ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS (ASPCRO)

HISTORICAL RECORD

1980

PRESIDENT:	Richard Carlton, LA
VICE-PRESIDENT:	Barry Patterson, NM
SECRETARY:	F.R. Du Chanois, FL
TREASURER:	None
LOCATION OF ANNUAL MEETING:	Winston-Salem, NC
DATE:	10/6/80 to 10/8/80

HIGHLIGHTS OF MEETING:

**Wood-Decay Fungi - Dr. Mike Levi
**The Development and Registration of a Pesticide-Dick Conn
**Equilibration of Chlordane in Soils Around Treated Structures-Dr. Bill Cobb
**State Reports
**Integrated Pest Management in Structural Pest Control Industry-George Rambo
**Regulatory Efficiency and Reform -Skip Capone
**Tour of RJ Reynolds Industries
**North Carolina Pig Picking (hog roast) -Oak Summit Farms
**EPA Enforcement Activities -Gus Conroy
**Insect Problems in Log Structures -Dr. Harry Moore

**Field Trip to Dixie Classic Fair

RESOLUTIONS:

NONE IN HISTORICAL RECORD

MISC: Historical records contain the minutes of the meeting. States attending the meeting were: Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, South Carolina, Virginia and Ontario Ministry of Environment.

Records contain a roster of registrants for this meeting.

The Twentieth Annual Conference of the Association of Structural Pest Control Regulatory Officials met at the Holiday Inn, Winston Salem, North Carolina on October 6, 7 and 8, 1980. The conference was very well attended and highly beneficial in terms of information exchanged, program excellence and objectives accomplished. The conference was represented by the following states: Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Lousiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, South Carolina, Virginia and Ontario, Canada.

Program of the

Association of Structural Pest Control Regulatory Officials

October 6, 7, & 8, 1980

Winston-Salem, North Carolina

Monday, October 6, 1980

Registration

Introduction of Members and Guests - Bill Wilder

Welcome - Mayor Wayne Corpening

"Wood-Decay Fungi" - Dr. Mike Levi

"The Development & Registration of a Pesticide" - Dick Conn

"Equilibration of Chlordane in Soils Around Treated Structures" Dr. Bill Cobb

Luncheon Guest Speaker - Commissioner Jim Graham

State Reports - Arizona, Betty Sisk; Arkansas, Don Alexander; Florida, F. R. Du Chanois; Georgia, James P. Harron; Kentucky, Thurman R. Measel; Louisiana, Glenn Guillory; Maryland, Mary Ellen Setting; Michigan, Robert L. Mesecher; Missisippi, Robert L. McCarty; Missouri, John R. Hagan; New Jersey, George L. Beyer, Jr.; Nevada; New Mexico, Barry Patterson

Trip to Dixie Classic Fair

Tuesday, October 7, 1980

Reports from the States (continued): New York, John Wainwright; North Carolina, Rudolph E. Howell; Oklahoma, Oren Ray Elliott; Ontario Ministry of the Environment, D. W. Wilson; South Carolina, Neil Ogg and Caron Gentry; Virginia, Charles G. Rock.

"Integrated Pest Management in Structural Pest Control Industry" George Rambo

"Regulatory Efficiency and Reform" - Skip Capone

Tour of R. J. Reynolds Industries (Cigarette Factory & World Headquarters)

North Carolina Pig Picking - Oak Summit Farms

Wednesday, October 8, 1980

Breakfast

Business Session

"EPA Enforcement Activities" - Gus Conroy

"Insect Problems in Log Structures" - Dr. Harry Moore

Adjourn

PROGRAM PERSONNEL

Lucien "Skip" Capone, III, Associate Attorney General, N.C. Dept. of Justice, Raleigh, N.C.

F.R. "Bob" Du Chanois, Secretary, ASPCRO, Entomologist, Dept. of Health & Rehabilitative Services, Jacksonville, FL.

Dr. William "Bill" Y. Cobb, Director, Food & Drug Protection Div., N.C. Dept. of Agric., Raleigh, N.C.

Richard "Dick" L. Conn, Sr. Regulatory Specialist, Res. & Dev. Group, Reg. & Tox. Dept., CIBA-GEIGY, Greensboro, N.C.

A. "Gus" E. Conroy, II, Div. Director, Pesticide & Toxic Substances Enforcement, EPA, Washington, D.C.

Wayne Corpening, Mayor, City of Winston-Salem, Winston-Salem, N.C.

James "Jim" A. Graham, Commissioner, N.C. Dept. of Agriculture, Raleigh, N.C.

Rudolph "Rudy" E. Howell, Dir., Structural Pest Control Div., N.C. Dept. of Agric., Raleigh, N.C.

Dr. Michael "Mike" P. Levi, Professor, Extension Forest Resources, N.C. State Univ., Raleigh, N.C.

Dr. Harry B. Moore, Professor, Dept. of Entomology, N.C. State Univ., Raleigh, N.C.

Barry Patterson, Vice-President, ASPCRO, Chief, Div. of Pesticide Mgmt., New Mexico Dept. of Agric., Las Cruces, N.M.

Dr. George Rambo, Dir., Technical Operations, NPCA, Vienna, VA.

William "Bill" A. Wilder, Jr., Assistant Commissioner, Office of Consumer Services, N.C. Dept. of Agriculture, Raleigh, N.C.

SPONSORS

NORTH CAROLINA DEPARTMENT OF AGRICULTURE
Tour of R.J. Reynolds, Industries
(CIGARETTE FACTORY & WORLD HEADQUARTERS)
on Afternoon of October 7th
and
Breakfast on Morning of October 8th

NORTH CAROLINA
PEST CONTROL ASSOCIATION, INC.
Coffee and Pastries
During Break

FORSHAW CHEMICALS, INC.
NORTH CAROLINA
PORK PRODUCERS ASSOCIATION, INC.
and
STEPHENSON CHEMICAL COMPANY, INC.
Pig Picking
on Evening of October 7th

ORKIN EXTERMINATING COMPANY, INC.
Luncheon on October 6th
and
Hospitality Suite on
Evening of October 6th

TERMINIX INTERNATIONAL, INC.
Hospitality Suite on
Evening of October 5th
and
Luncheon on October 7th

ASSOCIATION

OF

STRUCTURAL PEST CONTROL

REGULATORY OFFICIALS

* * *

1980

ANNUAL MEETING

OCTOBER 6, 7, & 8, 1980

HOLIDAY INN

NORTH CHERRY STREET

WINSTON-SALEM, NORTH CAROLINA

1980 ASPCRO OFFICERS

Richard Carlton . . President

Barry Patterson . . Vice-President

F. R. Du Chanois . Secretary

PROGRAM COORDINATOR

Rudy Howell

P R O G R A M

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS
1980 ANNUAL MEETING
OCTOBER 6, 7, & 8, 1980
HOLIDAY INN, N. CHERRY ST. - WINSTON-SALEM, NORTH CAROLINA

SUNDAY, OCTOBER 5, 1980

2:00 - 6:00 P.M. . . . Registration
7:00 - 8:00 P.M. . . . Hospitality Suite

MONDAY, OCTOBER 6, 1980

8:00 A.M.	Registration
8:20 A.M.	Opening Remarks & Introduction of Members and Guests . . . Bill Wilder
8:30 A.M.	Welcome . . . . . Mayor Wayne Corpening
9:00 A.M.	"Wood-Decay Fungi". . . . Dr. Mike Levi
10:00 A.M.	Break
10:15 A.M.	"The Development & Registration of a Pesticide" . . . . . Dick Conn
11:15 A.M.	"Equilibration of Chlordane In Soils Around Treated Structures" Dr. Bill Cobb
12:00 Noon	Luncheon Guest Speaker . Commissioner Jim Graham
1:00 - 5:00 P.M.	State Reports . State Representatives
6:00 - 7:00 P.M.	Hospitality Suite
8:30 P.M.	Dixie Classic Fair

TUESDAY, OCTOBER 7, 1980

8:00 A.M.	Continuation of State Reports . . . . . State Representatives
10:00 A.M.	Break
10:15 A.M.	"Integrated Pest Management In Structural Pest Control Industry". Dr. George Rambo
11:00 A.M.	"Regulatory Efficiency and Reform" . . . . . Skip Capone
12:00 Noon	Luncheon
1:30 P.M.	Tour of R.J. Reynolds Industries (Cigarette Factory & World Headquarters)
6:00 P.M.	North Carolina Pig Picking Oak Summit Farms

WEDNESDAY, OCTOBER 8, 1980

7:30 A.M.	Breakfast
8:30 A.M.	Business Session
10:00 A.M.	Break
10:15 A.M.	"EPA Enforcement Activities". Gus Conroy
11:00 A.M.	"Insect Problems In Log Structures" . . . . . Dr. Harry Moore
12:00 Noon	ADJOURN

23 October 1980

MEMORANDUM

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

FROM: F. R. Du Chanois, Secretary (Florida)

SUBJ: Minutes and Notes of 20th Annual Meeting in Winston-Salem, North Carolina, 6-8 October 1980

Minutes and Notes of the 20th Annual Meeting of ASPCRO held in the HOLIDAY INN, 3050 North Cherry Street, Winston-Salem, North Carolina, during 6-8 October 1980, are enclosed herewith for your information.

Representatives of the North Carolina Department of Agriculture, Office of Consumer Services, and Structural Pest Control Division deserve special commendation and thanks for organizing, producing and directing an outstanding meeting in all respects. There really aren't enough words in the song to sing the praises of our hosts for the overall excellence of the meeting. Everyone attending will tell you, "And that's the name of that tune." We can tell you one thing--it's going to be a hard act to follow, as the adage goes. It was the kind of meeting you really get something out of, judging from the comments.

The meeting was attended by 18 states and Canada (Ontario Ministry of Environment) represented by more than 27 regulatory officials. States represented were: Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Ontario (Canada), South Carolina and Virginia. The states of Arizona and Nevada were unable to attend but submitted reports.

The educational sessions were moderated by the Hon. William A. (Bill) Wilder, Assistant Commissioner, Office of Consumer Services, North Carolina Department of Agriculture in an informal, friendly but masterful manner, ably complemented by Rudolph E. (Rudy) Howell. The business sessions were presided over by ASPCRO Vice President (and President Elect) Barry Patterson (New Mexico) in the absence of (Past) President Richard (Dick) Carlton (Louisiana).

The success of the meeting stands as a paean of tribute to the host State of North Carolina and its friendly officials and residents, and is a great credit to individual city, state, federal, association, industry and university participants. The members of ASPCRO are most appreciative to the host State of North Carolina, especially to our fellow-member Rudy Howell, Program Coordinator, and to all those who helped in any way make the meeting such a wonderful experience.

Copies of the program, reports submitted by the individual states, resolutions adopted, and list of attendees are appended to the Minutes and Notes.

P R O G R A M

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS
1980 ANNUAL MEETING
OCTOBER 6, 7, & 8, 1980
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F.R. "Bob" Du Chanois, Secretary, ASPCRO, Entomologist, Dept. of Health & Rehabilitative Services, Jacksonville, FL.

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ASSOCIATION

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STRUCTURAL PEST CONTROL

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* * *

1980

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OCTOBER 6, 7, & 8, 1980

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PROGRAM COORDINATOR

Rudy Howell

MINUTES and NOTES of the 20th ANNUAL MEETING*

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

Winston-Salem, North Carolina

6-8 October 1980

Sunday, 5 October

REGISTRATION, 2:00 - 6:00 P.M.

HOSPITALITY SUITE, 7:00 - 8:00 P.M.

Courtesy TERMINIX INTERNATIONAL, Memphis, Tennessee.

Monday morning, 6 October

REGISTRATION, 8:00 A.M.

OPENING REMARKS and INTRODUCTION of MEMBERS and GUESTS, 8:20 a.m.

Mr. William A. (Bill) Wilder, Assistant Commissioner, Office of Consumer Services, North Carolina Dept. of Agriculture, Raleigh.

Mr. Wilder called the 20th Annual Meeting to order and cordially welcomed everyone to North Carolina and to the meeting. He also introduced and thanked all the speakers very graciously. (Ed. note: It was a real pleasure to have Mr. Bill Wilder with us throughout the meeting and the members of ASPCRO recognize and thank him for spending the time with us, looking after us so well, and keeping us on time).

WELCOME, 8:30 A.M.

Mayor Wayne Corpening of the City of Winston-Salem.

His Honor, Mayor Corpening, proudly welcomed the members and guests to the progressive City of Winston-Salem. He prefaced his remarks with some historical background of the city dating back to the first Moravian Brethren Settlement in North Carolina, Bethabara, founded in 1753. In 1766 the Moravians, a devout Germanic people, started the town of Salem. Later in 1853 the newer town of Winston was founded, and in 1913 Winston and Salem combined to form the present day municipality of Winston-Salem. The modern city has a population of 140,000. Recently Reynolds Industries, Inc., demonstrated their faith in the future of the area by announcing a billion dollar development project over the next 10 years. Also, there are two new buildings on stream in the urban redevelopment of the down town area. The Mayor said he was honored to have the Association members in Winston-Salem.

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*Minutes and Notes are intended for the information and use of ASPCRO members, only; and to reflect proceedings of the meeting as accurately as possible from longhand transcription, and from submitted reports and papers. Information presented or opinions expressed by individual members and speakers are their own and not necessarily those of the Association, nor do they necessarily express or imply the official views and policies of the agencies, firms or organizations represented. Neither ASPCRO nor its Secretary assumes any responsibility for errors of omission or commission as they are, if any, unintentional. Corrections will gladly be made in the next issue upon request.

WOOD-INHABITING FUNGI, 8:50 A.M.

Dr. Michael ("Mike") P. Levi, Professor, Extension Forest Resources, North Carolina State University, Raleigh

Dr. Levi quipped that he "talks rot." He enhanced his talk with a beautiful slide presentation. The speaker stated that severe damage from decay fungi can occur in 2 years, and easily in 5 to 6 years. The southeastern U.S. is a high hazard area. The entire eastern and Pacific coast areas (especially northwest) are moderate hazard areas. The energy conservation issue has caused an increase in the fungus decay problem.

Decay affects both hardwoods and softwoods. The heartwoodsof redwood, cedar, bald cypress and white oak possess some degree of resistance; they are naturally more durable as they are more resistant to decay. All sapwood is non-resistant. In heartwood that is resistant you will only get decay when there is water in the wood cell hulls. The fiber saturation point of wood is 30 percent moisture content. If wood is below 20 percent moisture content it will never decay. This provides a safety margin below the saturation point. When water is pulled out of the cell walls, wood shrinks. Swelling and shrinking change with moisture content. There may be substantial dimensional shrinkage. Dry wood will never decay.

Decay is caused by fungi and fungi use wood or other organic materials for food. A combination of moisture, food materials and warmth (favorable temperature) is necessary for fungus decay infection.

Surface molds and mildew do not weaken wood. When wood dries out they either die or become dormant but (the signs) do not disappear. They are just a sign or indication that wood is moist or may have been moist at some time. A moisture meter may be used to determine the moisture content of wood. You can scrape the surface and reexamine a few weeks later (for mold growth).

Blue stain fungus is not a decay problem if wood is dry. The organo-mercurials,which are good mildewcides, are no longer available. Mildew may appear on wood siding.

The decay fungi grow and penetrate deeply into a piece of wood. Chemical sprays or brush treatments will not kill wood decay fungi. They give a false sense of security. Surface application is not a good control for decay fungus. They may help control or alleviate allergies due to sensitivity to fungus.

Brown and white rot fungi render wood structurally useless. Most decay fungi grow on moist wood, only. An exception to this is the water-conducting fungus, Poria incrassata (in Canada and parts of Europe Merulius lachrymans.) These are the most destructive of all wood decay fungi, but fortunately are very rare. Dr. Levi related that he had seen perhaps a dozen cases in North Carolina since 1971. Water-conducting fungus occurs mainly and quickly, given the proper conditions, in new construction growing from earth-filled porches (or attached slabs). It grows through from earth fills. Rhizomorphs are the thick, water-conducting mycelial strands. A minimum 8 inches of vertical clearance is the recommended control.

The requirements for fungal growth are: oxygen, warmth, food and moisture. For practical purpose you must remove either moisture or food.

To prevent rot use dry wood and keep the wood dry. Where it cannot be kept dry use pressure-treated wood. Kiln-dried or surface-dried lumber should be kept under cover until used. Sources of moisture are: from the soil, rain seepage or from inside the house, e.g. plumbing leaks.

Proper drainage--make sure water runs away from the house, not under it. Where drainage away from house cannot be effected it may be necessary to use a sump pump as in basements.

Proper ventilation -- avoid dead air spaces. Attics must be ventilated the year around. Crawl space vents may be closed in winter but should be opened in summer to allow cross-ventilation. All the homeowner is getting with automatic vents is assurance that the vents are opening and closing; they are a labor saving device. Where you have a soil cover, you need one crawl area vent to every 6 to 8 feet. Where there is no soil cover, you need one vent to every 150 sq. ft. of crawl space area to provide a safety factor. Water will go through brick and concrete block.

Ground covers (moisture barriers) -- should be of 4 mil (minimum) plastic* and provide for 70 per cent ground coverage. The 70 percent is an average figure. The ground cover is just to keep moisture in the soil. Moisture beads under the cover. This prevents condensation on walls, in the substructure and elsewhere. Installation follow-up inspections are essential to check for plumbing leaks, drainage problems and condition and lay of the cover. The whole idea of covers is to hold down moisture, and they will do so within about a month after installation.

Pressure-treated wood -- chemical preservative penetrates into wood and not just on the surface. Chromated-copper-arsenate, also called CCA, salt, Boliden, Osmose, Wolman, are some pressure treatment preservatives. These must be applied by pressure treatment, not by brushing on or dipping. The American Wood Preservers Bureau (AWPB) grade or quality is stamped on properly pressure treated lumber. Look for these use grade or quality marks.

Other preventive measures include removal of wood debris from building sites, and keeping untreated wood clear of the soil, and providing 8 inches minimum vertical clearance - - 8 inches minimum clearance from soil grade surface to wood above. If wood is dry you will get good penetration, and the only way to obtain good penetration is by pressure treatment. Copper naphthenate and pentachlorophenol (PCP) are used for dip or surface (brush or spray) treatments.

Control -- locate source of moisture; determine if you have a moisture problem; eliminate moisture source; replace weakened/damaged wood; dry wood will not decay. Where you cannot eliminate moisture, you should replace with pressure-treated stock.

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* Polyethylene or equivalent

Inspection procedures -- no additional work is involved if the PCO is doing a good job of inspecting for termites and other wood-destroying insects. One additional recommended procedure is using a moisture meter. Test readings should be taken in areas where there is the poorest ventilation.

Summarizing some high points, Dr. Levi repeated you have to have good drainage and you have to have good ventilation -- in other words good moisture control. To prevent/control decay -- keep wood dry. If you can't keep it dry, use pressure treated wood.

DISCUSSION: Dr. Levi answered questions from the floor. He does not recommend the use of pentachlorophenol ("penta") or creosote inside homes because of volatilization and chemical exposure of the occupants.

Poria can cause severe structural damage in 2 years; ordinary decay fungi within 4 to 10 years, with no extensive decay in less than 4 years.

Soft rots, a group of lower fungi, are of no economic importance in homes.

All ordinary decay fungi, the brown and white rots, for example, belong to a large class of higher fungi, Basidiomycetes.

The CCA treatments have been used since about 1930 and are still looking good.

The following publications were made available as handouts by Dr. Levi:

(1) Levi, Michael P. 1979. A guide to the inspection of existing homes for wood-inhabiting fungi and insects. U.S. Dept. of Housing and Urban Development/U.S. Dept. of Agriculture, Forest Service, 104 pp.

Source: Mr. Orville Lee, Director
Building Technology Research
U.S. Dept. of Housing and Urban Development
451 - 7th Street SW
Washington, D.C. 20410

(2) Verrall, Arthur F. and Terry L. Amburgey. 1979. Prevention and control of decay in homes. U.S. Dept. of Agriculture, Forest Service/U.S. Dept. of Housing and Urban Development, 148 pp.

Source: same as (1)

(3) De Groot, Rodney C. 1976. Your wood can last for centuries. U.S. Dept. of Agriculture, Forest Service, 24 pp.

Source: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C.
Stock No. 001-001-00419-7

(4) _____. 1979. Wood tips No. 1, North Carolina State University at Raleigh, North Carolina Agricultural and Technical State University at Greensboro, and U.S. Department of Agriculture. Leaflet 3/79/5M, AG 99, 2 pp.

(5) Levi, Michael. 1974. Chemical control of wood rot. Pest Control, Nov. 1974, 3 pp.

(6) Levi, M.P. Techniques for the control of soil moisture. School of Forest Resources, N.C. State University, Raleigh, N.C. 27607, Mimeo, June 1972, 5pp.

(7) The following handouts are appended to and made a part of these Minutes and Notes: Useful Addresses for the Pest Control Operator (sources of self-adjusting foundation ventilators and moisture meters), Jan. 1978; Checklist for Decay Inspections at and below Ground Level, Mike Levi, Oct. 1974; and N. C. Structural Pest Control Committee Recommendations for Control of Wood-Destroying Fungi in Buildings after They Are Constructed.

COFFEE BREAK, 10:05 A.M.

Refreshments during all coffee breaks provided courtesy of the NORTH CAROLINA PEST CONTROL ASSOCIATION, INC.

THE DEVELOPMENT AND REGISTRATION OF A PESTICIDE, 10:25 A.M.

Mr. Richard (Dick) L. Conn, Sr., Senior Regulatory Specialist, Research and Development Group, Registration and Toxicology Department, Agricultural Division, CIBA-GEIGY, LTD., Greensboro, North Carolina.

Mr. Conn explained and illustrated by slides what the company goes through to get a new chemical (pesticide) on the market in this era. He assured that it is a long road and has gotten longer in the last 10 years. The speaker outlined and then amplified the procedures in registering a pesticide through the following 6 stage development plan:

(1) Laboratory and greenhouse screening for biological activity. Involves biology of pest, formulations and toxicology. This stage takes about 1 year.

(2) Field screening and testing. This involves further biology, formulations and patents applications requiring 1 to 2 years.

(3) Preliminary chemistry, toxicology, production and field trials. This stage occupies an additional one year.

(4) Major chemistry, toxicology and production studies. It involves further biology, long term toxicology (up to 3 years). This stage takes another 1 to 2 years overall.

(5) Registration - experimental and full. This step requires about 1 year and 7 months (avg.).

(6) Marketing and label extension. From synthesis of the chemical compound to time the product is sold spans 6 to 8 years.

Mr. Conn noted that the 1970's were the decade of regulation (expansion). Major federal regulatory agencies multiplied to twenty. Federal regulatory employees increased from 28,000 to 100,000, and the regulatory budget grew from $500,000 to $6,000,000. The Federal Register expanded from 20,000 to 78,000 pages. This period was characterized as one of increasing governmental regulation with its consequent impact upon product registration. Total development costs per active ingredient increased to $6 to $10 million. What does it cost to get one product registered today? $6 to $10 million, or $1 million per product per year, covering 6 to 8 years. The chemical industry has spent about $700 million in this area in 1980 (Ed. note: The last statement is subject to correction due to possible inaccuracy of transcription). Development time from discovery to registration can take as long as 7 years, 8 months.

The major hurdles which delay registration were attributed to such things as EPA priorities, government bureaucracy, new regulations and data requirements, and possibly rejection or invalidation of toxicological data from IBT.

EPA supports the use of pesticides on a risk to benefit basis. There are growing signs and awareness that the public is starting to resent pesticide "bans". The speaker expressed the opinion that the EPA is more willing and ready to accept reasonable use restrictions vice outright banning. By the same token the industry is willing to accept classification of products for restricted-use.

A summary of the major points made and kindly submitted to the Secretary by Mr. Conn are appended to and made a part of these Minutes and Notes.

BUSINESS SESSION INTERLUDE, 11:10 A.M.

Vice-President Patterson (New Mexico) interrupted the program briefly to appoint the following committees:

Nominating Committee: F. R. Du Chanois (Florida), Ray Elliott (Oklahoma) and Rudy E. Howell (North Carolina).

Resolutions Committee: Robert McCarty (Mississippi), Neil Ogg (South Carolina) and Charles G. Rock (Virginia).

EQUILIBRATION OF CHLORDANE IN SOILS AROUND TREATED STRUCTURES, 11:15 A.M.

