~~ compounds which may be sold to the ultimate user only by licensed dealers. Six of these compounds are further restricted for sale only to licensed pesticide applicators and governmental employees. We are in the process of amending this regulation to make it compatible with the Federal mandate of FIFRA. The proposed amendments to this regulation will include the

addition of the pesticides EPA is proposing to classify for restricted use by regulation plus 15 of the additional 37 materials designated by EPA as candidates for restricted use. We also proposed that 2, 4, 5 T be included as a restricted use pesticide in Michigan. The latter brought considerable response at the public hearings on the proposed regulation.

Our rule making process requires approval by a joint rule committee of the legislature before a regulation can become effective. We are hoping for final approval of the proposed regulation some time in November. Passage of the regulation should serve as a stimulus to farmers who have been procrastinating on certification.

Because of the delays and confusion that exists with the classification of restricted pesticides we will be conducting a series of dealer seminars around the state during the first full week in November. The seminars are being jointly sponsored by the Michigan Pesticide Association, Michigan Agri-Grain Dealers and the Michigan Plant Food Council in cooperation with the Cooperative Extension Service and the Michigan Department of Agriculture.

In my remarks I have attempted to share with you some of our experiences with the applicator certification program. I have touched just briefly on some of our enforcement activities, consumer complaints and our proposed regulation on restricted use pesticides. I will entertain any questions at this time.