Dr. William ("Bill") Y. Cobb, Director, Food and Drug Protection Division, North Carolina Department of Agriculture, Raleigh (State Chemist)

The complete text of Dr. Cobb's excellent presentation is appended to and made a part of these Minutes and Notes. This information is most pertinent and of great interest and usefulness to all structural pest control regulators. It is recommended reading.

DISCUSSION: Robert McCarty (Mississippi) complimented Dr. Cobb and his group on this study. He urged that this work should be expanded and developed with a view to bringing about some uniformity from the standpont of regulatory action. He appealed for needed additional answers along these lines of investigation. Mr. McCarty noted that there is no uniformity in sampling techniques and analytical procedures. There is a wide variability in reproducing results, and soil variation should probably be taken into consideration. (Ed. Note: There is no doubt, many members concur with and share in Robert McCarty's interest in this important matter).

ADJOURN FOR LUNCH, 12:00 noon

The members and guests assembled at the HOLIDAY INN for an enjoyable lunch courtesy of the ORKIN EXTERMINATING COMPANY, Atlanta, Georgia (HQ). Mr. Gary Rollins, President of ORKIN, extended personal and company greetings.

The Honorable James ("Jim") A. Graham, Commissioner of Agriculture, North Carolina Department of Agriculture, was the luncheon speaker. The Commissioner's friendly warmth and mingled fine sense of humor added greatly to the pleasure and relaxation of the occasion. Mr. Graham recognized the worthwhile objectives and mutual concerns of ASPCRO. He spoke with optimism and with great pride in the accomplishments and benefits of and the bright future for agriculture in North Carolina. He also recognized the contributions and good work of the people in the Department of Agriculture. In short, Commissioner Graham made everyone feel at home and that he really enjoyed being with us. Let the record show that ASPCRO appreciates Commissioner Graham's personal presence and participation.

Monday Afternoon, 6 October

REPORTS FROM THE STATES, 1:10 P.M.

Vice-President Patterson called the meeting to order and, in alphabetic turn, called upon representatives from the states attending to present the State's Report. Copies of all State Reports submitted to the Secretary, and also including reports submitted by states in absentia (Arizona and Nevada), are included with these Minutes and Notes.

The following states reported at this time:

ARKANSAS - Mr. Don Alexander
CANADA (Ontario Ministry of Environment) - Mr. Donald W. Wilson
FLORIDA - Mr. F. R. Du Chanois
GEORGIA - Mr. James P. Harron
ILLINOIS - Mr. Harvey J. Dominick

Mr. Dominick expressed great concern about possible ill-effects from recent "Sunset-Law" review in his state. One of the questions asked was - do the benefits of the regulatory program outweigh the costs of administering such a program? He recommended advance preparation and regular accrual of records to those states facing "sunset" review. The Department of Public Health received a $350,000 grant through the State Department of Agriculture, the Lead Agency. The Illinois Pest Control Association is opposed to federal grants.

COFFEE BREAK, 2:45 P.M.

REPORTS FROM THE STATES, cont'd., 3:00 P.M.

INDIANA - Mr. C. Edward (Ed) Mc Coy

Mr. Mc Coy commented that whereas his state is probably the newest kid on the block with respect to regulation, Indiana by virtue of Purdue University has probably had the strongest and longest on-going training program. He realized there is some imbalance. To date their applicators are job-aware but not site-aware. They are going to try to require that the supervisor is on the site before the job is finished. They found gross malpractice by an operator who ducked supervision by hiring unqualified individuals to stand in for him as a front. The operator was closed down on the grounds of conspiracy.

(Mr. Jack Grimes, Director of Government Affairs, National Pest Control Association, Vienna, Virginia, announced that the FHA and VA had approved NPCA's latest Wood- Infesting Organism Inspection Report form).*

KENTUCKY - Mr. Thurman R. Measel

LOUISIANA - Mr. James A. Arceneaux

MARYLAND - Mrs. Mary Ellen Setting

Mrs. Setting emphasized the usefulness and versatility of the new word processor purchased for their program.

MICHIGAN - Mr. Robert L. Mesecher

Mr. Mesecher related that industry put on a training program for their regulatory staff to familiarize them with actual treatment procedures.

Ninety days before certification renewal a computer printout is sent to each applicator. Renewal is tied to the individual's birthday.

He reported on an incident wherein the complainant had an allergic reaction to a residential application. The PCO reported using malathion as a flushing agent and diazinon for spot treatment. The laboratory running the samples collected was finding parathion. It was finally determined by the lab that the contaminant was"Dursban"rather than parathion, as the two compounds have similar chemical structure.

MISSISSIPPI - Mr. Robert Mc Carty

MISSOURI - Mr. John R. Hagan

NEW JERSEY - Mr. George L. Beyer, Jr.

ADJOURN, 5:15 P.M. until 8:00 A.M. Tuesday

* HUD Form 92053 (10/80)

HOSPITALITY SUITE, 6:00 - 7:00 P.M.

Courtesy ORKIN EXTERMINATING COMPANY, Atlanta, Georgia

ATTEND DIXIE CLASSIC FAIR in progress, Winston-Salem, 8:30 P.M. (Ed. Note: A GOOD time was had by all).

Tuesday Morning, 7 October

Call to order and announcements by Vice-President Patterson.

REPORTS FROM THE STATES, cont'd., 8:00 A.M.

The following states reported in reverse alphabetic order at this time:

NORTH CAROLINA - Mr. Rudolph (Rudy) E. Howell

VIRGINIA - Mr. Charles G. Rock

Mr. Rock advised that DEGESCH (GMBH, Frankfurt, AM, Main, Federal Republic of Germany) is manufacturing and registering "Cyanogas" (calcium cyanide dust) formerly marketed by American Cyanamid Company.

In one instance they lost a court case because they failed to prove criminal intent, even though there was a misdemeanor violation.

They are finding numerous chlordane (use) violations involving old-labeled chlordane. There appears to be continued misuse of chlordane. Virginia supports the state enforcement primacy concept. They are engaged in an aggressive recertification program by way of training programs.

He noted they are adopting an anti-cycling device to prevent back-siphonage of chemicals into water supply systems.

SOUTH CAROLINA - Neil Ogg

Mr. Ogg noted that they hope to fund an attorney position at the college (Clemson University).

OKLAHOMA - Orin Ray Elliott

Mr. Elliott advised that his state does not have a recertification program to date as they are not convinced it is necessary. Oklahoma is unable to reciprocate with other states due to wording of the Pesticide Applicator Act.

They have referred 8 misuse cases to EPA for final action. Warning citations were issued by EPA in 5 cases and 3 were returned with no action taken. Their department refers these cases to EPA because that agency has more penalty options than the State Board of Agriculture has.

NEW YORK - Mr. John F. Wainright

Mr. Wainright noted that they provide inspectors with microfiche cards and readers for use in the field. The portable microfiche reader plugs into the vehicle cigarette lighter. The cost is approximately $150 - $200 (?).

NEW MEXICO - Mr. Barry Patterson

Mr. Patterson commented that the newly amended Pesticide Control Act and allied regulations would be available in the near future. The major problems stemmed from use by the public, not licensed operators. The only way they could control this was by adopting regulations restricting sale to the public of all products that are labeled, "For Use by Licensed Pest Control Operators (Applicators) Only" or similar statements.

Amendments to the State Plan (originally approved in 1976) were submitted to and approved by EPA. Under the changes they now have to recertify applicators only if there have been significant technological changes. They haven't seen the need for recertification due to the rapid turnover of people within the industry. Exams are revised annually. With respect to their EPA Enforcement Grant, some new EPA requirements do not jibe with the Department's philosophy.

They have installed two-way radios in state vehicles used by inspectors owing to the great travel distances involved. The state also has a radio network. Microfilming and mocrofiche equipment has been purchased. The restricted-use pesticide list is available upon request to his office. They obtained a special local needs 24(c) label for use of "Baygon" (propoxur) in sewer system manholes in Albuquerque. A toll-free phone line into his division office was installed for use by pesticide dealers. The initial installation cost was $600, and $200 monthly charge for ten hours use.

-CONCLUSION OF STATE REPORTS-

DISCUSSION PERIOD:

FIFRA Sections 26 and 27 regulations proposed by EPA were discussed and the suggestion made to consider a resolution urging EPA to reconsider and allow time for input by the states. This concerns state primary enforcement responsibility, and failure of the states to enforce state pesticide use regulations. Mr. Jack Grimes (NPCA) stated that now was the time to comment. General discussion of the state (enforcement) primacy concept followed. It was the consensus of members present that a resolution would be in order. Messrs Mc Coy (Indiana) and Elliott (Oklahoma) submitted that referrals back to EPA would balance enforcement and forestall (the need for) EPA's placing additional requirements on the states.

Mr. Grimes (NPCA) stated that NPCA's technical release on disposal of hazardous substances would be made available to the states (upon request). According to Jack Grimes new EPA regulations for hazardous waste management would apply to "old rat bait", only. By careful management, the PCO may be able to avoid coming under these regulations.

Mr. Neil Ogg (South Carolina) commented on the RPAR for lindane with special reference to the use of lindane by PCO's for powder-post beetle prevention/control. He recommended consideration of a resolution favoring the retention of lindane for powder-post beetle control in structures. Mr. Grimes added that the data used by EPA were inaccurate and that NPCA understood the matter would be reconsidered. He predicted that lindane registration would survive as a restricted-use pesticide for use by PCO's (for wood-infesting beetle control).

Mr. Patterson (New Mexico) noted that his Department never received approval from any city in the state for pesticide disposal in landfills once the word "pesticides" was mentioned.

COFFEE BREAK, 10:00 A.M.

INTEGRATED PEST MANAGEMENT IN THE STRUCTURAL PEST CONTROL INDUSTRY, 10:35 A.M.

Dr. George Rambo, Director, Technical Operations, National Pest Control Association, Vienna, Virginia

Dr. Rambo introduced his subject by saying there is nothing new about pest management, and that he prefers to call it "urban pest management" as applying best. PCO's have been doing pest management for 15 to 20 years. NPCA has published a good practice statement on the subject of IPM. Realities are what we should deal with here at this point in time. The PCO has to rely upon the customer to cooperate -- either agree to do the sanitation or have the PCO do it. The Armed Forces and the VA have incorporated NPCA's good practice statement as standards. The (modern) PCO offers pest management services, e.g. BUGS BURGER'S people are trained in environmental sanitation and provide sanitation services in conjunction with pesticide applications.

The speaker opined that there will be less pesticide use in the future. This applies to certain areas more than others. The techniques are available and there, but must be refined. NPCA has provided good practice statements to its members; IPM (Statements) in multiple-family dwellings and in the meat packing industry are in preparation.

They have been trying to figure out what regulatory people are going to do about IPM. The EPA has some studies under way; is funding two or three studies. Their label improvement program will utilize the results of these studies. The end result will be less use of pesticide. The GAO is asking EPA to do a reassessment (formal risk/benefit RPAR review).*

It will be hard to sell IPM to the average PCO. Applying less pesticide and spending more time in a food handling establishment (will not appeal) when business is built on volume and competition is keen. One PCO was able to sell only one out of four accounts on basis of total control program. The industry should be offering 2 or 3 or 4 different kinds of programs. Some situations will lend themselves to total PM program concept, others will not. How are you going to tell a housewife she has to clean up her kitchen?

*Ed. Note: Instead of doing a RPAR review of chlordane as a termiticide, EPA's OPP will do a comparative risk/benefit analysis of all termiticides as a "cluster". GAO had suggested a RPAR review of this use of chlordane alone. The analysis will be started and completed in FY 1981, according to OPP's plan. It will be initiated with a request for information from the pest control industry on structural treatment practices and use patterns. Termiticides other than chlordane have the potential to present the same problems as chlordane, the single most widely used termiticide, OPP has noted. (from P&TCN, Sept. 17, 1980).

Questions asked by the speaker: What is EPA going to do with the information they generate from studies? Present information on how different companies go about selling service. The future of pest control is going to rely on more specialization. Dr. Rambo continued that we know pesticides are present (e.g. "Dursban" gives 30 day residual), but is it available to kill insects? This kind of information has to be disseminated to the industry. Some PCO's use 2 or 3 different pesticides in a restaurant due to different surface types and the effectiveness of different pesticides on these surfaces. There is a communication gap between the property owner/manager and technician. There is also a tremendous turnover in technicians.

Dr. Rambo put this question to regulators: What are you going to do with PM? Are you going to wait for the EPA to take the initiative? North Carolina has IPM programs based mainly in agriculture. IPM is making progress but will take a lot of education. How are you going to explain that mechanical, biological and physical means, and even pesticides, aren't going to achieve complete control? "If you don't see them they are under control" (is misleading). The U.S. Navy claims they have obtained total control aboard ship through pest management. It is easy to discuss PM, but what is going to happen is another matter. What are regulatory people going to do about PM?

DISCUSSION:

Mr. Charles Rock (Virginia) commented that it may not be a problem unless IPM becomes a labeling requirement. He could only see this come about from labeling. Dr. Rambo: A study made of one city block in the City of Baltimore a number of years ago showed that the rodent population was reduced 60 to 70 per cent by sanitation alone, but it never eliminated all the rodents. How are you going to integrate trapping, glue boards, stoppage and rodenticides? EPA has asked NPCA for input into their multiple-family housing study in Baltimore. The ew Mexico study funded by EPA is being done by Mr. Bill Fitzwater. He is working with newer anticoagulant rodenticides that will kill resistant rodents. Without sanitation you would have to keep these baits out all the time. EPA wants to reduce rodenticide exposure. In insect control you have to put insecticides out everywhere in the beginning and then come in with maintenance program (and reduce insecticide use).

Pest management principles are covered and recommended in NPCA's newly revised"Approved Reference Procedures for Subterranean Termite Control"(ARP's) now being printed. Such things as removel of wood (cellulose) debris, changing grade, breaking wood-soil contacts are covered. The new "Dursban 4E" 24(c) label in California allows an 18 inch surface barrier treatment because of the hard pan soil. Mr. Bob Russell (ORKIN, Atlanta) noted that Velsicol Chemical Company now has a 24(c) chlordane label directing application as an 18 inch-wide surface treatment.

REGULATORY EFFICIENCY AND REFORM, 11:15 A.M.

Lucien ("Skip") Capone, III, Esq., Associate Attorney General, North Carolina Department of Justice, Raleigh, and Chief Counsel, N.C. Structural Pest Control Committee

Mr. Capone advised that regulatory officials in states facing "sunset review" are in for an interesting experience. They have his condolences, but it is an opportunity for legislation reform.

The speaker asked, "What is the problem of over-regulation that we are facing and what can we do about it?" Nineteen thousand pages of regulations are added to the Federal Register each year. Ten new pages of regulations are added to the FR in the time it will take him to give this talk.

What are the direct costs involved? Over-regulation is expensive and downright inflationary. This is reflected in higher taxes and in the cost to industry of doing business. This is passed on to the consumer and we all pay for it (in higher prices). Environmental control regulations cost us (the economy) $25 billion in 1979.

In addition, there are indirect costs: red tape delay, such as building permits. In a period of rapidly escalating interest rates this can add thousands of dollars to the cost of construction. Over-regulation affects the balance of trade. There is a disproportionate cost to small business. Regulations decrease productivity. For the first time in 200 years productivity in the U.S. is decreasing. This is directly related to over-regulation. Technical advances are inhibited by over-regulation.

Some controls are necessary but we need to get rid of unnecessary regulations. Another adverse result is the burden to business (and government) of filling out forms--lousy paperwork. Some of it is necessary but who is it really for (who does it serve)? So we can file it away for "sunset review", etc.? The Business Round Table estimates that paperwork costs (industry) $150 billion a year, and adds 1 percent to annual rate of inflation.

More insidious to him, the speaker continued, was the encroachment on individual liberties. Government is becoming more a government by the government, not by and of the people (the governed). We who make the rules become judge and jury, and even prosecutor, and the regulated are not given due process. Excessive regulation can add or lead to lack of faith in government. We owe it to ourselves and (good) government to look seriously at regulations.

What is the solution? Mr. Capone submitted that a remedy such as "Proposition 13" is a quick fix and is or may be worse than over-regulation. Some have the attitude that no taxes are too many. Some regulations are necessary as they have a direct impact on public health and safety. Government has become less accountable to the people. We must find a happy medium between government and needed reform, and the free enterprise system.

The speaker recounted some history of regulation. There was little regulation in the U.S. for the first 100 years. After the Civil War and the Industrial Revolution we saw the advent of regulation. Traditional regulatory institutions were not geared to cope with the Industrial Revolution. The country turned from an agrarian to an industrial society. Regulatory growth went almost unchecked in the last 100 years.

There is public hue and cry (for regulation) at first and then the public loses interest down the line. However, the industry being regulated doesn't lose interest because it can't afford to lose interest. Industry says (and regulators may believe), "What's good for industry is good for the public." More recently, some special interest groups seek regulation to enforce their philosophy or ideas for the good of society.

The people looked to government for a quick fix to problems. Legislatures began to create experts -- agencies -- and delegated huge amounts of legislative authority to these many agencies. Legislatures said, "You be the legislators." In addition to legislative delegation of authority, special interest groups arose and began to see they could use the government for their own selfish interests. Their goal was to reduce competition by such things as rate-setting, as in the case of the railroads, to restricting entry by tough licensing requirements. In one state the barbers' board requires more time to get a barber's license than it takes to get a law degree. Bar examiners are getting tougher and tougher because there are too many lawyers (they say). First they (government) say you can't operate without a license and then turn around and say they are making it tougher to get one.

What should be the plan or measures for regulatory reform?

(1) Legislatures must narrow the range of rule-making powers they give us. Encourage legislators to reduce to powers or authority they give you. Legislation is often basically drafted by agencies. Don't make rules or rule-making authority any broader than necessary. Ask yourself: What are the objectives? What are you trying to accomplish? Give yourselves just enough authority to accomplish it.

(2) Lessen the influence of special interest groups -- don't negate it. Get more public participation in the rule-making process. Hold public hearings at night and around the state. Add public members to boards, so they are not totally dominated by industry. Intervention or funding of public representation is being experimented with at the federal level.

(3) Increase your accountability to the people. Operate openly. Hold meetings in the open and give advance notice. Support "sunset" laws. "Sunset" concept is an opportunity to review and cut out what you don't need. Be honest, fair, and fight for needed reform. Termination or repeal is not basically the goal of "sunset laws". You should do a review anyway every 4 or 5 years. Get rid of unnecessary (over-restrictive, duplicative etc.) regulations, and have your legal counsel review for constitutionality. Don't exceed your (legislative) authority and don't abuse your emergency rule-making authority.

(4) Find less costly methods of regulation. Lower costs. Do some form of cost/benefit analysis. Is the benefit to be gained going to be outweighed by the cost? Is there a real need for the regulation? Is there a real danger to public health, safety or welfare? Think about the least restrictive method of obtaining compliance you can adopt. The business man or woman will respond to tax deductions or incentives much better than to a sword hanging over his or her head. Promote self-compliance. Consider the "bubble concept" of setting general standards rather than inflexible command and control regulations or standards. Give some thought to the title act concept whereby anyone can go into business who wants to do so. Allow the person to get a license and leave it up to the consumer as to whom he wants to deal -- the licensed or unlicensed operator. The American people are not dumb -- and are capable of making their own decisions (freedom of choice). Coordinate with other agencies to eliminate duplicity. Use your imagination as to alternatives to regulations. Regulation should be the last resort.

Mr. Capone concluded by saying that he was not preaching the elimination of all regulations or control or dismantling of government. He advised the use of common sense.

Ed. Note: The foregoing notes are not offered as being complete or wholly accurate. For an accurate account of the sum and substance of the speaker's remarks refer to Mr. Capone's handout furnished all members at the meeting. This

handout, cited as follows, is appended:

Edmisten, Rufus L. Why Almost Everyone Is Wrong About Regulatory Reform, N.C. Attorney General's mimeo., 1980, 20 pp.

Mr. Capone also provided the following handouts:

McCloy, John J. 1980. Federal Regulation: Roads to Reform. American Bar Assoc. Jour. 66:461-464, Apr. 1980.

Frohnmayer, David B. 1980. Regulatory Reform: A Slogan in Search of Substance. American Bar Assoc. Jour. 66: 871-876 , Jul. 1980.

ADJOURN FOR LUNCH, 12:00 Noon

The members and guests enjoyed lunch together at the HOLIDAY INN courtesy of TERMINIX INTERNATIONAL, INC., Memphis, Temmessee (HQ). Mr. Charlie Hromada, Senior Vice President, greeted the members and guests personally and on behalf of the company.

Tuesday Afternoon, 7 October, 1:30 P.M.

TOUR OF THE OLD BELT CO-OP WAREHOUSE, Winston-Salem, where the auctioning of flue-cured tobacco was explained and observed in actual progress on the warehouse floor.

TOUR OF R. J. REYNOLDS TOBACCO COMPANY, manufacturing plant, Winston-Salem, where the highly automated and carefully controlled manufacture of cigarettes and other tobacco products was explained and observed during guided, small-group tours of the factory in operation.

(GENUINE) NORTH CAROLINA PIG PICKING, 6:00 P.M.

Courtesy of FORSHAW CHEMICALS, INC., North Carolina; NORTH CAROLINA PORK PRODUCERS ASSOCIATION, INC.; STEPHENSON CHEMICAL COMPANY, College Park, Georgia; and Mr. Luke Graham and OAK SUMMIT FARMS, Winston-Salem.

This was good eating at its utter utmost! The delectable food, beautiful surroundings, perfect weather, good fun and fellowship, and the generosity and hospitality of our hosts added up to one fine, memorable time. The Association's appreciation is expressed in resolution form as appended.

Wednesday Morning, 8 October

BREAKFAST, 7:30 A.M.

Courtesy of the NORTH CAROLINA DEPARTMENT OF AGRICULTURE, Raleigh and the Great State of North Carolina.

FINAL BUSINESS SESSION, 8:45 A.M.

Call to order and accouncements by Vice-President Patterson.

The Vice-President called for a Report of the Resolutions Committee composed of Robert McCarty, Chairman, (Mississippi), Neil Ogg (South Carolina) and Charles Rock (Virginia). The Report consisted of five resolutions all of which are appended in final form as adopted. Mr. McCarty presented the report.

Mr. McCarty read Resolution I of the Report and moved its adoption. Seconded Thurman R. Measel (Kentucky). Discussion. Motion passed unanimously. This resolution becomes No. V in final form as appended.

Mr. McCarty read Resolution II of the Report and moved its adoption. Seconded by Rudy E. Howell (North Carolina). Discussion. Motion passed unanimously. This resolution becomes No. IV in final form as appended.

Mr. McCarty read Resolution III of the Report and moved its adoption. Seconded by Charles G. Rock (Virginia). Discussion. Motion passed unanimously. This resolution remains No. III as appended.

Mr. McCarty read Resolution IV of the Report and moved its adoption. Seconded by Rudy E. Howell (North Carolina). Discussion. Motion passed unanimously. This resolution becomes No. II in final form as appended.

Mr. McCarty read Resolution V of the Report and moved its adoption. Seconded by John R. Hagan (Missouri). Discussion. Motion passed unanimously. This resolution becomes No. I in final form as appended.

Vice-President Patterson then called for a Report of the Nominating Committee composed of Ray Elliott, Chairman, (Oklahoma), Rudy E. Howell (North Carolina) and F. R. Du Chanois (Florida). Mr. Elliott presented the report and placed the following slate of officers in nomination: for President, Barry Patterson (New Mexico), for Vice-President, Neil Ogg (South Carolina), and for Secretary, F. R. Du Chanois (Florida). There being no nominations from the floor, it was moved by Ray Elliott, seconded by Harvey J. Dominick (Illinois) that nominations cease and the Secretary be instructed to cast a unanimous ballot for the nominees. The motion passed.

Old business: None.

New business (informal discussion):

Mr. Rudy Howell (North Carolina) suggested a committee to be appointed to draft necessary changes and amendments to the Constitution and Bylaws.

President Barry Patterson commented on the aims, goals and direction ASPCRO should take. He expressed the belief that the Association has a vital and important role to play in the SPC regulatory area. The time had arrived for ASPCRO to become more formally constituted and organized. He agreed with updating Constitution and Bylaws, and gave notice that he would be appointing standing and, if necessary, interim committees in the months ahead. He called for the Association to become a more strongly organized and unified voice.

Mr. Howell (North Carolina) also voiced support of ASPCRO's becoming more formally organized.

Mr. Charles Rock (Virginia) noted that the Association was maturing and should become more sophisticated to reflect that maturity and enhance its effectiveness.

President Patterson added appropriately that ASPCRO was at a turning point (in its history) and had a different and unique purpose and role (from other organizations).

Mr. Robert McCarty (Mississippi) suggested that ASPCRO could have a greater impact on both federal and state agencies and the industry and its national and state associations. ASPCRO provides stronger needed representation of SPC affairs than does AAPCO (or any other organization).

Mr. F. R. Du Chanois (Florida) observed that although the loose-knit organization and informality characteristic of ASPCRO in the past had its advantages, judging from the very fact that the Association had endured uninterruptedly for 20 years, the time had probably come for the Association to assert itself more formally and objectively (for greater service).

Mr. George L. Beyer, Jr. (New Jersey) submitted that ASPCRO can retain a nice informality and yet be formally structured (for greater strength). He also mentioned that attendance had been very beneficial.

Mr. Rock (Virginia) recommended the appointment of an Executive Committee and a Program Committee as a minimum.

Mr. Ray Elliott (Oklahoma) recommended that we come up with a program that will be beneficial to the Association. He proposed consideration of establishing Uniform Policies, Uniform Standards, Historical and Publications Committees.

Mr. John Hagan (Missouri) reported informally on the activities of several fly-by-night operators under surveillance in his state for the information of the members (10-6-80).

President Patterson advised that he will appoint committees within the near future.

Mr. Elliott recommended that State Reports be published in the annual proceedings rather than presented at the meetings as they become repetitious and can be read in the annual report. He suggested we consider more panels and forums in the program.

Mr. Thurman R. Measel (Kentucky) commented that his state was not represented regularly in the past because they didn't realize the benefits to be obtained from attendance. He suggested ASPCRO contact other non-attending states, especially those with SPC interests and inform them they can benefit from participation and information. He requested that the states be notified of the dates of future meetings as early as possible.

Mr. Howell (North Carolina) noted that we need to publish and distribute a mailing list of members showing name, address and telephone number. (Ed. Note: Rudy Howell prepared and sent the Secretary a "current" mailing list of all 50 states etc. This list, with available telephone numbers added, is appended to these Minutes and Notes).

Mr. Doug W. Wilson (Ontario, Canada) remarked that ASPCRO may be more important to them than AAPCO because they have SPC problems (not dealt with by AAPCO).

Mr. C. E. Mc Coy (Indiana) reinforced and agreed with the foregoing comments on the value of ASPCRO. He urged that the person(s) with SPC responsibilities in the state receive Association mailings.

Mr. John Wainright (New York) remarked that the meeting had been very worthwhile and that he fully expected New York to be represented at future meetings. He believed that the Association could be a more effective voice than in the past.

Mr. Howell (North Carolina) submitted that getting industry more involved was worthy of consideration.

Mr. R. M. (Bob) Russell (ORKIN, Atlanta), a guest, said that they have watched the Association for years and he felt that it could be more effective and offer more guidance and direction if more strongly organized. He also offered their assistance.

Mr. McCarty (Mississippi) recommended that the traditional "executive session" of state regulatory members be continued (as in the past) as a valuable part of the program.

Mr. Du Chanois reminded that at the 1979 meeting Florida had extended an invitation to meet there in 1981. He repeated the invitation on behalf of Dr. John A. Mulrennan, Jr., Director, Office of Entomology. It was moved by Mr. Howell (North Carolina) that Florida's invitation be accepted. The motion was seconded by Mr. Beyer (New Jersey). There being no discussion it was agreed unanimously to meet in the State of Florida in 1981, the dates to be announced.

President Patterson offered to host the meeting in the State of New Mexico in 1982. The offer was well received.

Mr. Robert Mesecher (Michigan) followed up saying that the State of Michigan would like to be considered as a host state in the future.

Mr. Doug Wilson (Ontario, Canada) added that Canada would be glad to host the Association at a future date although international travel might present some minor problems.

Mr. Harvey Dominick (Illinois) issued a word of caution that any states facing "sunset law" review ordeal should be well prepared with adequate information and records. A lack of available information had hampered the process in his state.

There being no further business, the final business meeting adjourned at 10:00 A.M.

COFFEE BREAK, 10:00 A.M.

EPA ENFORCEMENT ACTIVITIES, 10:25 A.M.

Terrell Hunt, Esq., Chief, Policy and Strategy Branch, Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C.

(Mr. Hunt kindly gave this presentation in place of Mr. A. E. ("Gus") Conroy, II, Director, Pesticide and Toxic Substances Enforcement, EPA, Washington, D.C. who was unavoidably not able to attend).

Ed. Note: The following notes taken of Mr. Hunt's remarks are not pretended to be necessarily complete, wholly accurate or coherent due to the Secretary's recording limitations. Accuracy of the information should be verified with Mr. Hunt.

The speaker assured us that he felt at home among regulatory officials and PCO's, although he has been away from the (regulatory) scene in other assignments since 1976. Following reorganization he was assigned to the policy area about a year ago. Therefore, he would not have answers for all questions that might be asked.

Mr. Hunt explained that "state primacy" involves a federal-state cooperative relationship under Sections 26 and 27 of FIFRA. His branch is in the process of implementing these sections in order to provide direction by which to operate procedurally.

The scope of these measures he described is (in part) to -

(1) Establish procedures for rescinding state primacy in case a state fails to or cannot carry out its enforcement responsibilities.

(2) Define key terms in Sections 26 and 27 such as "adequacy", "emergency conditions", etc.

(3) Propose regulations under Section 26(a)(3) requiring certain (compliance) information to be reported by the states.

He expressed the position that a policy statement is fundamental to federal-state working relationships. This would be promulgated as regulations through the rule-making process. It would be proposed as a rule in November and all concerned given a chance to review (and comment).

Pesticide use (misuse) complaint referral procedure would entail an investigation stage and a prosecution stage, as appropriate. The state has 30 days in which to take (institute) enforcement action. If no action is taken by the state within this period, EPA would (have authority to) take enforcement action.

Commencing an enforcement action: Take appropriate action steps depending upon the severity of the violation, i.e. relatively more severe action for a relatively more severe violation. They would look at available options under the state's law. The standards that will be applied will be the standards of the state(law)in which the violation occurred. Action would range from warning citation to civil penalty, or to revocation (by the state) under state law.

Procedures for implementing state laws: They would look at state law for statutory remedies for violations. Various aspects include such things as training programs, state laboratories, integrity of samples collected, complaint processing procedure, routine compliance monitoring programs, determining if there is a pesticide use program (?), and a mechanism for communication and outreach.

State enforcement primacy recision or revocation: Proceedings would be governed by rules of procedure set forth in the Federal Register (October 3, 1980, 45 FR 65633).

Pesticide use emergencies: Should the state be unwilling or unable (for lack of adequate legal authority, etc.) to act, the EPA has authority to enforce the Act, however the EPA would expect emergencies to be handled by the state.

Administrative recision process: Promulgate rules for protection of the state and for uniformity. Notice of Intent would be issued setting forth specific deficiencies and factual basis for the Notice. The State has a 90 day period in which to respond. The state may agree to comply; ask for an informal conference; enter into a formal agreement on a time-table for taking actions to comply; request a formal hearing on the matter before a presiding officer. The EPA would then issue an initial decision as to whether primacy is to be rescinded/revoked or not. The appeal process would go to the Administrator. Mr. Hunt noted that EPA doesn't expect to be doing this frequently, and he would be surprised if it happens at all.

Discussion period:

The type of reportable information to be required would include such things as (1) source of complaint, (2) type of violation alleged, (3) certification category of applicator; (4) current status of case (about twice a year). These reports would apply to complaints investigated. FIFRA-related complaints would have to be segregated--pesticide misuse as opposed to state SPC violations.

Where a case is referred to the state under an enforcement primacy agreement and where the state takes (no action or) inappropriate action, EPA has authority and an obligation to take appropriate action under Section 27. A state can have primacy without an (formal) agreement, and can have a grant without having primacy. Complaints received by EPA directly and referred to the state would be subject to state primacy overview by EPA.

As understood from Mr. Hunt, the agency will not require state primacy reports for FY '81 as a condition for compliance with enforcement grants. Also understood was that there would be approximately $7.9 million EPA-State grant funds available in FY '81.

INSECT PROBLEMS IN LOG STRUCTURES, 11:20 A.M.

Dr. Harry B. Moore, Professor, Department of Entomology, North Carolina State University, Raleigh, N.C.

Dr. Moore spoke on a topic of great interest to the members considering the number of complaints and problems arising from wood-infesting insects in newer wood construction. He stated that he has become increasingly aware of problems in log structures. Over the past 27 months he had received 143 different sets of specimens from 17 different states. Insects attacking logs are becoming an increasing problem in buildings after they have been erected. There are different kinds and sources of insects infesting logs. About 95 per cent of the inquiries comes from log building and home manufacturers, rather than from home owners.

By far the greatest number, almost one-half, of specimens received were of one species, Buprestis lineata (Fab.) the "striped buprestid". It infests logs while the bark is still on and bores deeply. (Ed. Note: The adult is medium-sized and dark, usually with brick-red to yellow longitudinal markings on the elytra. It attacks longleaf, loblolly, pitch, and scrub-pines. From Whiteford L. Baker, Eastern Forest Insects, USDA Misc. Pub. No. 1175, 1972).

Other buprestids encountered are B. apricans Hbst., the turpentine borer, and B. aurulenta L., the golden buprestid. The turpentine borer prefers to attack injured, dying or dead trees during the first year. Eggs are laid in checks, etc. of exposed wood where bark has been knocked off. They probably do not reinfest the same wood. The best preventive is to remove bark immediately after the tree is cut.

The old house borer, (Hylotrupes bajalus (L.)), has been reported in 40 different homes. Dr. Moore doesn't know what is the best control (depends on the circumstances). Removal of infested wood is one measure. Application of a residual insecticide such as lindane is another. The question is, can it be applied inside (structures)? How long does lindane last on weathered surfaces is a question. On unexposed surfaces it persists for 10 to 20 years. In a sawmill situations it lasts through one season, that is April through October.

The house borer lays eggs in checks and cracks in logs and lumber. The adults emerge in 3 to 5 years after erection of structure. Some buprestids have a similar habit emerging in about 2 years and may emerge as late as 5 years after erection. Usually identification is made from appearance of exit holes and frass. The old house borer works closer to the surface along the grain of wood. Buprestids work down more deeply into wood. This can lead to decay which is the most important destructive effect. The speaker opined that damage to wood is mainly aesthetic.

Fumigation will eliminate the old house borer (and others) but there is no long term protection. Reinfestation can occur immediately after fumigation tarps are dropped. Most logs have been dipped in pentachlorophenol ("penta") for 3 minutes. Copper quinolinolate is also used. Penta is not a good insecticide unless insects are contacted directly. Insects can cut through the treated surface.

The roundheaded borers of the genus Callidium ("spined borer") may attack dry, seasoned wood, but do not bore deeply into the wood and do not reinfest. The wood sawyers(Monochamus spp.) bore several inches deep and back toward the surface forming a U-shaped gallery. They require bark, emerge within 18 months, and make a large, round exit hole.

Minor infestations of anobiid powder-post beetles have been reported (identified) from logs.

Ambrosia beetles attack green logs. There have been a few instances where Dr. Moore has found ambrosia beetles in the wood, not just damage. Other insects he has identified from logs (specimens submitted) are horntails, carpenter ants, dampwood termites (from California), fungus-feeding beetles, tenebrionid beetles. The latter two do not damage wood but are an indication of decay.

Discussion period:

Dr. Moore answered questions from the members. Lindane might give control up to 5 years on weathered surfaces. Good penetration can be obtained with water emulsions. The difference between penetration of oil solutions and water emulsions of lindane is not significant. On surfaces exposed to weathering, lindane residues are not as long lasting.

"Wood-Treat TC" is no longer labeled for control of wood boring beetles. Is labeled for termites only. Drilling and treating is not significantly better than good surface application.

The old house borer tends to work near the surface because the greatest nutrient value of the wood is near the surface. Therefore they consume this before boring more deeply. Their normal flight season is from April to October.

In freshly cut logs infested with borers, if the bark is not removed within 10 days the borers penetrate below bark and bore more deeply.

The Federal Trade Commission is investigating the log home manufacturing industry because of many consumer complaints.

Roundheaded and flatheaded borers (with few exceptions such as the old house borer) are of no real concern from the standpoint of reinfestation. Control of decay by filling, plugging, caulking borer holes, etc. will help prevent interior decay. Wood must be kiln dried before dipping in "penta" for best results.

Some insects such as sawyers, horntails and anobiid beetles often initiate attack before shipment.

Lindane should be applied to surfaces exposed to weathering about twice a year. Water repellent "penta" or copper-8-quinolinolate is the choice (of wood preservatives) for annual (at least) surface treatment to prevent decay.

Decay is actually more important than insects from a damage standpoint. Dr. Moore noted that he has for 15 years generally recommended against doing anything in heated portions of houses to control borers due to self-limiting infestations in well-heated areas. He knows of old barns that are still standing without treatment. Exteriors should be inspected for emergence holes and treated and repaired to prevent decay. He emphasized that the big problem generally is fungus decay, not insects.

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There being no further business or proceedings, the 20th annual meeting was adjourned at 12:07 P.M.

19 November 1980 Respectfully submitted. FRDC, Secretary

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RESOLUTION ADOPTED

AT

THE 1980 ANNUAL MEETING OF THE

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

WINSTON-SALEM, NORTH CAROLINA

6 - 8 OCTOBER 1980

RESOLUTION I

WHEREAS, the tremendous success of the 20th Annual Meeting of the Association of Structural Pest Control Regulatory Officials in Winston-Salem, North Carolina, is attributable to the generosity of our hosts, the North Carolina Department of Agriculture and its very capable staff, in providing excellent program content and arrangements, facilities and entertainment throughout this meeting; and

WHEREAS, the Holiday Inn, 3050 North Cherry Street, Winston-Salem, through its excellent facilities, hospitality, cooperation and participation has assisted in insuring the success of this meeting; and

WHEREAS, the North Carolina Pest Control Association, Inc.; the North Carolina Pork Producers Association, Inc.; Forshaw Chemical Co., Inc., Charlotte, North Carolina; Stephenson Chemical Co., Inc., College Park, Georgia; Orkin Exterminating Co., Inc., Atlanta, Georgia; Terminix International, Inc., Memphis, Tennessee; Mr. Luke Graham and Oak Summit Farms, Old Belt Co-Op Warehouse, and R. J. Reynolds Tobacco Co., of R. J. Reynolds Industries, Inc., Winston-Salem, have participated in and contributed to the success of this meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials, through each of its officers and members, expresses its sincere thanks and gratitude to all these parties and individuals for an excellent meeting and a very pleasant experience and visit in the State of North Carolina.

Done this 8th Day of October, 1980, A.D.

RESOLUTION ADOPTED

AT

THE 1980 ANNUAL MEETING OF THE

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

WINSTON-SALEM, NORTH CAROLINA

6 - 8 OCTOBER 1980

RESOLUTION II

WHEREAS, the Association of Structural Pest Control Regulatory Officials meeting in Winston-Salem, North Carolina, in admiration of 23 years of service to the citizens of Louisiana; and

WHEREAS, in order to recognize this service and express its continuing gratitude and appreciation for the undying devotion to duty and to the structural pest control industry;

NOW, THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials inform and express, through appropriate means, to Richard (Dick) Carlton, former Secretary of the Louisiana Structural Pest Control Commission, founding member and immediate past president of this Association, its appreciation for his contributions, wisdom, influence and sincere concern for the welfare and just regulation of the structural pest control industry.

Done this 8th Day of October, 1980, A.D.

RESOLUTION ADOPTED

AT

THE 1980 ANNUAL MEETING OF THE

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

WINSTON-SALEM, NORTH CAROLINA

6 - 8 OCTOBER 1980

RESOLUTION III

WHEREAS, the Comptroller General of the United States sent a request to the U.S. Environmental Protection Agency to initiate a formal risk/benefit review of the pesticide, chlordane, to determine whether the registered uses of chlordane should be limited or canceled; and

WHEREAS, the Association of Structural Pest Control Regulatory Officials meeting in Winston-Salem, North Carolina, understands that the Environmental Protection Agency is planning a "cluster approach" for the review of all termiticides, and at this time does not plan to RPAR chlordane; and

WHEREAS, the Association of Structural Pest Control Regulatory Officials commends the Environmental Protection Agency for electing to use the "cluster approach" as an alternative to the GAO RPAR recommendation;

NOW, THEREFORE, BE IT RESOLVED, that if it is determined that termiticides need a review, the Association of Structural Pest Control Regulatory Officials urges the Environmental Protection Agency to use the "cluster approach" and review all termiticides with full participation of the States and industry.

Done this 8th Day of October, 1980, A.D.

RESOLUTION ADOPTED

AT

THE 1980 ANNUAL MEETING OF THE

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

WINSTON-SALEM, NORTH CAROLINA

6 - 8 OCTOBER 1980

RESOLUTION IV

WHEREAS, the pesticide lindane, is registered in over 20 states as a FIFRA Section 24(c) Special Local Needs Registration which registration by definition is a pesticide use for which no suitable alternative pesticides exist; and

WHEREAS, powder-post beetles and other destructive wood-boring beetles in existing structures can and do cause severe damage to such structures; and

WHEREAS, the U.S. Environmental Protection Agency RPAR data used in assessing the extent of structural damage caused by powder-post beetles and other wood-boring beetles ignored available data which show losses caused by such insects to be ten-fold greater than the EPA estimates;

NOW, THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials meeting in Winston-Salem, North Carolina, strongly urges the Environmental Protection Agency to reassess the available data detailing and documenting damages caused by powder-post beetles and other destructive wood-boring beetles and to reverse its preliminary RPAR determination that lindane not be registered (through Special Local Needs Registration) for control/prevention of powder-post beetles and other destructive wood-boring beetles in structures.

Done, this 8th Day of October 1980, A.D.

RESOLUTION ADOPTED

AT

THE 1980 ANNUAL MEETING OF THE

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

WINSTON-SALEM, NORTH CAROLINA

6 - 8 OCTOBER 1980

RESOLUTION V

WHEREAS, the FIFRA, as amended, gives the States primary use enforcement responsibilities, recognizing the States' high capabilities and the need for primary use enforcement to be founded with the States, subject to certain criteria as identified under Sections 26 and 27, FIFRA; and

WHEREAS, the proposed regulations under Sections 26 and 27, FIFRA, and the proposed Statement of Interpretation fail to recognize that the States have been effectively enforcing against pesticide misuse for a number of years; and

WHEREAS, the proposed regulations would essentially establish dual use enforcement actions against violators; and

WHEREAS, it was the intent of the Congress to have States exercise primary use enforcement authority; and

WHEREAS, the proposed FIFRA Sections 26 and 27 regulations and interpretations may force many States to reluctantly relinquish primary use enforcement;

NOW, THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials strongly urges the Environmental Protection Agency to reconsider those proposed regulatory provisions that are unacceptable to the States and which would cause States to relinquish primary use enforcement authority thus circumventing Congressional intent.

Done, this 8th Day of October 1980, A.D.

REGISTRANTS AT ASSOCIATION OF STRUCTURAL PEST CONTROL
REGULATORY OFFICIALS (ASPCRO) MEETING
IN WINSTON-SALEM, NORTH CAROLINA
OCTOBER 6-8, 1980

1. Don Alexander, Head
Commercial Pest Control
Arkansas State Plant Board
Post Office Box 1069
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2. Doug W. Wilson
Supervisor
Pesticides Control Section
Pollution Control Branch
Ontario Ministry of the Environment
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3. F. R. DuChanois, Secretary, ASPCRO
Entomologist
Florida Department of Health &
Rehabilitative Services
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4. Jim Bond
Florida Department of Health &
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5. Phill Helseth
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6. James P. Harron
Supervisor of Inspectors
Division of Entomology
Georgia Department of Agriculture
Agriculture Building, Capitol Square
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7. Harvey J. Dominick
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Pesticide Program
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Applicator Certification and Licensing
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10. Thurman R. Measel, Coordinator
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11. Dr. Glenn T. Guillory
Assistant Director
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Structural Pest Control
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12. Jimmy Arceneaux
Louisiana Department of Agriculture
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13. Mrs. Mary Ellen Setting
Pesticide Applicators Law Section
Maryland Department of Agriculture
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15. Robert McCarty
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16. Jim Haskins
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17. John R. Hagan
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Division of Plant Industries
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18. James R. Lea
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19. George L. Beyer, Jr.
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20. Barry Patterson
Vice-President, ASPCRO
Chief
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21. John Wainwright
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23. Neil Ogg
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24. Ms. Caron Gentry
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26. A. Jack Grimes
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27. Dick Riddle
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28. David S. McLeod
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29. Robert G. Stryker
EPA-ERC, ND-7
Research Triangle Park, North Carolina 27711

30. L. Arnold Hamm, Sr.
North Carolina Structural Pest Control Committee
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31. Mrs. Evelyn M. Hill
North Carolina Structural Pest Control Committee
Post Office Box 58
Edneyville, North Carolina 28727

The Development and Registration of a Pesticide 1/

Richard L. Conn 2/

SIX STAGE DEVELOPMENT PLAN

STAGE 1 - LABORATORY AND GREENHOUSE SCREENING

STAGE 2 - FIELD SCREENING AND TESTING

STAGE 3 - PRELIMINARY CHEMISTRY, TOXICOLOGY, PRODUCTION AND FIELD TRIALS

STAGE 4 - MAJOR CHEMISTRY, TOXICOLOGY AND PRODUCTION

STAGE 5 - REGISTRATION: EXPERIMENTAL AND FULL

STAGE 6 - MARKETING AND LABEL EXTENSION

DEVELOPMENT TIME

DISCOVERY → REGISTRATION	7 YEARS 8 MONTHS
FIRST SUBMISSION (EXPERIMENTAL) → REGISTRATION	3 YEARS 8 MONTHS
SUBMISSION (PERMANENT) → REGISTRATION	1 YEAR 7 MONTHS

1/ Presented at 20th Annual Meeting of ASPCRO, Winston-Salem, North Carolina, 6 October 1980.

2/ Senior Regulatory Specialist, Agricultural Division, CIBA-GEIGY Corporation, P.O. Box 11422, Greensboro, North Carolina 27409.

RESEARCH AND DEVELOPMENT EXPENSES

SYNTHESIS	10%
SCREENING	11%
FIELD TESTS	21%
TOXICOLOGY	9%
METABOLISM	4%
ENVIRONMENTAL CHEMISTRY	2%
RESIDUE CHEMISTRY	6%
FORMULATIONS & PROCESS DEVELOPMENT	19%
REGISTRATION	3%
OVERHEAD	7%
ALL OTHER EXPENSES	8%
TOTAL	100%

PESTICIDE R&D EXPENDITURES IN 1979

NEW CHEMICALS	61%
PRODUCT EXPANSION	28%
PRODUCT DEFENSE	11%

RESEARCH AND DEVELOPMENT EXPENSE

AVERAGE 8.0% OF TOTAL SALES

1970's - THE DECADE OF REGULATION

- 20 MAJOR FEDERAL REGULATORY AGENCIES
- FEDERAL EMPLOYEES - 28,000 → 100,000
- REGULATORY BUDGET - $500,000 → 6,000,000
- FEDERAL REGISTER - 20,000 → 78,000 PAGES

MAJOR HURDLES WHICH DELAY REGISTRATION

- EPA PRIORITIES
- GOVERNMENT BUREAUCRACY
- NEW REGULATIONS AND DATA REQUIREMENTS
- TOXICOLOGY DATA FROM IBT

NUMBER OF NEW ACTIVE INGREDIENTS PER YEAR

BEFORE	1975	$\simeq$	10
	1976		4
	1977		3
	1978		2
	1979		16
	1980		9

INCREASING GOVERNMENT REGULATION AND ITS IMPACT UPON PRODUCT REGISTRATION.

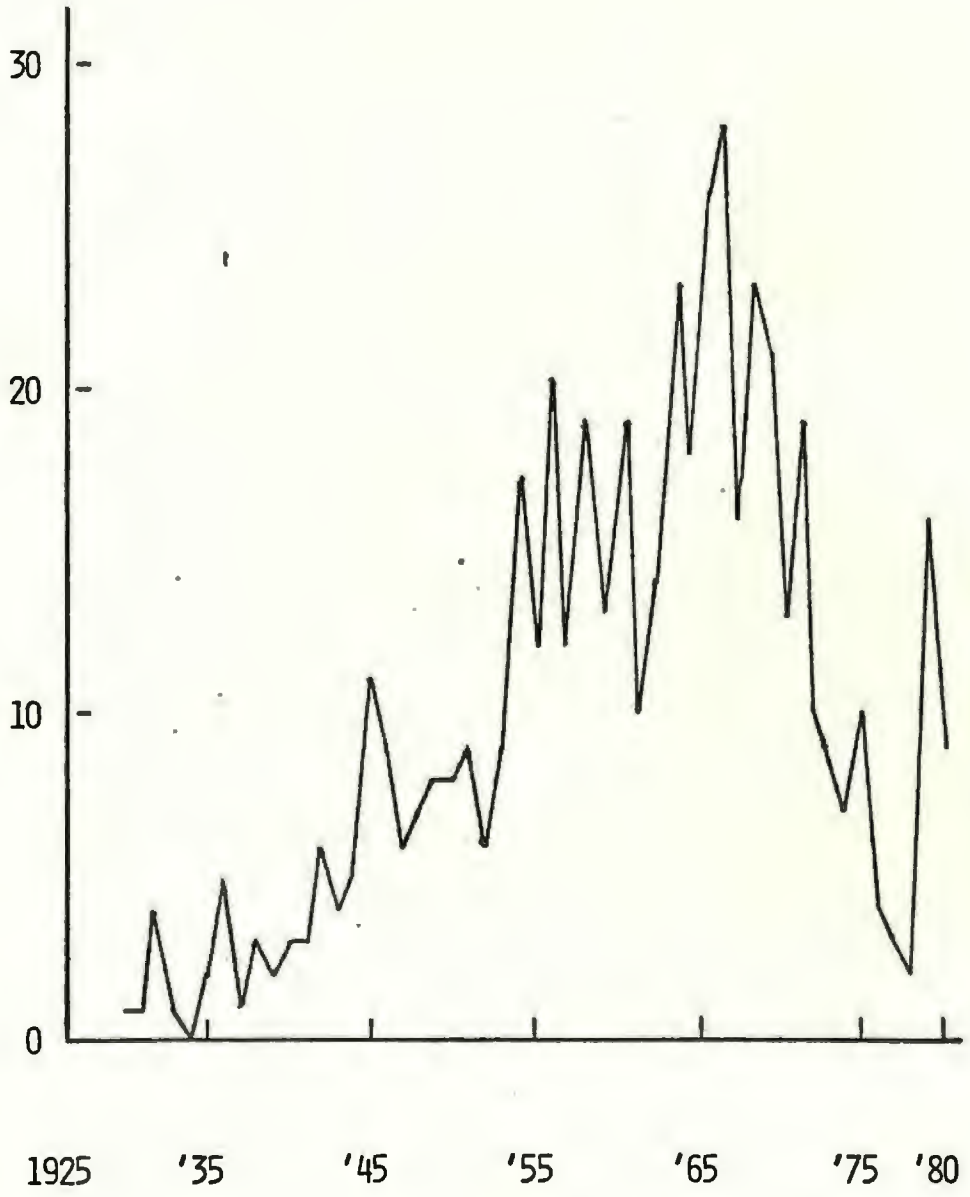
- FEWER NEW PRODUCTS/USES BEING REGISTERED.
- INCREASING TIME REQUIRED FROM DISCOVERY TO INITIAL REGISTRATION.
- INCREASING R&D COSTS BECAUSE OF STIFFER REGULATIONS:
  - ENVIRONMENTAL SAFETY REQUIREMENTS
    - 1970 = <$10,000
    - 1980 = +$150,000
  - ENVIRONMENTAL CHEMISTRY REQUIREMENTS
    - 1970 = <$10,000
    - 1980 = +$500,000
  - TOXICOLOGY REQUIREMENTS
    - 1970 = <$30,000
    - 1980 = +$1,000,000

TOTAL DEVELOPMENT COST PER ACTIVE INGREDIENT = $6-10 MILLION

THE GENERAL REGULATION OUTLOOK FOR THE INDUSTRY IS OPTIMISTIC BECAUSE:

1. THOUGH NOT FULLY ACCEPTABLE, FIFRA REVISIONS HAVE REPRESENTED IMPROVEMENTS.
2. TEST REQUIREMENTS MORE STABILIZED.
3. INDUSTRY ALLOWED TO MAKE INPUTS INTO REGULATION/GUIDELINE DEVELOPMENT.
4. PUBLIC STARTING TO RESENT THE NEED TO "BAN."
5. EPA SUPPORTS USE OF PESTICIDES ON A RISK/BENEFIT BASIS.

NUMBER OF PESTICIDES INTRODUCED



Equilibration of Chlordane in Soils Around Treated Structures 1/

Dr. William Y. Cobb 2/

The purpose of soil sampling by structural pest inspectors is to determine whether exterminators have in fact performed an acceptable job of establishing a "termite barrier". For some time there has been concern by various individuals associated with the North Carolina Structural Pest program as to the approach of our sampling and laboratory analyses. We were unsure whether the data being provided to the Structural Pest Board[3] was actually of the correct nature to be used in such stringent regulatory actions as retreatments, administrative fines and license revocations. We were concerned we might not be taking a sufficient number of sample cores to reflect the quality of the job. We thus attempted to establish a study which would answer questions as to the quality of treatment which can be attained under the most ideal practical conditions, the means by which such treatments must be sampled to confidently predict the quality of the treatment in the laboratory, and the form in which such results should be forwarded to the Structural Pest Board. We engaged a young man with a masters degree in statistics who worked the bulk of two summers on this project. While not a complete study, I believe it sheds some interesting new light on the problems at hand.

I might point out for purposes of simplicity, we confined our studies strictly to the use of chlordane.

The North Carolina (N.C.) state law requires an equivalence of 1 gallon of 1% chlordane per 2½ lineal feet per foot of depth, but does not adequately describe a third dimension. The regulations have stated that trenching or rodding may not occur more than 8" from the structure wall. We have thus assumed 8" as the third dimension and reported assay results as a percent of the pesticide present in the obtained volume of soil when compared with the required treatment rate. Inspectors have taken ten (19/32" x 3") probes for analysis, assuming on a rectangular house 3 samples each on the long sides, two each on the short sides. Due to the difficulty of obtaining a uniform volume of a sample each time, we have felt it better to report results on a dry weight basis, compensating for the soil density, i.e. as parts per million. At present, six states are already doing this: South Carolina, Louisiana, Georgia, Texas, Mississippi and Kansas.

It is known from the ongoing USDA, Forest Service, trials at (the lab in) Gulfport that a level of 100 ppm chlordane offers control of termites over extended periods. If our calculations and assumptions are correct, the range of concentration of chlordane required by the N.C. regulations is 588-714 ppm depending on the varying density of soils, or roughly 600-700 ppm. This is substantially higher than the "control" level noted at Gulfport, such that one would assume if PCO's do anywhere near a reasonable treatment job around structures, they should attain adequate termite control. At a 25% tolerance level, N.C. has blown the whistle at around 150 ppm. This 25% figure may seem quite low, but as we have previously seen and has been forthrightly confirmed in the present study, variability in distribution of pesticide along the treated site is sometimes quite high.

1/ Presented at the 20th Annual Meeting of ASPCRO, Winston-Salem, N.C., 6 Oct. 1980

2/ State Chemist and Director, Division of Food and Drug Protection, N.C. Dept. of Agriculture, Raleigh, N.C.

3/ Structural Pest Control Committee

We treated six houses, three in our coastal plain of generally lighter soils (fine sand, silty loams) and three in the Central Piedmont (sandy loams, sandy clay loams, loams, clay loams). Inner walls were trenched, outer walls rodded at intervals of 2-4" to the footings. Treatment rates were adjusted to conform as closely to required rates as possible. After 3½ weeks of equilibration following treatment, a 15 ft. section of wall was sampled at 6" intervals, 3" out from the wall, at depths of 1-4", 13-16" and 25-28" (outside foundations only). These cores were then individually quantified for chlordane using standard gas chromatographic techniques.

Several things were apparent from treatment experience and the raw data. First, control over the amount of pesticide applied is sorely needed. We worked with two of the better PCO's in this state. I am sure they were extra cautious in their approach. Yet there was no measurement method to verify at least minimum output of pesticide. The good companies likely overtreat, but in this respect one cannot be extremely critical of the poor operator.

From the handout material (see appended Tables 1,2 and 3) you will note that even with our man trying his best to assist in regulating treatment level, the ratio of what is required by the law versus what was actually put out ranged from about 2/3 to about 1½. On other jobs the output was as much as 3.38 times the required rate of application. Companies need equipment to measure volume output. PCO's should calculate minimum gallonage of tank mixture to dispense, then try to uniformly apply around a structure, possibly overtreating a bit to allow for density of the soil and other factors.

Secondly, as mentioned shortly ago, the variability in concentration among cores was considerable. Whereas some samples analyzed thousands of parts per million, numerous cores were very low in pesticide, certainly not approaching a "control" level. Whether applied by trenching or rodding, the pesticide does not appear to migrate very far in any direction. Chlordane is basically hydrophobic, and the molecule may tend to be electrostatically bound to soil particles. In one respect this is good. What control chemical is placed in the ground is locally residual. But on the other hand, if we are looking for a uniform barrier presented to invading termites, it may not be there. There are "breaks" in that barrier, i.e. areas where little or no pesticide exists.

In the J1 house,rodding was done to the footing, 30". However, at the 25-28" depth it was necessary to move 2" further away from the wall (5") to obtain cores than with the 1-4" and 13-16" depths, likely due to striking an impedance (rock, uneven footing). Very erratic results, numbers of which were low, were obtained. Where the pesticide went, whether it was even present at that depth after treatment, what effect moving 2" further from the wall to take a sample had -- all are not totally answered questions.

Furthermore,considering the idealness and care of treatment here -- recall the outside walls being rodded at 2-4" -- one might expect much more dramatic variations in pesticide distribution where rodding is carried out at 6-8" or greater intervals, as is the case with some companies. However, the soil treatments are apparently working in the predominance of cases. Thus, the Structural Pest Control Committee will most likely choose to work on an average figure obtained from uniformly mixing a number of cores, as opposed to individual core assays.

As mentioned, we further wanted to be able to establish with confidence that the sampling method around structures adequately reflected the quality of treatment.

With Table 3 handed out to you (and appended) we can make estimates two ways with 95% confidence. Assuming that twelve probes are taken at a treated site, any value below 57 ppm chlordane would predict that the true soil concentration is less than 100 ppm. Assuming 12 probes again, if one finds at least 199 ppm chlordane, he may be confident the true mean is not below 100 ppm.

If the Committee wished to assure that a safety margin above 100 ppm was present, then if 300 ppm (12 probes) were found, they could be assured no less than 140 ppm as the true mean.

In summary, whether we raised more questions than we answered is conjectural. I believe we have elucidated the problem somewhat better. But further studies do need to be run. Our exterior depth-to-footings were quite shallow with two exceptions, one 20" and one 30". This was due to lack of time for selection of houses. When the project was initiated in June, 1979, we had to treat the best of what the selected PCO's had available at the time. Furthermore, the general patterns established probably need to be confirmed further.

We have verified that 10-14 sample cores will be sufficient. We suspect the depth of these cores may need to be more than the 3" now taken. This is in light of the fact that some unscrupulous operators merely go around a home saturating the soil surface as opposed to proper rodding or trenching.

We know that the pesticide "barrier" is non-uniform; thus an average of the blended cores may be the best regulatory posture.

We have sufficient information to place our Structural Pest Control Committee in the position of making more informed regulatory choices. They may now be able to select with confidence a lower level below which retreatment or more stringent regulatory steps are required and back it up in court.

We know that the PCO industry can't and won't be changed by this one small study; however, someone should be investigating means of more uniform application methods and better control of the quantities of materials used.

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Table 1. CHLORDANE CONTENT (PPM) OF INDIVIDUAL SOIL CORES FROM SELECTED TREATED STRUCTURES

House	Soil Type	Treatment Method	Depth to Footing	Sample Depth	Horizontal Distance from Structure Wall	Sample Core 1	2	3	4	5	6	11	16	21	26
J1	Sand to Fine Sand	Rod	30"	1-4"	3"	797	753	234	454	849	685	1498	416	1966	0
				13-16"	3"	818	1359	458	97	1633	1276	1733	559	968	637
				25-28"	5"	60	83	46	0	335	96	56	1709	1307	516
		Trench	4"	1-4"	3"	1314	1172	1446	1500	1696	1855	710	-	1102	860
				13-16"	6"	388	472	463	416	123	288	747	-	282	313
W1	Sandy loam to Sandy Clay Loam	Rod	12"	1-4"	3"	547	66	343	324	238	517	827	206	47	0
				13-16"	5"	5	642	847	109	17	117	11	32	18	0
				25-28"	8.5"	0	6	0	0	0	0	11	25	14	0
		Trench	7"	1-4"	3"	283	39	401	254	488	16	365	1076	88	966
				13-16"	7"	0	0	0	0	0	0	0	0	0	0

Table 2. COMPARISON OF REQUIRED RATES OF APPLICATION WITH MATERIAL APPLIED AT SELECTED LOCATIONS

House	Treatment Method	Applied/Required Ratio	Theoretical Soil Chlordane Content
J1	Rod	1.49	876 - 1064 ppm
	Trench	1.05	617 - 750
W1	Rod	1.15	676 - 821
	Trench	0.65	382 - 464

Table 3. EFFECT OF SAMPLE SIZE ON
PREDICTION OF TRUE MEAN OF SOIL CONCENTRATIONS
OF CHLORDANE FROM TREATED STRUCTURES

	Numbers of Cores							
	10	12	14	16	18	20	24	28
Assay Level (ppm) For 95% confidence true mean is < 100 ppm	55.0	57.4	59.5	61.2	62.7	64.0	66.2	68.1
Assay Level (ppm) for 95% confidence that true mean is ≤ 100 ppm	215.7	198.5	186.4	177.6	170.8	165.5	157.3	151.4

USEFUL ADDRESSES FOR THE PEST CONTROL OPERATOR*

Self-adjusting foundation ventilators

Witten Automatic Vent Company, Inc.
P. O. Box 2244
Gastonia, N. C. 28052
(704/864-6758)

Electric moisture meter suppliers

Moisture Register Company
1510 West Chestnut Street
Alhambra, California 91802

Model 9X range 15-27

Delmhorst Instrument Company
P. O. Box 390
607 Cedar Street
Boonton, New Jersey 07005

Model J-1 range 6-30

Exclusion from this list does not imply an inferior product.

January 1978

* Handout from Dr. Michael Levi, School of Forest Resources, N.C. State University, Raleigh, N.C., at the 20th Annual Meeting of ASPCRO, Winston-Salem, N.C., 6 Oct. 1980.

NORTH CAROLINA STRUCTURAL PEST CONTROL COMMITTEE RECOMMENDATIONS FOR CONTROL OF WOOD-DESTROYING FUNGI IN BUILDINGS AFTER THEY ARE CONSTRUCTED

A. **Crawl-Space Construction:**

1. Follow Section .0503 (a)(1), (2), (4), and (6), of the Committee rules and regulations.
2. Where stucco on wood or similar type materials extend to or below grade, remove soil until there is at least 6 inches vertical clearance between the wood and exterior grade. A masonry barrier may be erected to hold back the soil from making direct contact with the stucco or similar type material.
3. Determine moisture content of joists, sills, and subfloor at at least six points in the building. Points should be selected where moisture and decay problems are most likely, for example sills close to exterior grade or behind earth filled porches, patios, and carports, joists close to interior grade or in unventilated areas, subfloor areas below bathrooms, and other areas where inspection indicates tthere may be moisture and decay problems.
4. Where moisture content readings above 20 percent are obtained, determine the source of moisture. Wood which has been discolored by stain or mold fungi should not be treated for decay fungi if its moisture content is less than 20 percent.
5. If excess moisture is caused by:
   (a) A plumbing Leak—repair or recommend in writing repair of the leak
   (b) Improper drainage—improve or recommend in writing improvement of drainage; and/or waterproof or recommend in writing waterproofing of the foundation
   (c) Excess dampness from soil under building —install vapor barrier over approximately 70 percent of the soil; and/or install additional ventilation so that there is at least 1 sq. ft. of vent space per 150 sq. ft. of crawl space area without a vapor barrier, or 4 vents to give cross ventilation with a vapor barrier; and/or improve drainage; and/or waterproof the foundations. One or more of these measures should be used.
   (d) Excess moisture from clothes dryer or air-conditioning condensate line — discharge moisture outside crawl space
   (e) Standing water under building — improve or recommend in writing improvement of drainage; and/or waterproof or recommend in writing waterproofing of the foundation; and/or install gravity drainage; and/or install or recommend in writing installation of a sump pump
6. If decay is caused by **Poria incrassata,** (the water-conducting or dry-rot fungus) eliminate the source of moisture and break the contact between the fungus in the building and the source of moisture. If the source of moisture is:
   (a) Leaking plumbing — repair the leak
   (b) Wood in contact with the soil — break the contact
   (c) Earth in an earth-filled porch — tunnel the porch so that there is at least 8 inches vertical clearance between the sills and the soil

B. **Use of chemicals for control of existing decay problems:**

1. The only situatiton where surface application of chemicals should be used in the control of existing decay problems is when rapid kill of surface fungi is requested. In such instances, moisture control techniques must be used in combination with chemical treatments.

CHECKLIST FOR
DECAY INSPECTION AT AND BELOW GROUND LEVEL

	Yes	No
Inside house		
1. evidence of floor settlement	___	___
2. decay of baseboards or floor	___	___
3. blistered plaster or paint, mildewed walls	___	___
4. buckled flooring	___	___
Outside house		
5. blistered paint on siding	___	___
6. siding in contact with soil	___	___
7. sufficient crawl space vents to give cross ventilation	___	___
8. vents open	___	___
9. lot graded to take water away from house	___	___
10. downspouts placed to take water away from house	___	___
11. foundation waterproofed	___	___
12. outside grade less than 8" below sill line	___	___
13. earth filled structure with less than 8" vertical clearance between earth and sills - porch	___	___
planter	___	___
path	___	___
patio	___	___
carport	___	___
CHECK CAREFULLY UNDER HOUSE FOR DECAY BEHIND THESE STRUCTURES.		
Under house		
14. wood debris or concrete forms	___	___
15. obvious signs of decay - fruiting bodies	___	___
cottony fungus growth	___	___
bleached wood	___	___
crumbly dark brown wood	___	___
structural weakening	___	___
16. wet soil or standing water	___	___
17. mold or stain on joists or subfloor	___	___
18. moisture content of joists or subfloor above 20%	___	___
19. water on joists or subfloor - widespread	___	___
under kitchen	___	___
under bathroom	___	___
under utility room	___	___
other	___	___
CHECK FOR LEAKING PLUMBING OR DRYER VENTED INTO CRAWL SPACE.		
20. damp foundation walls	___	___
21. moisture content of sills above 20%	___	___
22. clearance between joists and soil less than 18"	___	___
23. vapor barrier on floor insulation against subfloor	___	___

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WHY ALMOST EVERYONE IS WRONG

ABOUT

REGULATORY REFORM

BY

RUFUS L. EDMISTEN

"We had to drag the airlines kicking and screaming into the marketplace - and to the bank." President Carter, Address to the White House Conference on State and Local Regulatory Reform, January 13, 1980.

Not since Adam Smith published The Wealth of Nations in 1776 has the deregulation of private enterprise been the subject of such intense debate as is now raging across the United States. Regulatory growth had gone practically unchecked in the last hundred years, but the pattern has recently come under heavy attack. Americans are finally fed up with the increasing costs of regulation and the decreasing accountability of regulators. As President Carter proved in 1976, the forces of popular sentiment are ready to by mustered behind the reform initiative. However, the stakes of reform are high in terms of the potential impact on profits, on prices and on environmental and social welfare programs. Deregulation means a redistribution of power and resources. Thus, while recent polls show that most Americans want less regulation it is not surprising that there is much disagreement on how that goal should be achieved. In fact, there are at least as many plans to reduce regulations as there are regulations to reduce. No less than 150 different bills aimed at regulatory reform were introduced during the first session of the 96th Congress alone.

Many of these plans advertise a quick fix to the problems of regulatory growth. For example, since government is the source of regulation, it is suggested that we simply do away with it - "deep six it" - "Proposition 13" it. However, to accept such an alternative

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1/ The Attorney General gratefully acknowledges the invaluable research assistance of Lucien Capone, III, Assistant Attorney General, in the preparation of this Article.

one must be willing to defend the premise that government has no legitimate role in protecting the public health, safety and welfare. Laws such as the Pure Food and Drug Act of 1907 should never have been enacted.

Another quick fix solution gained much support through its deceptive simplicity. The call for a constitutional convention to adopt an amendment requiring a balanced budget swept through many states until cooler heads began asking difficult questions. Could a constitutional convention be limited to the single issue of a balanced budget or might we end up with a whole new constitution? How would delegates be chosen? What effect would powerful interest groups have on their selection? Would a balanced budget requirement leave Congress with enough flexibility to respond to unforseen situations?

The ultimate problem with these "quick fix" solutions is that they are punitive rather than remedial. In effect, the bureaucrat is simply told that because he has incurred the people's displeasure he will be given less tax revenues to spend. However, it is left up to him to determine how he will allocate his remaining resources. This approach leaves total responsibility for reforming government with the regulators. The public has not gained one iota of control. The regulators are not one bit more accountable. From the standpoint of costs the regulators are given no direction. They are free to cut services as they choose or to seek alternative sources of revenue. For instance, regulators know that increased license fees can gen-

erate huge sums. However, these fees are eventually passed on as higher prices. The public is actually worse off for having "reformed" government.

It took a long time for the regulatory fat to accumulate. It is doubtful that the excess can be trimmed overnight with lasting results and without causing serious damage to the fabric of society. To successfully deregulate private enterprise over the long term we must first identify both the causes and the problems of regulatory growth. Only then can we formulate the objectives which a reform plan must incorporate to achieve lasting and responsible results.

THE GROWTH AND "CAPTURE" OF REGULATION

The growth of regulation in America is all too painfully familiar. For nearly a century people have relied on government instead of private institutions for the cure of social ills. The addiction began slowly with railroad rate regulation under the Interstate Commerce Act of 1887. It blossomed under the New Deal in the 1930's. It reached epidemic proportions in the social reform movements of the 1960's and early 1970's with the creation of over 200 federal agencies in that period alone. State and local governments kept pace. Rule making by those bodies runs into the thousands of pages every year.

The causes of this tremendous growth in regulation are numerous. Traditional regulatory institutions (the courts and the marketplace, for example) could not keep pace with the multitude of problems born

out of the rapid technological expansion which occurred after the Civil War. Congress and the state legislatures worked quickly in comparison and the people came to rely on them more and more frequently.

However, as the problems which legislators were expected to solve grew in complexity, their statutory language became less specific. Lawmakers often chose to adopt "enabling acts" which left the details of regulation to be worked out by the "experts." The objectives to be achieved were purposefully ill-defined to allow maximum latitude to the bureaucrats to "adopt such regulations as necessary to carry out the purposes of the Act." The result of this undirected delegation of legislative prerogrative was the creation of a corps of professional regulators who perceived that the justification for their existence lay in the quantity of regulations they adopted.

Another unexpected result of this lack of legislative guidance was the encouragement of rule-making by the courts. In an effort to protect the public from discretionary excess and regulatory zeal of bureaucrats the courts required administrative officers to articulate the standards and principles that governed their decisions "in as much detail as possible" and advised them that "rules and regulations should be freely formulated..." to that end. Environmental Defense Fund v. Ruckelshous, 439 F. 2d 584, 598 (D.C. Cir. 1971).

Another force in the growth of government regulation, and a

problem in its own right, was that of the interest groups which set out to "capture" the benefits of regulation for their own advantage, by either actively pursuing regulation from the inception, or having been subjected to government controls, by seeking to have those controls enforced in their favor.

The first groups to employ this tactic were primarily interested in economic gain. Their goal was to reduce competition as much as possible. The tools ranged from rate-setting to restriction of entry into the field by tough licensing requirements. As an example of the latter, 1,250 hours of study in the areas of bacteriology, diseases of skin and hair, and anatomy are required in order to obtain a barber's license in Arizona. This is more class time than most schools require for a law degree.

The Interstate Commerce Commission is another classic case study of the "capture" strategy in action. Post Civil War expansion saw the railroads in a position of pre-eminance among common carriers. However, competition between the railroads was intense, and ruinous for some. The public became increasingly incensed with discriminatory practices by the railroads with respect to routes, fares and secret rebates. Seeking refuge from the bloody battles being waged in the marketplace, the railroads acquiesced in passage of the Interstate Commerce Act of 1887, and the Commission was born.

The Commission quickly antagonized the railroads. In 1892, the president of a large railroad asked his chief counsel, Richard Olney (later to be Attorney General under Grover Cleveland), to

lobby for repeal of the Act. Forseein, that the effort would fail Olney shrewdly advised that;

> The Commission, as its functions have now been limited by the courts, is, or can be made of great use to the railroads. It satisfies the popular clamor for a government supervision of the railroads, at the same time that supervision is almost entirely nominal. Further, the older such a commission gets to be, the more inclined it will be... to take the business and railroad view of things. It thus becomes a sort of barrier between the railroad corporations and the people and a sort of protection against hasty and crude legislation hostile to railroad interests. 11 The Annals of America 368 (1968).

The railroads took Olney's advice and today the Interstate Commerce Commission sees itself as their chief protector.

In addition to the groups seeking to capture regulation for economic gain a new breed of interest groups has appeared, demanding regulation to enforce their particular idea of what is good for society. These groups are interested in the protection and promotion of philosophies such as gun control, environmental quality, education, equal rights and automobile safety. One need only see the increasing number and specializtion of administrative agencies to appreciate the power and influence of single interest politics on regulatory growth patterns.

RISING COSTS AND DECREASING ACCOUNTABILITY

The problems caused by uncontrolled growth of regulation are legion, but can be lumped under the two complaints most often voiced, rising costs and decreasing accountability.

Regulation carries a price tag made up of primary and secondary costs. The primary cost includes the expense of making and administering controls, reflected in higher taxes, and the expense of com-

pliance by regulated industry, reflected in higher prices. A recent White House report estimated that the direct cost of environmental controls alone amounted to $25 billion in 1979. A 1978 report on the regulation of motor carriers in Colorado estimated that freight rates are $7 million a year higher in that state because of regulation. The Business Roundtable estimates that regulation adds one percent to inflation each year.

The secondary costs of regulation are difficult to quantify, but probably cost the nation anywhere from $50 billion to $150 billion annually.

For example, regulation reduces the ability to respond quickly to a rapidly fluctuating economic environment. During a period of escalating interest rates and inflation the bureaucratic delay of a few months or even weeks in issuing construction permits can raise the cost of a house by thousands of dollars.

Second, the cost added to goods by regulation has a negative effect on the balance of trade since American made products become correspondingly less competitive in the international market.

Third, the bankruptcy of many small businesses has been attributed to the anti-competitive nature of regulations. Compliance is more expensive the smaller a business is since the cost must be spread over a respectively smaller number of goods. Thus the price per unit for a lower volume seller must be greater than that charged by the higher volume competitor if compliance costs are to be amortized. In order to remain price competitive the smaller business

is forced to absorb a disproportionate amount of the cost. Clarkson, Kadlec & Loffer, "Regulating Chrysler Out of Business?", Regulation 44 (Sept./Oct. 1979).

Fourth, productivity and technological advances have been discouraged or restricted by regulators who fear that the developer may gain a damaging competitive edge. The FCC, for instance, delayed the development of pay TV for several years while the ICC unnecessarily restricted truck-rail piggy backing. R. Noll, Reforming Regulation (1971).

Finally, the lack of coordination between regulatory agencies has resulted in redundant and contradictory regulations and duplicative paperwork, all of which are very costly.

In the past these costs have been largely ignored with the primary focus being placed on the benefits of regulatory activity and on plugging loopholes. However, that is an expensive luxury which the Nation can no longer afford.

The other casualty of the unchecked growth in regulation has been a loss of accountability. Bureaucrats are not elected in most cases. Unlike legislators who must constantly answer to the electorate, the regulators have no similar impetus to self-evaluate. Theoretically, they are held indirectly accountable through the legislators who are supposed to oversee their activities. In practice this just simply has not been the case. The bureaucracy is too big and the activities have become too complex for the legislators to maintain effective control. In 1977, for example, North Carolina's

legislature wrote this statutory mea culpa in the preamble to its "Sunset" law:

> The General Assembly finds that State Government actions have produced a substantial increase in numbers of agencies, growth of programs and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability or a system of checks and balances..."N.C.G.S. §143-34.10.

The blame for this loss of accountability rests heavily on the public itself which tends over time to abandon the agencies it once clamored for, leaving the regulated unopposed in the forum. The regulated are free to employ the techniques of behavior modification by periodically rewarding the agency through political support or by punishing it through legal action. Eventually, the agency comes to believe that "what's good for the industry is good for the public."

THE OBJECTIVES OF REFORM

It is evident with hindsight that the growth of regulation was a function of (1) a turning away from traditional regulatory institutions to Congress and the state legislatures, (2) an overbroad delegation of legislative responsibility and (3) the capture of regulation by special interest politics. The problems of unchecked growth are rising costs and decreasing accountability. It is to these factors that a plan of regulatory reform must speak if it is to be successful. Specifically the plan must:

- Narrow the range of rule-making powers;
- Lessen the influence of interest groups on regulators;
- Find less costly methods of, or alternatives to regulation;

Make regulators accountable.

LIMITING RULE MAKING POWERS

To narrow the range of rule-making powers, legislators must clearly state their objectives and carefully delineate the parameters of regulation in enabling acts. Lawmakers must be reintroduced to the art of writing preambles. Modern legislation too often omits this useful tool yet it can set the tone for interpretating of an entire act thereby providing much needed direction for regulators, the regulated and the courts.

LESSENING THE INFLUENCE OF SPECIAL INTEREST GROUPS

Lessening the influence of interest groups on regulators is the most difficult problem facing the reform initiative. Active public participation would be the ideal way to neutralize the interest groups' impact, but the public has a dismal record on that score. The problem is one of economics. The average citizen's stake in regulatory activity is simply too small to justify his cost in time and money of making a meaningful input into the process. While some agencies are experimenting with funding programs for public interest intervenors, it is doubtful, that the general public will ever become involved unless the proposed regulations directly concern the individual's interests.

Adding public members to agencies is another method of reducing the influence of interest groups. For instance, in many states occupational licensing boards are run de facto if not de jure by the occupation itself. The law actually forces the governor to make appointments from the profession as dictated by the occupation's private association. However, adding public members will only work if the additions are numerous enough to have an effective voice and fresh enough not to have adopted the "what's best for the industry is best for the public" viewpoint.

ACCOUNTABILITY

Perhaps the best way to counteract single interest politics is by making regulators more accountable to the people, directly and through elected officials.

The first step is to open the process of rule-making to public view through "Sunshine" laws. Examples are the Freedom of Information Act (FOIA) adopted for federal agencies and "Open Meetings" laws adopted in several states.

The second step is to limit the range of rule-making powers, by law, not only to reduce the number of regulations, but also to keep more control in elected lawmakers.

Reducing the length and number of terms any one individual can serve on a board is another step in favor of accountability. In one state the chairman of a licensing board had served for over twenty consecutive years. His son was a board member too. Together they literally created a dynasty.

Finally, independent review of regulatory programs on a periodic basis is essential to maintaining control over the bureaucracy since there is very little impetus to self-evaluate.

LOWERING THE COST OF REGULATION

Wherever possible, a cost/benefit analysis should be used to test regulations that are likely to have significant impact on the economy. The first question to be asked in making this analysis, and the bottom line of regulatory existence, is whether there is a valid public purpose to be served. Will there be a real danger to the public health, safety or welfare in the absence of regulation? The emphasis is on the words real danger for the groups which favor regulation can always find reasons why regulation is needed. For example, watchmakers in North Carolina argued that their licensing law was necessary, because if "incompetent persons were allowed to repair watches in a faulty manner a nurse's watch might stop and she might give her patient his pill at the wrong time." Time, however, ran out on the watchmakers in 1979 under North Carolina's "Sunset" law.

If there is a need for regulation, the least restrictive alternative which will meet that need should be chosen. For example, providing market incentives, such as tax deductions can encourage action in the desired direction where coercive power is not necessary.

Where more control is needed it is less restrictive to state the required result and leave the method of achieving that goal to the

regulated. An example of this is the "bubble concept" of air quality regulation implemented by EPA. 44 Fed. Reg. 71780 (1979). Instead of placing restrictions on emissions from each stack and pipe of an industrial plant, the total pollution output is the focus of concern. The company is free to meet that output limit in the most economical way it can. It is estimated that this departure from traditional "command and control" regulation can reduce the cost of compliance by 50% while providing the same overall air quality.

In the area of occupational licensing a "title" act may be a satisfactory alternative to more restrictive "practice" acts. Title acts simply require the applicant to meet certain standards in order to use a particular title, such as "landscape architect." Unlike practice acts, no one is prohibited from working in the occupation by a title act, but only licensed persons can use the title. Thus, a "landscape designer" can do exactly what the "landscape architect" does without having to obtain a license. The public is free to choose the licensed or unlicensed individual, balancing the risks and costs for itself.

In addition to using less restrictive forms of regulation, the cost of regulation can be reduced by consolidating similar programs which are at the same level of government. Further, a clearinghouse for regulation should be established to better coordinate regulatory activities at different levels and among dissimilar programs. These changes can help solve the problems of duplicative paperwork, redundancy and contradiction.

EXECUTIVE ORDER 12044 AND "SUNSET"

There are currently two reform plans in operation that recognize and attack the causes and problems of regulatory growth - President Carter's Executive Order 12044 and "Sunset."

Signed on March 23, 1978, Executive Order 12044 was a giant step in the direction of responsible regulatory reform. It provides for self-evaluation of regulatory programs within the executive branch focused by several criteria including the continued need for regulation, the cost vs. the benefits, the elimination of duplication and the need to simplify language. A regulatory analysis must be prepared for rules which are anticipated to have a major impact on the general economy. The analysis must include a clear statement of the problem, of the alternatives that were considered, an analysis of the economic consequences of those alternatives, and an explanation of the reasons for choosing one alternative over the others. Public participation in rule-making is to be actively encouraged.

Although preliminary results are encouraging (OSHA dumped nearly 1000 "nitpicking" regulations in one day last year) it remains to be seen how faithfully this order will be carried out. Bureaucratic inertia may prove too powerful to be slowed through the voluntary imposition of self-evaluation by the executive branch upon itself.

This weakness of Executive Order 12044 is forcefully addressed in "Sunset" legislation. In addition, to requiring the periodic review of regulatory programs, the enabling acts are automatically repealed on a date certain unless affirmative action is taken by the legislature to continue them for another term. Periodic

review is the tool by which programs are evaluated on a continuing basis, in order to provide legislators with a solid foundation for decision making. Automatic termination is the power behind the tool. It is the action-forcing Sword of Damocles ensuring that reviews will be made.

The concept of automatic termination is not entirely new. On September 6, 1798, Thomas Jefferson wrote to James Madison suggesting that all laws should expire at the end of nineteen years since Jefferson felt that one generation was not entitled to bind a future generation and nineteen years was the average span between generations at that time.

Madison replied that while there were problems with the idea it had merit. However, Madison wasn't very optimistic about living to see the adoption of such a scheme for he wrote that "[F]urther light must be added to the councils of our country before many truths which are seen through the medium of philosophy become visible to the naked eye of the ordinary politician." 3 The Annals of America 389, 394 (1968).

In fact, it was nearly two centuries before the idea became reality. In 1972, the Federal Advisory Committee Act was adopted, providing for the termination of each advisory Committee after two years unless continued by one of the methods provided in the law. 5 U.S.C. app. §1 (1976).

The first comprehensive Sunset Law was enacted in Colorado in 1976. Since then thirty-four states have adopted some form of

Sunset Law. Congress has been considering Sunset legislation in various bills. See, e.g., S. 2, S. 755, H.R. 545, 96th Cong., 1st Sess. (1979).

Like Executive Order 12044, Sunset specifies the criteria under which regulatory programs are to be reviewed. These criteria focus on the general issues of need, effectiveness, efficiency and accountability. Sunset requires the responsible agency to rank its programs in order of importance and forces the agency to justify the need for each. It is zero base budgeting developed to its fullest potential.

Although the Sunset review process considers many seperate aspects of the targeted regulatory programs, Sunset is well suited to view those programs as a gestalt whole in terms of their overall role in and impact upon society, government, and the economy. Programs in related fields can be scheduled for simultaneous review to see how each compliments, detracts from or duplicates the others.

Procedurally, the reviews are conducted by a body which is independant from the agencies under study. The reviewing entity is assigned the task of preparing a report with recommended action for distribution to legislators prior to the date of termination.

Unlike "quick fix" solutions Sunset review provides a solid informational base on which legislators can rest a decision to terminate, modify or continue a program. However, while Sunset can provide lawmakers with a roadmap to responsible regulatory reform it is up to legislators to make proper use of the tool. The politics

of deregulating like the politics of regulatory growth, are subject to the influence of interest groups. Regulators who fear losing their jobs and regulated industries who fear competition lobby hard against deregulation. In an address to the White House Conference on State and Local Regulatory Reform held last January, President Carter stated that he had had to drag the airlines "kicking and screaming into the marketplace - and to the bank."

Like the President, Congress is learning that the chief opponents of deregulation are the regulated. The halls of the Capitol are ringing with the cries of truckers who predict that transportation will be doomed if their industry is deregulated under pending legislation. Their arguments are typically inconsistent and tend to give away the real anti-competitive motive behind their opposition. Recently, for instance, an industry spokesman warned that deregulation would lessen competition because small trucking firms could not compete with larger corporations on costs. He then argued nearly in the same breath, that removing government control over trucking would bring "every Tom, Dick and Harry who could afford to put $1,000 down on a rig," into freight routes now the preserve of certified "reputable" common carriers.

The only way to combat this problem is through education and example. Legislative studies can emphasize the benefits of a return to free enterprise. For instance, Frank Borman, former astronaut

and president of Eastern Airlines, said that although he originally fought deregulation he is now its devoted missionary. His company's profits jumped, as did those of most airlines, after the CAB eased controls, since unprofitable routes could be dropped. Eastern was able to adjust its fares with greater flexibility in response to rapidly changing demand patterns. The consumer benefited through lower overall rates and "super saver" fares. The routes dropped by Eastern were picked up by smaller airlines in almost every instance. There is no reason to believe that these results will not be duplicated by other industries, such as the trucking, busing, and banking industries.

Besides educating the regulated, legislators must also show the regulators that Sunset does not necessarily mean termination, but can be a golden opportunity to publicize their hard work and successes.

Although fear of the unknown is a threat to reform, the greatest danger to the Sunset idea is posed by those who expect overnight reduction in government. Barely four years have passed since the first Sunset law was adopted. However, some commentators are already expressing their disallusionment by complaining that relatively few programs have been terminated. See, e.g. Mitzner, "Sunset Laws, Why They Aren't Working," 11 Washington Monthly 48 (1979). However, if a body count is to be the measure of Sunset's success, a Proposition 13 type of "reform" plan would be the more honest alternative. Legislators should avoid such a myopic view of Sunset.

Those who are knowledgeable about the idea understand that the term "Sunset" refers to the action forcing repeal mechanism, not necessarily to the desired outcome of the process. There is a place for such a dramatic act as termination, but good implementation of Sunset reserves termination for those programs which do not serve a valid public need or which could be better carried out by private sector regulatory mechanisms, such as the free enterprise system. A needed program should not be terminated simply because it is ineffective or inefficient. It should be made cost effective if possible. Some controls are needed. Total deregulation would simply be replaced by greater resort to anti-trust litigation. The latter is far more inefficient than regulation.

Experience with Sunset has revealed that the mere prospect of termination is having a tremendous impact on regulatory activity. Regulators are finding self-evaluation to be in their own best interest. One of the most interesting phenomenon to observe in states having Sunset laws is that of regulators appearing before the legislature, prior to being reviewed, asking to have public members added to their agencies. Regulations are no longer enacted without careful consideration of the economic impact. Enforcement actions are being re-examined to see if too much or too little is being done. Licensing exams are checked for relevancy and validity. Continuing education requirements are being studied. This side effect is the most substantial result of Sunset legislation. Unfortunately, it is not as visible as terminations.

While most Americans want less government few would favor no government. Resistance to regulation is largely caused by the taxpayer's perception that his shrinking dollars are being squandered by a mass of faceless, unaccountable bureaucrats on programs which are justifiable neither in terms of cost or need. Executive Order 12044, Sunset and other similarly well designed reform plans can achieve the right mix of government and free enterprise, of cost and accountability, in order to satisfy the public that it is getting its money's worth in the decades to come. Legislators who are dedicated to lasting reform must give their full support to such plans now. "Quick fix" panaceas must be rejected before the reform initiative is set on a self-destructive course.

- Clothing which has full strength pesticides (right out of container) spilled on them should be washed twice.
- Normal procedures for heavy soiled laundry will remove the pesticides from the clothing.

Clothes should be washed as part of the clean-up process, and not put off until tomorrow. They should be placed right in the washer immediately after they are removed. If this is not possible, place them in a plastic bag and store them away from children or pets.

- Use hot water, 140°, and normal or full water level.
- Use the manufacturer's recommended amount of heavy duty phosphate-based detergent.
- Thoroughly dry the clothes in an automatic dryer for 30 minutes at the regular fabric setting.
  Remove any leftover pesticides from the washer by running the machine through the complete laundering cycle, using detergent without clothes.

These recommendations are based on the results of research conducted at Iowa State University. Typical fabrics, such as denim and chambray were used. Representative pesticides (one insecticide and one herbicide) were used to contaminate the fabrics, which were then washed and dried following the procedures outlined above. Fabric and water samples were then tested for pesticide residue. Results showed that the normal laundry procedures were most adequate in removing the pesticides. More than 99.9 percent of both the herbicide and pesticide were removed from the two fabrics tested.

Home Pest Control Mistakes

From time to time situations crop up that illustrate mistakes that can be made in home pest control. Here are two to avoid:

1. Hidden air intake ducts. Homes with central air conditioning may have the outside air intake unit hidden in landscape bushes. Shrub sprays directed at these bushes are quickly drawn inside the home. When spraying around the outside foundation wall be sure to look for air intake points, open windows and other ways in which your spray can enter your customer's home.

2. Pesticide Residues on Food, Clothing, Food Preparation Surfaces. In California last January an 11 day-old baby died after chlorpyrifos (Dursban) was sprayed heavily throughout the family's home in an attempt to kill cockroaches. The investigation revealed chlorpyrifos residues on dish towels, food preparation surfaces, and the baby's clothing.

   This case points out that excessive pesticide use, careless contamination of clothing and counter top, combined with

Burnett
667-3131

ARIZONA REPORT

to the

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

October 1, 1980

by

Betty Sisk

Since October, 1965, Arizona structural pest control operators have been examined and licensed under the Arizona Structural Pest Control Law. In May, 1974, a new law was enacted to provide the Structural Pest Control Board the authority to certify applicators of restricted pesticides.

Business licensing is required of any person or firm who applies any pesticide for compensation. Licenses are issued in five categories, which are, general pest control; wood destroying insects and organisms; weed control; fumigation and turf and ornamental horticulture pest control. Competency for licensing is determined by the successful completion of an essay type examination in the category for which they make application. Before the applicant is considered for examination, he must submit proof of two years' practical experience in the specific classification or classifications for which application is made; or one years' practical experience in the classification or classifications for which application for license is made and who has completed successfully not less than twelve semester hours or the equivalent in the field of entomology, the eradication or control of weeds, general horticulture or plant pathology or any combination of such subjects. The public liability and property damage insurance or bond requirement is not less than twenty-five thousand dollars, each separately. Approximately 350 businesses are currently licensed in Arizona. The law does not authorize reciprocity.

ARIZONA REPORT continued:

Certification after examination is required of applicators of restricted use pesticides. Certification licenses are issued in the categories of the four sub-categories of general pest, wood destroying, weed control and fumigation in the industrial, institutional, structural and health related category; ornamental and turf category; and aquatic in non-agricultural waters. Arizona presently has a total of 1150 certified applicators.

Certification examinations are given by the Structural Pest Control Board but the training including manuals and seminars are provided by the University of Arizona Extension Service.

The Structural Pest Control Board adopted a rule requiring certification to be renewed on a three year schedule by attedance at a course given by the Cooperative Extension Service, and successful completion of examination administered by the Structural Pest Control Board. As of June 30, 1980, it was the end of the three year schedule; therefore, from January thru June, approximately 1000 recertification examinations were administered. A new identification card at that time was also issued.

Financial support of the certification program in Arizona is primarily through fees. An EPA certification grant has just been obtained to provide financial assistance for the certification program. The Board has also entered into a cooperative agreement for Federal assistance on use and misuse inspectional activities.

The Structural Pest Control Board is a 90-10 Agency (self supported - 90% of the fees retained by the Agency and 10% retained by the State) and is seeking new legislation this year to impose civil penalties. All fees of the certification program and the licensing program are being reviewed and are to be brought up to the present standards of the current fee structure.

ARIZONA REPORT continued:

In the fiscal year ending June 30, 1980, the Structural Pest Control Board revoked 3 licenses, suspended 1 and entered into 76 Consent Agreements. In the Consent, the licensee of the company agrees to the violation and pays for the investigative costs. The Board consists of five members, 3 industry and 2 public, which are appointed for a five year term by the Governor's office. Even though the statutes require the Board to meet at least twice a year, monthly meetings are held due to the terrific amount of workload. The office staff consists of three with two inspectors.

The Structural Pest Control Board adopted requirements for pretreatment as of April, 1979; issued policies and instructions on how to prepare wood infestation reports as of October 3, 1979; and are presently preparing standards for termite treatment of existing homes.

ARKANSAS
STATE PLANT
BOARD

P. O. Box 1069 ■ Little Rock, Arkansas 72203

Robert W. Anderson
Director

Ph. 501 371-1021

October 5, 1980

A S P C R O

Arkansas Report

Don Alexander, Head
Commercial Pest Control

Enclosed is a copy of our regulations governing the pest control operators.

Also enclosed is a report of the activities of this section during the fiscal year 1979-1980.

ARKANSAS STATE PLANT BOARD
PLANT INDUSTRY DIVISION
P. O. Box 1069
LITTLE ROCK, ARKANSAS 72203

ARKANSAS PEST CONTROL LAW
(Act 488 of 1975 -- Revised January 1, 1979)

SECTION 1. TITLE. This Act shall be known by the short title of "Arkansas Pest Control Law".

SECTION 2. DEFINITIONS. For the purpose of this Act, the following terms shall be construed to mean respectively:

1. AGENT - any person registered with the Board by a licensed operator to solicit or sell pest control service for which the operator is licensed to perform, including the signing of contracts, making inspection for the purpose of servicing or continuing contracts, supervising workmen and working crews in carrying out pest control service, when so designated by the licensed operator, or except as may be limited by the Plant Board in its Rules and Regulations made under authority of this Act. This is not to be construed as relieving the licensed operator in any way of being responsible for personal and direct supervision of all work performed under his license.

2. APPLICANT - any person making application for a license to engage in pest control service work.

3. BOARD - the Arkansas State Plant Board.

4. COMMERCIAL APPLICATOR - a person who has demonstrated by written examination his knowledge of the nature and effect of pesticides and how to use, supervise the use or demonstrate the use of restricted use pesticides, as defined by FIFRA, safely and properly. Qualification as a commercial applicator shall be integral to qualification as a licensed operator or qualified operator and vice versa.

5. DIRECTOR - the Director of the Arkansas State Plant Board.

6. DIVISION HEAD - the Head of the Commercial Pest Control Section of the Arkansas State Plant Board.

7. FIFRA - the Federal Insecticide, Fungicide and Rodenticide Act, as amended, which classifies, regulates and provides for the certification of all users of restricted use pesticides, as defined in said act, including all persons who engage in commercial and non-commercial pest control service work.

8. FUNGI or ROT - control responsibility shall apply to substructure timbers such as sills, subsills, piers, floor joists, subfloors and floors.

9. HOUSEHOLD PEST and RODENT CONTROL - any mammal, bird, arthropod, or reptile that may infest or invade a home or other buildings or the immediate area around or under these homes or building, other that wood-damaging or destroying insects, fungi or organisms.

10. INSPECTOR - an employee of the Arkansas State Plant Board working under the supervision of the Division Head.

11. LETTERS of CLEARANCE - any statement or certificate issued by a licensed operator regarding a building's freedom from termites, powderpost beetles, fungi or rot. Declarations regarding fungi or rot shall apply to substructure such as sills, subsills, piers, floor joists, subfloors and floors.

12. LICENSE HOLDER - the person, firm or corporation to which a license is issued, said person being himself a licensed operator or there being one or more licensed operators in the employ of said person, firm or corporation.

13. LICENSED OPERATOR (OPERATOR) - a person who has fully qualified, and has passed the Board's written examination, and has in force a valid license from the Board to engage in the work indicated in the license. Said person shall also have met the requirements of and be eligible for certification under FIFRA and State law as a commercial applicator.

14. NON-COMMERCIAL APPLICATOR (OPERATOR) - any person who uses, supervises the use, or demonstrates the use of a restricted use pesticide in any classification on his own or him employer's property who does not hold himself out as being engaged for compensation in pest control service work.

15. PERSON - an individual, firm, partnership, corporation, organization or association or any combination thereof whether or not incorporated.

16. PEST CONTROL SERVICE - any person who, for compensation, gives advice, or engages in work to prevent, control or repel arthropods, mammals, birds, reptiles or wood-damaging or destroying organisms that may invade or infest homes, other buildings, or similar structures, and shall include arthropods, mammals, birds, reptiles, weed and plant diseases that may invade, infest or infect shade trees, shrubs, lawns, turf and pecan groves; or who issues Letters of Clearance, or who shall solicit such work in any manner; but shall not be construed to include agricultural crops from planting to harvest other than those mentioned above.

17. QUALIFIED OPERATOR - a person who has fully qualified, and has passed the Board's written examination, who works under the bond and insurance of a license holder or licensed operator instead of his own. Said person shall also have met the requirements of and be eligible for certification under FIFRA and State law as a commercial applicator.

18. SOIL PRE-TREATMENT - chemical treatment of the soil before or during construction of any building(s) for the purpose of preventing or controlling Subterranean Termites.

19. SOLICITOR - any person so registered with the Board by a licensed operator to solicit or sell pest control service work, for which the operator is licensed to perform, but may not perform any pest control work, nor be placed in charge of workmen or working crews.

20. SUPERVISE - or "under the direct supervision of" means the act or process whereby the application of a pesticide is made by a competent and registered person acting under the instructions and the control of a licensed operator or qualified operator who is responsible for the actions of that person and who is available if and when needed, even though such operator is not physically present at the time and place the pesticide is applied.

21. TERMITE and OTHER STRUCTURAL PESTS - any wood-damaging or destroying insect, fungus or organism.

22. TERMITE INFESTATION - any active termites found in or on the building(s), its foundation or attached appurtenances, or under the building, in or on debris, or in or on stumps under the building.

23. WEED CONTROL - the prevention, destruction or removal of any plant from where it is not wanted by the use of herbicides.

SECTION 3. ENFORCEMENT, ADMINISTRATION and PERSONNEL. The State Plant Board is hereby vested with the authority to carry out the provisions of this Act, including the employment of necessary personnel. The Board shall have the authority to adopt rules and regulations which shall have the full force and effect of law, for the purpose of carrying into effect the provisions of this Act. Such rules and regulations may include the authorization to require licensed operators to submit written monthly reports setting out the description and location of properties on which pest control service has been rendered, and such other information relative hereto as the Board shall deem necessary. Such rules and regulations may include minimum standards for pest control service work, and shall include fees sufficient to pay the cost of carrying out the provisions of this Act.

The Plant Board or its authorized representatives may enter upon and inspect properties, plants or products for the purpose of carrying out the provisions of this Act, and of the rules and regulations made pursuant to this Act.

SECTION 4. LICENSING - CLASSIFICATIONS - QUALIFICATIONS - SPECIFICATIONS - REGISTRATION of AGENTS and SOLICITORS, and FEES.

1. No person shall for compensation engage in pest control service work in any manner as defined in this Act, without first having qualified, including the passing of the Plant Board's written examination, and have in force a valid license issued by the Board for that purpose.

It shall be unlawful for any person other than a licensed operator, qualified operator or non-commercial applicator or persons working under their direct supervision to use restricted use pesticides as defined by FIFRA.

2. Any person desiring to obtain a license for pest control service work shall make application to the Board on forms provided by the Board, giving complete information requested. The applicant must prove to the satisfaction of the Board that he is morally and financially responsible. An applicant to be eligible to take the examination in either of the classifications, Termite and Other Structural

Pests or Household Pests and Rodent Control, must show proof of at least one year's experience in the classification for which a license is desired, or have completed at least two year's work in an accredited college or university, including the completion of at least one basic course in Entomology. To demonstrate the ability of the applicant to perform the classification of work for which a license is desired, and to demonstrate his knowledge of the nature and effect of pesticides and how to apply them safely and properly, the Board shall prescribe in advance an examination in writing to be written by the applicant, and to be given by a person designated by the Board who is not interested financially or otherwise in pest control service work in Arkansas, and such representative shall examine the applicant by a written examination as prescribed above, and be graded by said examiner with the results being certified to the Board for approval either as having passed or failed said examination as the case may be. The State Plant Board is directed to give examinations on various classifications of pest control work, on designated dates at least once each quarter, and if the applicant is found qualified in one or more of such classifications, he may be licensed to do the classification of work for which he is found qualified, upon the payment of the required fees. By virtue of these qualifications the applicant shall be eligible for certification under FIFRA or State law as a commercial applicator. The Board shall by regulation make provisions to ensure that applicators continue to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly. Any licensee who fails to renew his license for a period of two years shall be required to follow the same procedure as a new applicant in obtaining another license.

The license shall specify the classification of work in which the license holder is authorized to engage, and shall show the name and address of the person, firm or corporation to which it is issued, and the name of the licensed or qualified operator, if he is someone other than the license holder, provided, however, the license holder shall do only the kind of work specified in the classification for which he has been licensed regardless of whether for compensation or not. Any licensee performing any work in any classification for which he has not been licensed shall suffer invalidation of the license in any other classification.

The Plant Board may classify or subclassify commercial and non-commercial licenses to be issued under this Act as may be necessary for the effective administration and enforcement of the Act. Such classifications may include but not be limited to (1) Industrial, Institutional, Structural and Health Related, (2) Ornamental and Turf, (3) Agricultural and (4) Non-commercial pesticide applicators. Separate subclassifications may be specified as to methods used by any licensee to apply pesticides or to the use of pesticides to control insects and plant diseases, rodents or weeds. Each classification shall be subject to separate testing procedures and requirements.

The Plant Board in promulgating regulations under this Act shall prescribe standards for the licensing of applicators of pesticides. Such standards shall relate to the use and handling of the pesticides, or to the use and handling of the pesticide or class of pesticide covered by the individual's license, and shall be relative to the hazards involved. In determining standards, the Plant Board shall consider the characteristics of the pesticide formulation such as

the acute dermal and inhalation toxicity, the persistence, mobility and susceptibility to biological concentration; the use experience which may reflect an inherent misuse or an unexpected good safety record which does not always follow laboratory toxicological information; the relative hazards of patterns of use such as granular soil applications, ultra low volume or dust aerial applications, or air blast sprayer applications; and the extent of the intended use. Further, the Plant Board shall take into consideration standards of EPA and is authorized to adopt by regulation these standards.

3. Any applicant who fails to pass the written examination in any classification must wait at least six months before being eligible to take another examination in the same classification.

4. The fee for the issuance of a license in each classification shall be paid annually. Said license shall expire June 30 following the date issued.

Each licensed operator shall register with the Board the name and address of each agent or solicitor and shall pay to said Board a registration fee annually for each solicitor and agent at the time his name is registered. All such registrations shall expire when the license expires. All fees collected under this Act shall be deposited in the State Treasury to the credit of the State Plant Board and are to be used in carrying out the provisions of this Act.

5. Nothing in the Act shall require the Board to issue a license or registration to an applicant who has been convicted in a court for a violation of this Act or of FIFRA.

6. Every non-resident licensee shall designate a resident agent upon whom service of notice, or process may be made to enforce the provisions of this Act or any liabilities arising from operation hereunder.

7. No license or registration shall be transferable. When there is a change in the status of a licensee, such as, change of address, operator in charge, agents or solicitors, the licensee shall immediately notify the Board of such changes. In all cases where a solicitor or agent violates the provisions of this Act and/or the Rules and Regulations made under authority of this Act, said violations shall be grounds for invalidation of the license held by the operator under which the solicitor or agent had been registered.

8. No licensed operator or qualified operator shall operate under more than one company name in any one category. No person shall issue a solicitor's or agent's license to any other person for the purpose of operating under any other name except that of the licensed operator who registers such solicitor or agent with the Board. All work shall be performed in the name of said licensed operator or his firm, all contracts, statements, bids and letters shall be in his name and on his forms, and each agent shall drive vehicles lettered with the name of said licensed operator or his firm.

9. The Board in its Rules and Regulations made pursuant to this Act shall after a public hearing establish license, registration, inspection, reinspection, reporting and examination fees sufficient to carry out the provisions of this Act.

10. All valid licenses issued under authority of Act 394 of 1939, as amended by Act 55 of 1951, Act 396 of 1953 and Act 111 of 1965, and in force at the time this Act becomes effective, shall continue in force, and shall be subject to renewal under the provisions of this Act.

SECTION 5. FINANCIAL RESPONSIBILITY - BOND - INSURANCE.

1. BOND. Each applicant for a license in either classification, Termite and Other Structural Pests, or Household Pests and Rodent Control, shall, before a license is issued or renewed, furnish the Board an acceptable surety bond.

Said bond shall be executed by the applicant as principal, and by a surety company licensed to do business in this state in the surety amount of fifteen hundred dollars ($1500.00). Said bond shall be for the term of not to exceed one (1) year, and shall coincide with the licensing period.

Any Bond required by this Act shall be in favor of the State of Arkansas for the benefit of any person damaged as the result of a violation of this law by any operator licensed under this Act, and for the benefit of any person who, after entering into a contract with the licensee, is damaged by the failure of the licensee to properly perform the contract. Any person claiming against the bond may maintain an action at law against the licensee and the surety. The aggregate liability of the surety to all such persons shall, in no event, exceed the sum of said bond.

2. INSURANCE. In addition to the bonding provision outlined in Section 5, 1, above, each applicant for a license in either classification, Termite and Other Structural Pests, or Household Pests and Rodent Control shall, before a license is issued or renewed, furnish the Board a certificate of insurance written by an insurance company authorized to do business in this state, covering the public liability of the applicant for personal injuries for not less than $25,000.00 for any one person, and $50,000.00 for any one accident, and not less than $5,000.00 property damage.

3. CANCELLATION. Said Bond and Insurance shall not be canceled or terminated until at least thirty (30) days after a notice of cancellation is received by the Board. Upon failure of a licensee to maintain in full force and effect the Bond and Insurance required by this section the license shall become void and shall not be reinstated until a satisfactory Bond and Insurance have been filed.

SECTION 6. RECORDS - REPORTING - CONTRACTS - LABELING MOTOR EQUIPMENT.

1. All licensed operators shall enter into a written contract with the property owner when employed to control or eradicate termites or other structural pests, or in such other classification as the Board may specify in its Rules and Regulations made under authority of this Act. Said contract for termite and other structural pests shall guarantee the performance of the work for at least one year, and that said property meets the minimum standards established by the Board in its Rules and Regulations for such work, unless such standards are waived or altered upon approval of the Board.

2. All licensed operators shall by the 15th of each month file a report with the Board covering Termite and Other Structural Pest work performed the previous calendar month, along with a copy of such contract issued for the prevention, control, or eradication of Termites and Other Structural Pests, and any other information deemed necessary by the Plant Board, and stipulated in the Rules and Regulations made under authority of this Act. Reporting and payment of inspection fees may also be required for Household Pest and Rodent Control work or such other classifications as the Board may sepcify if deemed necessary or if required by FIFRA. All fees due the Plant Board shall be filed with said Board by the 15th day of each month to cover work performed the previous calendar month. If payment of fees due is delayed more than 30 days then the fees due shall be doubled. Such reports shall, in addition, include Letters of Clearance issued, and service contracts issued even though no chemical treatments were carried out, and shall list the name and address of the owner, address of the property, length and nature of the guarantee date contract was issued, a plat or diagram showing the location of Termite or Other Structural Pest infestations, if present, location of damaged areas, and an outline of the work to be carried out. A report shall be filed each month even though no work is performed. A copy of the contract or "start-work agreement" and a complete outline of the work to be performed shall be given to the property owner before any work is started.

3. Each licensed operator, qualified operator or license holder in any classification shall keep a complete record of all work performed, including copies of all contracts issued. Such records shall be available to examination by the Board or its representatives after reasonable notice and during normal business hours. Such records shall be kept for at least two years and shall contain information on kinds, amounts, uses, dates and addresses of applications of restricted use pesticides.

4. All licensed operators, qualified operators or license holders shall stencil or paint on both sides of all motor equipment that requires a state vehicle license, the name of the operator or company with letters at least 2 inches high. Vehicles used only for sales or soliciting are excepted.

SECTION 7. INVALIDATION of A LICENSE - REFUSAL to ISSUE or RENEW A LICENSE - APPEALS.

1. The State Plant Board shall have the authority to refuse the issuance of a license even though a passing grade is made on the written examination, if the Board in its judgment, after reviewing the evidence of reference checks, deems the applicant is not morally and financially responsible.

2. Acts which shall be grounds for invalidation or non-renewal of a license shall include, but shall not be limited to the following:

A. Misrepresentations for the purpose of defrauding, deceiving or defrauding;

B. Making of a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their damage;

C. Failure of the licensee to supply the Board or its authorized representative, upon request, with true and accurate information

concerning methods and materials used, or work performed, or other information essential to the administration and enforcement of this Act;

D. Performing work, whether for compensation or not, in a classification for which the licensee does not have a license;

E. If repeated inspections by the Board reveal that licensee is not securing satisfactory control of the pests or diseases which the licensee engages to control or eradicate;

F. Failure of licensee to register agents or solicitors, or failure to pay registration, inspection or reporting fees due, or failure to make reports within the time specified;

G. Conviction in any court of a violation of this Act or of FIFRA;

H. Intentional misrepresentation in any application for a license;

I. Failure to correct substandard work;

J. Making a pesticide recommendation or application which is inconsistent with any or all of the following: the labeling, Federal or State registration, or Federal or State restrictions on the use of that pesticide.

K. Falsification of records, or failure to maintain or make available the records required by this Act.

Invalidation or non-renewal proceedings may be initiated against a license holder in the same manner and for the same reasons as against a licensed operator or qualified operator, and said proceedings may be jointly and severally against any or all licensed operators or qualified operators employed by the license holder.

A license shall automatically become invalid should the licensed operator whose name appears on the license cease to personally supervise and be in direct charge of the pest control operation and shall remain invalid until some other person, having been examined in accordance with this Act and the Rules and Regulations under this Act, shall be certified as the licensed operator in his stead.

3. Any person who is refused a license, or whose license is not renewed, or when the Board contemplates invalidation of a license, shall have the right of a hearing before the Board, or an authorized committee of the Board, by filing a written request for a hearing with the Board by registered or certified mail.

Any person whose license is denied, refused or invalidated by the Board may appeal such decision to the Circuit Court of Pulaski County within 20 days after official notification of such decision.

SECTION 8. EXEMPTIONS - OCCUPATIONAL LICENSES. This Act shall not apply to a person doing pest control to his own property or to his employee hired as a laborer only, who do not hold themselves out as being engaged for compensation in pest control service work. No occupational license, authorization or similar license taxes shall be issued by municipalities, counties or other state or Federal

agencies or subdivisions thereof, to any person to engage in pest control service work for compensation, unless such person holds a valid license issued by the State Plant Board to do such work.

SECTION 9. NON-COMMERCIAL APPLICATOR (OPERATOR). By definition such persons are exempted from the provisions of this Act by Section 8 above. They are included herein, however, to provide for their licensing under requirements of FIFRA and Arkansas statutes dealing with pesticides. Said State and Federal Acts require, and this Act shall, therefore, require that no non-commercial applicator (operator) shall use, supervise the use or demonstrate the use of a restricted use pesticide, as defined by FIFRA, unless said person has passed a prescribed examination and has been licensed by the Plant Board. Said examination shall demonstrate the applicant's knowledge of how to apply pesticides under the classification(s) applied for, and his knowledge of the nature and effect of said pesticides. If the applicant is found qualified and has paid the required examination and license fees, the Plant Board shall issue a non-commercial applicator (operator) license limited to such activities and classification(s) as qualified for. The license shall expire June 30 each year unless suspended or revoked prior thereto for cause. Reexamination prior to license renewal may be required to insure a continuing level of competence and ability to use restricted use pesticides safely and properly as technology changes.

Except for the requirements stated in this Section, the non-commercial applicator (operator) shall be exempt from all other requirements of this Act as intended by Section 8.

SECTION 10. INJUNCTION. The Board is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant a temporary or permanent injunction restraining any person from violating any provisions of this Act, or of the rules and regulations made under authority of this Act. Said injunction to be without bond.

SECTION 11. PENALTY. The violation of any of the provisions of this Act, or any of the rules and regulations of the Board promulgated under this Act, shall be deemed a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than fifty dollars ($50.00) for the first offense, not less than one hundred dollars ($100.00) for the second offense, and not less than two hundred dollars ($200.00) plus ten days in jail for each offense thereafter with no suspension of fines or imprisonment.

SECTION 12. CONTINUATION OF RULES AND REGULATIONS. The rules and regulations made under authority of Act 394 of 1939, as amended by Act 55 of 1951, Act 396 of 1953 and Act 111 of 1965, in use and in force at the time this Act becomes effective, shall continue in force, and have the effect of law under authority of this Act, except those parts that may be in conflict with this Act shall be considered invalid; and except as subsequently amended, invalidated or added to by the Plant Board.

SECTION 13. REPEAL OF CONFLICTING LAWS. Act 394 of 1939 (Arkansas Statutes 1947--Sections 77-131--77-136), as amended by Act 55 of 1951, Act 396 of 1953, and Act 111 of 1965 and all other laws or parts of laws in conflict herewith are hereby repealed.

SECTION 14. SEVERABILITY. If any provisions of this Act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

RULES AND REGULATIONS OF THE STATE PLANT BOARD

The following Rules and Regulations have been promulgated and adopted by the State Plant Board under authority of Act 488 of 1975.

CLASSIFICATION: The following classifications have been established for licensing and applicator certification purposes:

1. Commercial Applicator

A. Industrial, Institutional, Structural and Health Related Pest Control
   1. Termite and Other Structural Pest Control
   2. Household Pest and Rodent Control
   3. General Fumigation
   11. Food Manufacturing, Processing and Storage Pest Control
   12. Food Related Fumigation

B. Ornamental and Turf Pest Control
   4. Tree Surgery
   5. Ornamental, Tree and Turf Pest Control
   6. Weed Control
   7. Golf Course Pest Control

C. Agricultural Pest Control (Plant)
   8. Pecan Pest Control
   9. Fruit Tree Pest Control
   10. Vineyard Pest Control

SECTION 1 - REGULATIONS APPLYING TO ALL OPERATORS.

1. APPLYING FOR LICENSE. All applicants must make written application to the Plant Board on forms furnished by the Plant Board, at least 15 days prior to the examination, and processing of each applicant must be completed before the written examinations are given.

The applicant must submit character references from reputable businesses or banks with his original application, and adequate references must answer and be approved prior to issuing the license.

2. EXAMINATIONS---The written examinations in the above classifications will be given the second Monday in January, March, May, July, September and November at a time and place designated by the Plant Board. The examinations will be graded by an Examiner designated by the Plant Board.

3. FEES: The following fees have been established to carry out the provisions of this act:

LICENSE:
First Classification----------$10.00
Each additional classification $10.00

REGISTRATION:
Agent----------$ 5.00
Solicitor----------$ 5.00

EXAMINATION:
First examination (one classification)----------$30.00
Subsequent examinations and classifications, each----------$20.00

REPORTING:
Each property on which a contract is issued----------$ 3.00
Late fee (30 or more days after due date)----------$ 6.00

INSPECTION:
First 5 properties treated by new licensee,
(Termite and Other Structural Pest) each----------$15.00
General Fumigation----------$10.00

REINSPECTION:
Each property found not in compliance----------$25.00

4. REGISTRATION: Each solicitor or agent shall be registered only in the classification of pest control for which the "operator" is licensed to perform.

5. HEARINGS, INVALIDATION OF LICENSES. Any person who is refused a license, or whose license is not renewed, or whose license is being considered for invalidation, may secure a hearing before the Pest Control Committee before final Board action is taken. This committee shall consist of the Board member who represents the Head of the Department of Entomology, University of Arkansas, who shall act as the Chairman, the Board member who represents the Arkansas Pest Control Association, the Board member who represents the Arkansas Pesticide Association, the Board member who represents the Arkansas Feed Manufacturers Association, the Board member who represents the Arkansas Seed Growers Association, and the Farmer Board Member, position 2. This committee shall have jurisdiction in all of the Pest Control classifications. This committee may hold hearings regarding licenses as indicated above to take testimony and evidence regarding same. Such testimony and evidence shall be made available to the Board for consideration and final action.

6. KEEPING ABREAST OF TECHNOLOGY. Each licensed operator, qualified operator and non-commercial applicator shall keep himself abreast of changing pest control technology to assure a continuing level of competence and ability to use pesticides safely and properly. The completion of a Cooperative Extension Service Pest Control School every third year shall be considered adequate to satisfy this requirement. An appropriate form signed by the Director of the school shall be filed with the Plant Board as proof of attendance. Any licensee failing to meet this provision shall be reexamined or lose his license and certification.

7. STANDARDS FOR LICENSING PESTICIDE APPLICATORS. Plant Board standards for the licensing and certification of licensed operators, qualified operators and non-commercial applicators shall be the same as the standards set forth in Sections 171.4 thru 171.6 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. Said sections are as follows: Section 171.4, Standards for Certification of Commercial Applicators; Section 171.5, Standards for Certification of Private Applicators, and Section 171.6, Standards for Supervision of Non-Certified Applicators by Certified Private and Commercial Applicators.

8. CLARIFICATION. The following regulations are promulgated to clarify the Board's intent relative to certain sections of Act 488 of 1975:

SECTION 2. DEFINITIONS. (12) LICENSE HOLDER. Certification shall not be required of License Holders who employ Licensed Operators or Qualified Operators and who do not themselves use or supervise the use of restricted use pesticides.

SECTION 4 (10). LICENSING. Persons holding valid licenses issued under authority of Act 488 of 1975 whose licenses become subject to renewal shall be examined and found to meet the Standards for Licensing Pesticide Applicators set forth in Sections 171.4 through 171.6 of FIFRA, as amended.

SECTION 7. INVALIDATION, REFUSAL TO ISSUE OR RENEW A LICENSE. In addition to invalidation and denial, this section shall also be considered as providing for the suspension of a license. Item 2 A through K shall be considered as grounds for suspending as well as denying or invalidation a license. In addition, the use of a pesticide inconsistent with its labeling shall also be considered grounds for denial, suspension or invalidation of a license.

SECTION 8. EXEMPTIONS. The exemptions stated in Section 8 shall apply only to persons who use general use pesticides.

SECTION 11. PENALTY. Items A through K of Section 7 (2), and the use of a pesticide inconsistent with its labeling, shall be considered violations of Act 488 of 1975 and its regulations and shall be subject to the penalties stated in Section 11.

SECTION 13. REPEAL OF CONFLICTING LAWS. This section does not repeal Act 389 of 1975 or act 410 of 1975 or any part of either act.

SECTION II. RULES AND REGULATIONS FOR OPERATORS HOLDING A LICENSE FOR TERMITE AND OTHER STRUCTURAL PESTS

(CLASSIFICATION 1.)

1. CONTRACTS. All licensed operators in Classification 1 shall issue a signed contract on each job performed for the prevention, control or eradication of termites and other structural pests, including soil pre-treatment and Letters of Clearance. Except that, in cases where the building is already under current contract by the licensed operator writing the Letter of Clearance, then the operator would only need to show on the Letter of Clearance the date the original

contract was issued and the date treated. RENEWALS. Each time a contract is renewed the operator shall assume responsibility for bringing substandard conditions in the building under contract up to standard except on prior approved substandard buildings. This shall also apply to all new additions to the building unless the operator shows in bold print on his renewal notice that the renewal does not cover new additions to the building.

2. REPORTING--RESPONSIBILITY: Licensed operators shall give complete information required by Section 6 of the Pest Control Law in filing monthly reports. This information shall be filed with the Board even though it is understood that payment for the service will be made at a later date. In all cases where there is a question as to whether a job is completed, the criterion for a completed job shall be payment in part or in full. Each licensed operator shall be responsible for, or shall guarantee for at least one year, all representations, provisions, declarations, work or services called for by the contract, Form 905 and the diagram of the property or by Letters of Clearance.

3. MEETING MINIMUM STANDARDS. Each property on which a contract is issued in classification 1 shall meet the Minimum Standards outlined in Section IIIA and IIIB of these regulations unless unusual structural or physical conditions render it impractical to meet certain of the Standards. In such cases prior approval to treat the impractical portion of a structure substandard may be requested, provided the rest of the structure is to be treated to meet all remaining Minimum Standards. Request for prior approval of substandard work shall be made on forms supplied by the Plant Board. An inspection of the property will be made within 15 days of receipt of the request and no work shall be done unless and until approval is given. Each request for prior approval shall be signed by the property owner or prospective buyer and the licensed operator and shall be accompanied by an inspection fee of $30.00. If the inspector, in his judgment, finds that an impractical situation exists, the fee will be refunded and the property owner or prospective buyer shall be fully informed as to the type and quality of work to be performed under the substandard agreement. If the inspector determines that a situation is not impractical, the $30.00 fee will be retained to help defray the expense incurred in making the inspection and approval will not be given to treat the property substandard.

4. LETTERS OF CLEARANCE. Any statement as to the condition of a building pertaining to termites, powder-post beetles or decay fungi (rot), other than a bid or proposal for treatment, shall be considered a Letter of Clearance. Letters of Clearance must be accompanied by a signed contract including a guarantee of at least one year. Structures upon which they are written must meet all conditions stated in the letter, as well as all the minumum requirements for structural pest work in Sections IIIA and IIIB. Letters of Clearance written on buildings already under contract by the operator need show only the date the contract was issued and, if treated, the date of treatment.

A Letter of Clearance will not be approved unless all parts of the building are accessible for inspection, or have been treated as specified in Section IIIA. This shall apply to dirt fills, wood embedded in concrete, timbers between stucco or non-wood walls, or any other condition which may render it reasonably possible for unseen infestations or damage to exist. When such conditions are encountered they must be clearly described in the Letter of Clearance and prior approval

must be obtained as outlined in Item 3 preceding.

When a Letter of Clearance is issued on a building on which previous substandard prior approval has been given, the operator shall notify the new owner in writing (on the Clearance Letter if possible) that specified prior approved substandard conditions do exist in the structure. When this is done the operator shall not subsequently be issued a Report of Substandard Termite Treatment on the specified substandard conditions.

5. REPORTING AND REINSPECTION FEES--CORRECTING SUBSTANDARD WORK. Each licensed operator shall remit to the Plant Baord by the 15th days of each month an inspection fee of $3.00 for each property on which a contract has been issued during the previous calendar month, including Letters of Clearance. If for any reason the payment of this fee is delayed more than 30 days then the fee shall be doubled. The Plant Board through its authorized representatives reserves the right to inspect any or all properties on which a contract has been issued by each licensed operator to determine whether the Pest Control Law, and the Rules and Regulations made thereunder, are being complied with. Should inspections by the Plant Board's representatives on properties covered by a contract, including a renewal of a contract, and/or Letter of Clearance be found infested with termites or other structural pests for which prevention, control or eradication has been contracted or if the Plant Board's minimum standards (Sections IIIA and IIIB), other than those excepted in the contract and given prior approval by the Plant Board, have not been met or fulfilled, or misrepresentations have been made to the owner, then the Plant Board will send the licensed operator a notice to the effect, whereupon he shall within 15 days retreat the property when necessary and otherwise bring the property into compliance with the law and these regulations and shall submit to the Plant Board along with the report of correction a $25.00 reinspection fee. If the necessary corrections cannot be made in 15 days due to circumstances beyond the operator's control, he may request additional time from the Plant Board office. When a notice has not been returned by the date it is due and the operator has not contacted the Plant Board office concerning the notice, a reinspection of the property will be made and another notice will be issued if the property has not been brought up to standard at the time of the reinspection. Should subsequent reinspections reveal the property still not in compliance the same procedure outlined above will be followed. These fees are to pay for the cost of inspections and payment does not preclude invalidation of a license by the Plant Board should this be warranted.

6. INSPECTION OF FIRST FIVE PROPERTIES TREATED. Within 90 days after the first termite and other structural pest license is issued to a person the new licensee shall submit a report on his first five termite jobs including all required forms and information. The report shall be accompanied by an inspection fee of $15.00 for each job or a total of $75.00. The regular $3.00 inspection fee will be waived on these first five jobs. Plant Board representatives will inspect the jobs to determine the operator's ability to perform this work in compliance with the law and regulations. If a licensee does not complete and report his first five jobs in 90 days, or if inspection shows that the operator is apparently not qualified he shall be notified that no more work is to be contracted, that the Plant Board will consider revoking the license, and that a hearing before the Board's Pest Control Committee may be requested by filing a certified letter with the Board within 20 days of receipt of the notice.

7. SUPERVISION:

A licensed operator shall personally supervise or inspect all work and/or services performed. A verification of this shall be made on the monthly report of work performed on Plant Board's Form 905 over the personal signature of the licensed operator. If the licensed operator fails to comply with this provision, he shall be considered as in fact no longer in charge of the license-holder's pest control operation, and the license shall be deemed invalid in accordance with the provisions of the Pest Control Law.

8. NOTICE THAT ALL JOBS ARE TO BE INSPECTED:

If at any time an unreasonably high (15% or more) number of jobs of a licensed operator upon inspection are found not in compliance with the law and these regulations, then the Pest Control Committee of the Board, after reviewing the record of the licensee in question may instruct Plant Board inspectors to inspect all jobs reported during the previous year. In such a case the operator in question will be notified by registered or certified letter (return receipt requested) that his work has not been satisfactory, and that the Plant Board will withhold any further inspections for 60 days following the receipt of this notice. After a 60-day delay, all jobs reported the previous year, not including those already checked and in compliance, will be inspected. The time period covered will be the year previous to the date the above notice was received by the licensed operator in question.

SECTION IIIA. MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON EXISTING STRUCTURES

1. ACCESS OPENINGS. An opening at least 14 in. high and 16 in wide shall be provided to permit inspection under all parts of building.

2. CHEMICALS. The term chemical when used hereafter shall refer to any chemical listed for use under termite work or powder-post beetles in Section IIIC-Materials.

3. DEBRIS AND FORM BOARDS. (a) Remove all wood (including stumps and dead roots) and other debris from under the building. Large stumps, if their removal is impractical, may be trenched and treated with chemical, provided they are not in contact with or within 5 inches of foundation timbers. (b) Remove all unnecessary form boards.

COMMENT: Remove all pieces of wood which can be caught by a rake, both on and near surface of ground.

4. CLEARANCE UNDER BUILDINGS. Remove all soil which is within 12 inches of bottom edge of floor joists or within 5 inches of subsills.

NOTE: Adequate clearance must be provided for passage of a large man to make complete inspection under all parts of building.

5. SHELTER TUBES. Brush all termite shelter tubes from piers, walls, sills, joists, sub-floors, pipes, and other parts of the understructure.

6. PIERS AND STIFF-LEGS. (a) Stiff-legs or other wood supports must have concrete or metal-capped bases extending at least 4 in. above the ground. (b) Piers under sills or subsills, if less than 8 in. high, must be concrete or metal-capped.

"EXCEPTION: Stiff legs or other wooden supports which are embedded in concrete under raised sun decks or patios need not be cut off and placed on 4 inch concrete or metal-capped bases as required in 6 (a). Adequate chemical treatment must be

applied to the soil around such supports, however."

7. WOOD ON CONCRETE FLOORS. Where wood parts such as posts, doorframes, partitions, or stair-carriages (a) have been attacked by termites working up thru concrete, or (b) are set down into concrete, said wood parts must be cut off and set on metal or concrete bases raised at least 1 inch above the floor level.

8. WOOD STEPS. Place all wood steps on concrete bases which extend at least 4 inches above ground level.

9. PIPES. Packing around pipes, if not removed, should be saturated with chemical after breaking contact with ground. Pipes should also be trenched and treated.

10. DAMPNESS. Dampness favors the development of termites and wood rots. If water can run under the building through access opening, ventilators, or other openings in or under side walls or skirting, this condition must be remedied. Seepage through or under walls should be prevented. If it is impractical to prevent seepage, owner must be notified in the contract.

If condensation of soil moisture upon wood of the sub-structure is a problem it can be prevented by constructing a vapor barrier. An adequate barrier can be made by covering the soil under the building with roofing paper or polyethylene sheet.

WARNING: Subfloors and hardwood floors swelled by excessive moisture may crack or be damaged if the moisture is dried out too rapidly. To prevent this, strips should be left uncovered between sheets of the ground cover or along the foundation walls.

11. VENTILATION. Inadequate ventilation also favors the development of termites and wood rots. Provide ventilation at the rate of at least one 8x16 inch opening (or equivalent) for each 25 linear feet of foundation wall. Provide ventilation for all dead air pockets.

12. REPLACEMENTS. Wood which has been substantially weakened by termites, powderpost beetles or decay fungi (rot) should be replaced. Replacements may be made by the operator or the property owner, or both. Replacements for which the operator is not to be responsible must be specifically excluded in writing by: (1) Describing the excluded replacements in the contract and stating therein that they are not to be made by the operator, (2) Showing their location on the diagram of the structure, (3) Noting these replacements as an exception to Item 12 on Form 905, and (4) Noting that the replacement of uninfested hidden damage (that which cannot be seen by thorough visible inspection without defacing the property) at or above the subfloor, which is not covered by (1), (2) and (3) and which was caused by an infestation occurring prior to the operator's first treatment of the property or the issuance of a Clearance Letter, shall not be the responsibility of the operator. The operator shall be requested to replace wood which has been damaged by termites when inspectors find active termites associated with the damaged wood. This is true regardless of the kind of contract issued on the property.

13. OUTSIDE GRADE.

A. WOOD CONSTRUCTION.

Top of foundation wall and all exterior wood such as siding and framing must be at least 3 inches above outside grade. To lower grade, soil next to wall should be removed to necessary depth and a retaining wall built, or a concrete gutter installed after heavy application of chemical is made.

B. MASONRY VENEER CONSTRUCTION.

In lieu of a retaining wall or concrete gutter as specified in A above, soil against masonry veneer walls may be treated with a heavy application of chemical.

14. SKIRTING AND LATTICE WORK. These should rest on solid concrete or cemented brick extending at least 3 inches above outside grade, unless suspended, in which case there should be at least 3 in. clearance above grade. Or, contact must be broken between the building and any lattice which may rest on or in the soil.

15. STEPS, PORCHES, GROUND SLABS AND SIMILAR STRUCTURES.

A. Such structures which are above the sill line must be either:

1. Drilled on not more than 24 inch centers, or rodded, and the soil thoroughly flooded with chemical at juncture of structure and foundation or wall, (if long-rodded, route must be shown on diagram of building),

OR

2. Tunneled and treated. The tunnel must extend the length of the fill and be at least 12 inches deep (or down to grade) and 12 inches wide. Dirt of the tunnel should be saturated with chemical at all points of contact with wall and slab. Supports for the slab should be erected in the tunnel if needed. Tunnel must be well ventilated, preferable at the ends.

B. When such structures are below the sill line:

1. On veneer construction nothing must be done unless (3) applies.

2. On frame construction on which the structure is within 3 inches of the wood it must be drilled or tunneled as in A above. If the structure is more than 3 inches below the wood nothing must be done unless (3) applies.

3. If an infestation is associated with the structure it must be drilled or tunneled.

16. STUCCO. (a) Wood supports for stucco must be at least 6 in. above outside ground level, or 4 in. above level of ground under an adjacent slab. (b) Where stucco extends to or below grade, chemical should be applied heavily in trenches dug below and under the edge of the stucco, so as to assure saturation of ground beneath. This is in addition to ground treatment under building (17). (c) Where ground slabs prevent the trenching required under (b) the ground may be saturated by flooding through the void between stucco and inner walls.

17. GROUND TREATMENT UNDER THE BUILDING. Chemical shall be applied in narrow trenches 3 to 6 in. deep (but not lower than top of footing), dug in contact with and around foundation walls, pipes, chimneys and piers. Apply chemical according to label direction entirely around inside of foundation wall, and around all pipes, chimneys, and piers.

18. GROUND TREATMENT OUTSIDE THE BUILDING. On infested buildings apply chemical according to label direction entirely around outside of foundation wall in trenches dug on the level with the inside trench (Fig. 3), where possible. Such treatment on uninfested buildings shall be at the operator's option.

19. CHEMICAL TREATMENT OF MASONRY. Chemicals should be applied as follows to foundation walls, piers, and chimneys: (a) Flood all cracks in concrete. (b) Drill mortar joints on 9 inch centers and flood all cracks and voids, in the horizontal layer of masonry (stone brick, concrete blocks, tiles) which is adjacent to the treated ground at the bottom of the trench. (c) Flood voids between walls, as in brick veneer and stucco construction. (d) Flood between top of masonry and the sills or other timbers resting thereon. When the foregoing appears insufficient, the top of the wall or piers should be capped with concrete or metal.

20. POWDER-POST BEETLES. If powder-post beetles are present in the understructure and are not to be treated, the owner must be so informed in writing before the contract is signed. Treatment, if given, should be applied to all wood showing signs of infestation. This can be done by spraying, brushing or mopping heavily onto wood surfaces one of the following: 5% pentachlorophenol in oil, pentechlorophenol emulsion paste, 0.5% Lindane solution, or any effective insecticide or combination of insecticides registered and labeled for powder-post beetle prevention or control. Two or more applications must usually be made at intervals to achieve control. Special formulations are required for treating flooring or furniture to avoid damage to the finish.

21. SLAB CONSTRUCTION. This type of construction shall meet all of the foregoing minimum requirements except, 1, 3 (a), 4, 9, 10, 11 and 17.

Treatments are made when swarms occur or damage is found, or as a preventive measure. Treatment is accomplished by drilling holes in the slab or foundation through which sufficient chemical can be pumped with a power sprayer to thoroughly flood the soil. Longrodding can sometimes be accomplished without drilling.

When the grade permits and drilling is necessary, holes should be drilled through the outside foundation at the horizontal level of the bottom edge of the slab. This will avoid damage to floor coverings which may occur if drilling is done inside.

When the slab is at or very near grade level the only route beneath it in many cases is by drilling through from inside. This is also true when treating junctures of the slab with partitioning of foundations. Care must be exercised to avoid damage to utility pipes, wiring or heating systems embedded in the concrete. Building plans should be consulted before drilling, if available.

Brick and stone veneer construction on slab is treated by drilling through the veneer and flooding the void between the veneer and the slab with chemical. Brick veneer shall be drilled no farther apart than every third brick. Stone veneer shall be drilled no farther apart than 36 inches.

SECTION IIIB. MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON NEW CONSTRUCTION (PRE-TREAT)

Conventional Construction (Crawl Space)

New structures which are treated for termite control before or during construction must meet all of the minumum requirements given for existing structures in Section IIIA, except 13B and 15 through 21. Treatments should be made as directed in the "Chemical Treatment" section below.

Slab Construction

Pre-treated slab structures shall meet all of the minimum requirements in Section IIIA except 1, 3 (a), 4, 9, 10, 11, 12, 13 (b) and 15 through 20.

Termite prevention in slab-constructed buildings can be accomplished if:
(a) All debris is removed, including grade stakes; before pouring the slab, and
(b) The soil in the area where the slab is to be poured is pre-treated heavily with chemical. Treatments should be made as directed in the "Chemical Treatment" section below.

Chemical Treatment

1. Apply 2-4 gallons of chemical to each 10 linear feet of trench and around the inside and outside of foundations, pipes, ductwork, piers, etc., after soil has been leveled.

2. Treat all soil surface to be covered by structure and adjacent to it with 1 gallon of chemical to every 10 square feet.

3. Apply same treatment as in 2 above to soil under and adjacent to steps, porches, garage floors, carport slabs, or any other structure adjoining the building.

SECTION IIIC. MATERIALS

Any pesticide or combination of pesticides used for the prevention or control of termites, powderpost beetles or wood-rotting fungi must be registered and labeled for such use and must be used precisely as the label directs.

CHEMICALS AND STRENGTH COMMONLY USED FOR:	AMOUNT TO USE PER 100 GALLONS OF WATER OR DIESEL FUEL:
A. TERMITE WORK	
Aldrin @ 0.5%	2 gallons of 2 lb. Aldrin e.c. or
OR	1 gallon of 4 lb. Aldrin e.c.
Chlordane @ 1.0%	2 gallons of 4 lb. Chlordane e.c. or
OR	1 gallon of 8 lb. Chlordane e.c.
Dieldrin @ 0.5%	2 2/3 gallons of 1.5 Dieldrin e.c.
OR	
Heptachlor @ 0.5%	2 gallons of 2 lb. Heptachlor e.c.
OR	
Any effective insecticide or combination of insecticides registered and labeled for termite prevention or control.	

CHEMICALS AND STRENGTH COMMONLY USED FOR:	AMOUNT TO USE PER 100 GALLONS OF WATER OR DIESEL FUEL:
B. POWDER-POST BEETLES	
Pentachlorophenol @ 5.0%	12.5 gallons of 40% material
OR	
Pentachlorophenol Emulsion Paste	Not applicable
OR	
Lindane @ 0.5%	2½ gallons of 1 lb. Lindane e.c.
OR	
Any effective insecticide or combination of insecticides registered and labeled for powder-post beetle prevention or control.	

ARKANSAS STATE PLANT BOARD
COMMERCIAL PEST CONTROL SECTION
1979-80

LICENSE CATEGORIES

1. Termite and Other Structural Pest Control
2. Household Pest and Rodent Control
3. Fumigation
4. Tree Surgery
5. Ornamental, Tree and Turf Pest Control
6. Weed Control
7. Golf Course Pest Control
8. Pecan Pest Control
9. Fruit Tree Pest Control
10. Vineyard Pest Control
11. Food Manufacturing, Processing and Storage
12. Food Related Fumigation

LICENSE CATEGORY	PASSED EXAMS	FAILED EXAMS	LICENSES CURRENT 1979-1980
1	15	10	222
2	17	21	187
3	4	1	38
4	4	0	29
5	17	10	123
6	19	4	81
7	4	1	55
8	1	0	16
9	0	0	2
10	0	0	0
11	7	2	63
12	4	3	61
	93	52	917

Number of agents licenses issued to employees of licensed operators --- 991

Number of solicitors licenses issued to employees of licensed operators --- 103

STRUCTURAL PEST CONTROL

Pest Control Companies----------171

Structural Pest Control Jobs Reported by Companies----------26,457

Properties Inspected by the Pest Control Section----------3,991

Jobs Checked Through Routine Inspections	2,820
Jobs Checked at Homeowners Requests	687
Reinspections of Substandard Work	484
	3,991

Reports of Substandard Work on Properties Inspected----------469

Companies Work reviewed by Pest Control Committee----------2

Result was companies were placed on 100% inspection.

Prosecuted Illegal Pest Control Operators----------2

Other illegal work investigated by staff.

EPA CERTIFICATION & ENFORCEMENT ACTIVITIES

Schools held to comply with EPA regulations for recertifying license holders----------5

Total Attendance at School Sessions----------567

Three in-house training sessions were conducted by the Head of the Pest Control Section for pest control companies employees.

Two exploratory sessions were conducted with the Arkansas Pesticide Training Officer and pest control industry in search of ways to improve training, applicator certification and enforcement.

Persons Trained to Carry Out Enforcement Grant in Pest Control Section----------4

Use Dilution Samples Taken----------25

Pesticide Record Checks Made----------15

Warning Letters Issued----------5

FLORIDA
Annual Report Summary*
1979-80

The Office of Entomology, Florida Department of Health and Rehabilitative Services (DHRS), retained administrative control of the Florida Pest Control Act and allied Regulations for the 32nd consecutive year. As reported to you previously, Dr. John A. Mulrennan, Jr. assumed the office of Director in July 1979. Personnel with virtually full-time duties in connection with the Commercial Pest Control Program total 16 -- 10 professional Entomologist-Inspectors and 6 secretarial-clerical workers.

Field Entomologist-Inspectors work out of 7 stations spread over the State. Administrative enforcement actions are coordinated through the Jacksonville headquarters office. Mr. Jim Bond and Mr. Phill Helseth of our Jacksonville office are with me today. Each field Entomologist-Inspector is responsible for an average of about 9 counties.

The Commercial Pest Control Regulatory Program consists of licensure, examination and certification, and disciplinary-enforcement facets. There were 1,243 business licenses issued during the licensing year, and 1,219 were in force at year's end. New certifications issued during the year totalled 436. There were 187 new certificates, 193 category additions to existing certificates, and 56 new special ID cards for fumigation.

Four examinations in all categories (i.e. general household pest and rodent control, fumigation, lawn and ornamental shrubbery pest control, and termite and other wood-destroying organisms control) were given at two locations to 1,530 approved applicants. We had an average passing rate of 31.5 per cent for all exams. Recertification is in the planning stages. An unsuccessful attempt was made toward enabling legislation in 1980. It is contemplated that recertification will be accomplished through continuing education by means of attendance at approved training programs, rather than through reexamination. The DHRS has not applied for nor participated in an EPA enforcement grant although the Department of Agriculture and Consumer Services, the State's lead agency, has received such a grant.

There were no statutory changes during the year. Legislative bills introduced largely as a cooperative effort with the Florida Pest Control Association died in committees, mainly because of lack of industry-wide support. The Pest Control Act comes up for review under the Florida Sunset law in 1982. Under this law the Pest Control Act is repealed as of 1 July 1982 unless reenacted. We are confident the Pest Control Act will survive. We see this as an opportunity for making necessary regulatory reform. The Office of Entomology will work with the industry in achieving necessary reform, but will not compromise its obligations and responsibilities to the citizens of Florida and the industry.

The most significant regulation changes adopted during the year were: prohibiting magnetic vehicle-identification signs; requiring the fumigation safety kit to be kept in possession of the responsible fumigator; repealing the examination qualifying requirement of U.S. citizenship; combining qualifications for certification and examination; implementing the law by adopting a regulation prescribing a standard "Wood-Destroying Organism Inspection Report" form; requiring that business telephone numbers terminate in the licensed business location; implementing the law by allowing substitution of a designated certified operator during the temporary absence of the regular in-charge certified operator, for up to 30 days; implementing the law by providing that the Pest Control Act does not apply to "yardmen"within certain limitations.

The prescribed "Wood-Destroying Organism Inspection Report" form was accepted for use within Florida by both the Federal Housing (FHA-HUD) and Veterans Administrations.

Revenue from all fees collected in FY 1978-79 increased 8.08 per cent to a record high of $149,631. Legislation introduced but failing of passage would have increased fees for credentials, and would have imposed late charges for delinquent renewal of licenses and certificates, both needed and justifiable commensurate with the increased cost of doing business. The complete Annual Report for 1979 is appended.

*Reported at 20th Annual Meeting of ASPCRO, Winston-Salem, North Carolina, 6 October 1980.

ANNUAL REPORT 1979
FLORIDA

J. A. Mulrennan, Jr., Ph.D.
Director, Office of Entomology
Florida Department of Health & Rehabilitative Services

F. R. Du Chanois
Entomologist-Supervisor

Shirley M. Hofacker
Supervising Secretary

Commercial Pest Control

For the 32nd consecutive year the Office of Entomology fulfilled its duties and responsibilities to the general public, especially consumers of pest control services, as well as to the industry providing these services, under statutory and regulatory authority granted by the Pest Control Act, Chapter 482 of the Florida Statutes, and Rules of DHRS, Chapter 10D-55 of the Florida Administrative Code. The primary purpose of this program is to protect and enhance the public and industry health, safety and well-being in the area of commercial pest control. Virtually everyone in the state is a benefactor directly or indirectly.

The certification-licensure and regulatory-enforcement activities and administrative policies continued to set and maintain high standards to the purpose of advancing and upgrading, fairly and impartially, the quality, safety and legitimacy of pest control service offered to the citizens of Florida.

The Office of Entomology Director, Andrew J. Rogers, Ph.D. retired in June 1979 after many years of dedicated public service in Florida as a professional entomologist, teacher, research scientist and administrator. He was succeeded by John A. Mulrennan, Jr., Ph.D. who assumed official duties on 9 July 1979. Office secretarial-clerical support consisted of two secretaries, three clerk-typists, one account-clerk, and one temporary Federal Service Employment Program (CETA) clerk-typist for about 9 months. One of the clerk-typist positions was added in August as an emergency measure to cope with the work load. The leading secretary attended DHRS-sponsored personnel and supervisory management training sessions during the year to enhance proficiency.

There were six field Entomologist-Inspectors on duty throughout the year and a seventh for five months of the year. The agency's enforcement, complaint response, inspection and investigative work, and public and industry assistance/service program was effectively and competently supported by these well-qualified graduate Entomologists stationed one each in Jacksonville, Marianna, Miami (5 months), St. Petersburg, Tampa, West Palm Beach and Winter Park (Orlando). All of these professionals devoted most of their time to commercial pest control related duties. In addition, two headquarters-based Entomologists attended full-time, and a third Entomologist part-time, to all phases of the commercial pest control program mission and functions.

Virtually all staff and field Entomologist-Inspectors testified or participated in one or more of six formal disciplinary Administrative Hearings, eight informal disciplinary request conferences and, under Writ of Subpoena, in at least 15 court cases.

The field and in-house staff was thus able to relate to problems and provide essential services to the public, the industry, and other governmental agencies with a high degree of responsiveness and client satisfaction during 1979. This was accomplished in the face of increased requests/demands and prevalent consumer protective attitudes and awareness, to say nothing of the continuing growth of both population (9,215,900 being the low projection for 1980) and pest control industry (1,219 licensed firms as of 12-31-79) in the Sunshine State.

There were no statutory amendments during the year. The Pest Control Act was last amended effective 10-1-78. DHRS Pest Control Regulations, Chapter 10D-55, F.A.C., were amended and adopted following Public Hearing and became operative 6-27-79. Significant changes affecting industry operations included: proscribing magnetic vehicle marking signs; changing the designation "wood-infesting" to "wood-destroying" organisms to coincide

with the law; repealing rules governing use of the highly toxic rodenticide, "Compound 1080", such use being covered by product labeling; requiring the fumigation "Safety Kit" to be kept in possession of the responsible fumigator; providing for telecommunication notice of fumigations (followed by written) to County Health Units in authentic and verifiable emergencies only; repealing the examination qualifying requirement of U.S. citizenship to agree with the law; combining qualifications for certification and examination to coincide with the law; setting examination qualifying deadlines one week later; repealing the section on proof of "in charge" status of certified operators inasmuch as the 1978 statutory amendments set forth more explicitly the criteria for determining compliance; implementing new Section 482.226 F.S., "Termite or other wood-destroying organism inspection report", by adopting a rule prescribing a "Wood-Destroying Organism Inspection Report" form; providing that business telephone numbers terminate in the licensed business location; implementing by rule the provisions of amended Subsection 482.111(5) F.S., providing for substitution of a certified operator during the temporary absence of the registered certified operator, for up to 30 days; implementing Subsection 482.211(1)F.S., by rule providing that the Pest Control Act does not apply to "yardmen" under certain conditions as prescribed; and implementing Subsection 482.091(4) F.S., as amended, restricting second identification card to certified operators qualifying for examination in additional categories of pest control.

The statutory requirement for a uniform "Wood-Destroying Organism Inspection Report" form, as prescribed by regulation, to be issued when reporting inspection findings in writing is an important innovation to Florida. Specified information concerning the condition of the property inspected is required of all inspecting licensees. The report must be provided to the party or parties concerned who may consider the information in determining need for treatment, if any, acceptability of the property in a real estate transaction or for other

similar purposes. The prescribed form was accepted by both the Federal Housing (HUD) and Veterans Administrations in Florida jurisdictions. Industry acceptance of the form has been generally favorable. DHRS views use of the standardized form as a necessary step in the right direction to resolve a frequently recurring problem. The benefits accruing to all concerned should be significant.

During the year the office was represented at meetings with the Florida Pest Control Association and its Legislative Committee, Public Service Employment Program (CETA), Department of Entomology and Nematology, University of Florida (IFAS), U.S. Environmental Protection Agency (EPA) officials, pesticide manufacturers, Public Hearing on DHRS Pest Control Rules amendments, intra-office workshops, Pest Control Advisory Committee, and Association of State Pest Control Regulatory Officials. Officials of DHRS Central Financial Services reviewed fee clearance procedures and bookkeeping methods with Commercial Pest Control personnel and instituted new clearance procedures in accordance with accepted good accounting practices.

No further action was taken on the long-standing (since 1970) request for computer programming support within the department's Computer Based Information Systems Development Plan (CBISDP), although the Office's licensure and certification program was included in DHRS budget request for this purpose. Some idea of the volume of paperwork sifting through the office can be gleaned from the fact that about 25,400 Xerox copies alone were run off in 1979.

During the calendar year 1979, the Office of Entomology reviewed 1,850 examination applications by category; and in four examinations given at two locations examined 1,530 category applicants for pest control operator's certificate and special (fumigation) identification card, compared to 1,486 in an equal number of exams in 1978. As a result,

DHRS issued 436 new certifications of which number 187 were new certificates, 193 were category additions to existing certificates and 56 were new special identification cards. Continuing survey of records reveals that during 1979, 17 certified operators allowed their certificates to expire permanently for non-renewal of annual renewal fees exceeding five years allowed by law.

In fiscal year (FY) 1978-79, based on applications received, DHRS renewed 1,703 certificates and 207 special identification cards in force and good standing; acted upon 235 applications for emergency certificates (including one formal denial) vis-a-vis 204 (four denials) in FY 1977-78, to enable firms losing their certified operator to temporarily continue in business; made 180 fumigation inspections and issued 161[2/] inspection notices of violation by Entomologist-Inspectors in the field; held six disciplinary Administrative Hearings and eight informal disciplinary request conferences; and collected, cleared and accounted for all fee receipts and documents issued. See Table 13 for additional related registration, regulatory and enforcement data.

Business licenses and identification cards issued in FY 1978-79, including change-of-address issues, tallied 1,243[1/] and 11,346[3/] respectively (a decrease of 10.1 and 7.6 per cent in that order).[1/] Most of the decrease may be explained by the lag in document issuance in the fourth quarter due to work backlog resulting in carry-over and issuance of some documents in FY 1979-80 first quarter. On a direct fee basis, these documents yielded $50,847, down (for the same reason) from $56,142 the previous year. Fee receipts from this source actually deposited in the Pest Control Trust Fund account were $57,437 contrasted to $53,262 in FY 1977-78, a 7.8 per cent increase. In addition, the sum of $92,194 was collected and credited to the Trust Fund account in FY 1978-79 from fees for certificate, special identification card, and emergency certificate issuance and renewal, examinations,

1/ There were 1,219 business licenses in force at year's end. New licenses issued in 1979, 71.
2/ Rev. to 171 due to late report.
3/ Fee receipts for ID cards FY '79 were $12,866.

and service fees for returned checks. This compares with $85,185 collected in FY 1977-78, an 8.2 per cent gain. Revenue from all sources in 1978-79 increased 8.08 per cent from $138,447 collected in FY 1977-78, to a new record high of $149,631.

Accounting requirements for daily journal records and periodic reconciliation of fee receipts and deposits with documents issued, as recommended by the Legislative Auditors, continued to be carried out. Annual audit is due in early 1980.

11 February 1980

TABLE 13
SUMMARY OF COMMERCIAL PEST CONTROL
REGISTRATION AND ENFORCEMENT
FLORIDA, 1974-79

REGISTRATION	1974	1975	1976	1977	1978	1979
Pest Control Business Licenses issued	851	929	952	1,240	1,244	1,097
Change-of-address Business Licenses issued	64	73	93	119	124	146
Employee Pest Control Identification (ID) Cards issued	8,383*	9,129	9,837	10,429	12,211	11,346
Employee change-of-address ID Cards issued	336	-***	-***	-***	-***	-***
CERTIFICATION AND EXAMINATION						
Pest Control Operator's Certificates issued (new)	131	88	196	210	175	187
Pest Control Operator's Certificates renewed	1,140	1,221	1,271	1,278	1,846*	1,703
Emergency Certificates issued (initial and renewal)	145	154	102	125	204	235
Pest Control Examination applicants approved	893	812	949	1,164	1,298	1,374
Pest Control Category Examinations administered	1,049	965	1,152	1,356	1,486	1,530
DISCIPLINARY MEASURES AND ENFORCEMENT						
Pest Control Business Licenses revoked, suspended or denied	0	0	0	3	6	2
Business Licenses placed on probation	0	1	0	1	2	1
Certificates revoked, suspended or denied	-	-	1*	6	7	6
Certificates placed on probation	0	0	0	0	1	1
Employee ID Cards revoked, suspended, denied or stopped	9	23	9	20	25	22
Employee ID Cards placed on probation	0	0	0	1	1	2
Property holder complaints investigated	178	234	199	281	290	283
Unlicensed illegal pest control operators investigated	68	87	57	58	61	40
Warrants and injunctions filed against unlicensed operators**	9	2	2	3	6	1
Cease and desist orders issued to unlicensed operators	56	69	38	38	46	34
Accidental poisonings reported by licensees	11	15	18	18	19	23
Inspections made of licensees	971	1,462	542	1,274	906	755
Enforcement miles traveled (Jacksonville office only)	11,726	10,609	11,017	12,037	27,394	18,847
Telephone assistance by all Entomologist-Inspectors	-	2,886	4,335	6,039	7,401	7,419+

*Revised from previous annual reports. **Includes State Attorneys' direct informations. ***Included in total for regular ID cards. Licenses, identification cards and certificates issued/ renewed are based on licensing (fiscal) years. All other entries are based on calendar year. Disciplinary measures do not include cases pending Final Order or in progress except ID cards stopped.

State of Georgia
1980

Structural Pest Control operators in the State of Georgia are governed by the Georgia Structural Pest Control Act of 1955. This law established the Structural Pest Control Commission, created requirements for licensing and certification, and set standards for treating.

All testing and licensing is conducted by the Office of the Secretary of State operating under the Structural Pest Control Commission. The regulatory section of the Structural Pest Control act is handled by the Department of Agriculture, Division of Entomology.

As of June 30, 1980, the State of Georgia had 478 licensed Pest Control Companies; 739 certified operators; and 3376 I. D. Cards for employees. There were 47 new companies during the FY 1979-80.

During this period, 129 examinations for certification were administered. Of these, 92 passed at least 1 of 3 categories of Household Pest Control; control of W.D.O. or Fumigation. This is an average of 72% passing the exam. This average is up from the previous year, when only 52% passed.

During the FY, 61,118 Wood Destroying Organism Jobs were reported along with 169 Fumigations. The Department inspected 2,311 of these reported jobs and found 399 had one or more violations of the required minimum standards. Of these 399 jobs with violations, 314 were reinspected and 151 still had at least one violation.

The seven inspectors in the State made 942 company visits and inspected 808 homeowner complaints.

During this time, 484 soil samples were taken and 256 of these fell below the required 100 ppm of insecticide and required retreatment.

Five warrants were taken out for illegal operators.

During the past year, we have developed an excellent working relationship with the Office of Consumer Affairs. They are assisting us in areas such as sales tactics, and areas that are not covered under our regulations such as installing poly in crawl spaces and installing floor supports.

The Director of the Office of Consumer Affairs writes an article in many of the state newspapers on companies that have a history of charging excessive fees for work done for the elderly and handicapped. These have gotten excellent results.

The Department held 25 informal hearings where the certified operator is required to appear before members of the Entomology Division and answer certain questions or circumstances that have arisen. No licenses or certifications were revoked.

Recently the Department has taken a stronger stand on enforcing many of the laws that control the groups it regulates. Under the Commission of Agriculture's authority, a fine and/or other penalties may be imposed on any party or parties regulated by the Department in lieu of revocation or suspension of a license when there is sufficient evidence to revocate or suspend a license.

We have recently held four of these hearings. In all four cases a fine ranging from $100 to $500 was imposed as well as placing the individual's certification on probation for one year. These hearings can be set up quickly and be held without lengthy legal proceedings as would be necessary to revoke a license. We have been very pleased with these hearings and feel that they will be a very valuable tool in regulating pest control companies.

KENTUCKY 1980 REPORT

TO ASPCRO

Kentucky, for 1980, has 191 commercial structural pest control applicators licensed. We have registered 237 offices. Sixty three managers have been licensed for branch offices.

The Division of Pesticides has this year implemented a new program whereby each branch office (any place other than the principal office) must have a licensed manager. Each company has one primary license holder whom we call the Applicator and he is totally responsible to the State for the actions of the company and its employes. His location is considered the principal office.

Kentucky has also upgraded the examination for the Structural Pest Control Applicator. It now consists of 260 written questions and 40 specimen identifications with a 70% grade required on each.

The Manager's licensing examination is somewhat less demanding with 90 written questions and 10 identifications.

All commercial structural pest control except for fumigation is included in one category.

In December of 1979 the Pesticides Section was removed from the Department of Natural Resources and Environmental Protection and upgraded to the Division of Pesticides under the Kentucky Department of Agriculture.

Within the Division are three programs - Pesticide Registrations, Agriculture Pest Control, and Structural Pest Control.

Contact for matters related to Structured Pest Control in Kentucky contact:

Thurman R. Measel
Coordinator
Structural Pest Control Program
Division of Pesticides
Department of Agriculture
Capital Plaza Tower
Frankfort, Kentucky 40601
Phone (502) 564-7274

LOUISIANA REPORT

Glenn Guillory
Louisiana Structual Pest Control Commission

October 6, 1980

The Structural Pest Control Commission in Louisiana is composed of 5 members. Ex-officio members are the permanent Chairman, who is the Commissioner of Agriculture and the permanent Secretary, the State Entomologist. In 1980 these two positions were filled by the newly elected Commissioner of Agriculture, Mr. Bob Odom and the present State Entomologist, Dr. John W. Impson. The two industry members have been re-appointed and the Universary member has not yet been re-appointed.

In April 1980 a committee was appointed by the Commission to review the present Rules and Regulations promulgated under the Structural Pest Control Law. The committee has met and formulated a rough draft of a complete revision of the present Rules and Regulations.

The pertinent changes to the Rules and Regulations are listed below:

1. Proposal of guidelines and regulations concerning four types of fumigation; namely, shipboard fumigation, structural fumigation, vehicle fumigation, and gas-proof sheet fumigation.

2. Requirement that all structures on which a clearance certificate for act of sale is issued must be treated according to Louisiana minimum specifications for termite control or be presently under contract by the firm issuing such a certification and the reporting of such certificates to the Commission.

3. Phases for licensure to be amended from Termite Control Rodent Control, Eradication of Household Insects, Fumigation, Entomology, (a combination of Eradication of Household Insects, Termite Control, Fumigation) to General Pest Control (including Residential Rodent Control), Termite Control, Commerical Rodent Control and Fumigation.

4. Expanded definition of Direct Supervision.

The draft will be presented to the Commission in January and public hearings will be held shortly thereafter. In the past year 11 re-certifications serminars have been approved and held for persons certified in Catagory 7-A and 500 persons have been recertified for an additional 3 year period.

In August, 1980 a program of cross-utilization of Department of Agriculture personnel began in several pest control districts in the State of Louisiana. It is hoped that utilization of other agricultural inspector personnel into the Structural Pest Control program, especially the closely allied agricultural pesticide inspectors will enchance the productivity of the present Structural Pest Control inspection staff. Intensive training programs are now being held to prepare the new personnel in the major aspects of Structural Pest Control.

In the past year the Commission administered 280 exams, issued 136 licenses in the 5 various phases; 48 persons were certified; 748 registered employee cards were issued; 3347 termite inspections were made and 261 termite jobs were found substandard. The commission investigated 59 complaints; 4 hearings were held and 22 violations handled.

The Commission has a staff of 5 inspectors, a Chief Inspector, 1 secretary, and an Assistant Director and Director. The largest problem now facing the Structural Pest Control Commission is the regulation of the trenching and treating of perimeters of structures after pretreatment of slabs for termite protection.

The Commission will also undergo scrutiny by a Sunset Committee of the Legislature during its 1981 session.

MARYLAND
DEPARTMENT OF AGRICULTURE

Harry Hughes, Governor
Wayne A. Cawley, Jr., Secretary
William M. Linton, Deputy Secretary

PESTICIDE APPLICATORS LAW SECTION
PAROLE PLAZA OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401
Phone: 301/269-2776

Association of Structural Pest Control Regulatory Officials
Winston-Salem, North Carolina

October 6-8, 1980

Maryland Report
Mary Ellen Setting, Entomologist
Pesticide Applicators Law Section

1. NEW HEADQUARTERS

Final plans have been made for a new Departmental headquarters building in Annapolis. We should be moving into the new building in January 1983.

2. WORD PROCESSOR

The purchase of a new word processor has streamlined several procedures of the Pesticide Applicators Law Section. First, all licensed businesses and certified applicators were programmed into the processor along with their addresses, phone numbers, categories of pest control, renewal dates, and inspection dates. We are able to print out mailing lists according to categories of pest control or by location within a certain area of the state. Our directory of licensed businesses was recently printed with accuracy and speed. For enforcement purposes we can compile a list of businesses and applicators who have not renewed this year.

We will also program our training manuals so additions or deletions can be made without having to retype the entire manual.

The processor also has the capability of randomizing certification examination questions so we will have an unlimited number of different versions of each category exam.

3. CERTIFICATION

We currently have 1510 certified commercial applicators and 7800 private applicators. We usually receive 50 applications for certification a month. To accommodate these individuals, we offer exam sessions every other month for 80-100 participants. There is a 50% average passing rate among those taking the exams for the first time. We have rigidized our application screening process. The applicant must provide three references, preferably among the pest control industry, who can verify that the individual has the minium one year full time experience in pest control.

MICHIGAN REPORT

1980 ASPRCRO MEETING

WINSTON SALEM, N.C.

Michigan has a grant agreement on Enforcement with EPA. Monies obtained from EPA have enabled us to increase our laboratory capabilities through the purchase of additional equipment and support for a chemist. The funding has also enabled us to increase our activity with Producer Establishment inspections and Market Place Surveilance. Prior to the availability of EPA funding we did very little inspection of Producer Establishments and a minimum of sampling in the Market Place. During the next fiscal year we plan to utilize available funds to expand our computer capability for monitoring licensed restricted use pesticide dealers also. It is hoped the computer program will increase our capability for keeping tab of unauthorized purchases of restricted pesticides and serve as an indicator for enforcement action. Development of the program is underway and hopefully will be in place prior to the use season of 1981.

Activities under the Enforcement Grant were confined principally to three main areas (Producers, Market Place, and Use Investigations). The table below shows the volume of work completed during FY'80.

Use Investigations					Producers	Market Place
	Ag.	Non Ag.				
Inv.	84	+ 60	= 144	Insp.	65	47
Samples	35	+ 58	= 93	Samples	72	63

Other activities under the grant included monitoring Experimental Use Permits (4) and contacts with certified private applicators (580 farmers) to see how pesticides were being stored and how empty containers were being disposed. We feel that farmer contacts were helpful toward public relations and inspectors were well received. We took an educational approach with

farmer contacts and distributed guidelines for container disposal. Many farmers welcomed the opportunity to discuss questions with inspectors. We were very satisfied with our observations of farm storages for pesticides and have no plans to continue this activity.

Experience with use investigations indicates an increase in the number of complaints against structural pest control operators and lawn maintenance people. The public in general is increasingly aware of involuntary exposure to pesticides. We have experienced some unusual cases this past season involving allergic reaction to pesticides applied indoors, malicious destruction of property, and property damage from thermal inversion of aerial applications. One particular case involved the use of diazinon in a residence in which the lady of the home had an allergic reaction. Swab samples from the home disclosed what was believed to be presence of Parathion. It was later determined by the laboratory that the contaminate was actually Dursban rather than Parathion. I point this out for the benefit of those who may use gas chromatography for residue samples. According to our chemist the two compounds are closely related structurally and can be mis-identified.

STATE OF MISSISSIPPI

1980

TABLE 2A

ACTIVITIES UNDER THE REGULATIONS
OF
PROFESSIONAL SERVICES ACT

LICENSE CATEGORIES

1. Control of termites and other structural pests
2. Control of pests in homes, businesses, and industries
3. Control of pests of ornamental plants, shade trees, and lawns
4. Tree surgery
5. Control of pests of orchards
6. Control of pests of domestic animals
7. Landscape gardening
8. Control of pests of pecan orchards
9. Control of pests by fumigation

A. Agricultural weed control
B. Aquatic weed control
C. Forest and right-of-way weed control
D. Ornamental and turf weed control
E. Industrial weed control

LICENSING ACTIVITIES

License Category	Applications Received	Passed Exams	Failed Exams	New Licenses Issued	Licenses Curr June 30, 19
1.	32	19	18	21	250
2.	34	27	11	21	276
3.	24	8	13	12	84
4.	11	8	2	10	91
5.	3	0	3	0	16
6.	0	0	0	0	4
7.	32	13	8	26	369
8.	3	3	0	2	7
9.	0	0	0	0	7
A.	4	3	0	3	11
B.	4	1	0	2	9
C.	4	3	0	3	15
D.	10	11	0	9	40
E.	5	2	1	4	25
TOTALS	166	97	56	116	1207

Number of new identification cards issued to employees of licensed companies---------- 716

TABLE 2 A
(continued)

PERMITS

A permit shall mean a document issued by the Division indicating that a person has thorough understanding of the pest or pests that a licensee is licensed to control and is competent to use or supervise the use of a restricted use pesticide under the categories listed on said document at any branch office. A permit is not a license.

PERMIT CATEGORIES

1. Control of termites and other structural pests
2. Control of pests in homes, businesses, and industries
3. Control of pests of ornamental plants, shade trees, and lawns
5. Control of pests of orchards
6. Control of pests of domestic animals
8. Control of pests of pecan orchards

A. Agricultural weed control
B. Aquatic weed control
C. Forest and right-of-way weed control
D. Ornamental and turf weed control
E. Industrial weed control

PERMITS ISSUED

	New Permits Issued	Permits current June 30, 1980
Category 1.	12	68
Category 2.	15	86
Category 3.	0	2
Category 5.	0	2
Category 6.	0	1
Category 8.	0	0
Category A.	0	0
Category B.	0	0
Category C.	0	0
Category D.	0	1
Category E.	0	0

TABLE 2A
(continued)

STRUCTURAL PEST CONTROL TREATMENTS REPORTED BY LICENSED COMPANIES

KIND OF TREATMENT		KIND OF STRUCTURE	
Termite	15,234	Crawl Space	5,516
Beetle	363	Slab	10,420
Other	166	Combination Crawl & Slab	603
		New Construction	8,799

Inspections made of properties treated for structural pests	854
Treatments found to be satisfactory	537
Treatments found to be unsatisfactory	236
Houses inspected that had not been treated	81
Chemical and/or soil samples collected from properties treated for termites	22
Samples found to be satisfactory	21
Samples found to be unsatisfactory	1
Action taken against persons in court	8
Court fines assessed	two warnings, $1100, and eight months of jail with the jail sentences suspended.

TABLE 4

COMMERCIAL PESTICIDE APPLICATORS CERTIFIED

July 1, 1979 - June 1, 1980

		Cumulative Total
Number of training and testing sessions held	5	99
Number of people passing exam for General Standards (Core Manual)	232	3059

	CATEGORY	TOTAL	
1.	Agricultural Plant	18	214
	Agricultural Animal	21	191
2.	Forest	93	568
3.	Ornamental	70	519
4.	Seed Treatment	14	103
5.	Aquatic	14	126
6.	Right-of-Way	30	185
7.	Industrial, Institutional, Structural and Health Related	46	324
8.	Public Health	34	277
9.	Demonstration and Research	43	723
10.	Aerial Application	45	702
	Total number passing category exams for certification	428	3932

COMMERCIAL PESTICIDE APPLICATORS RECERTIFIED

	CATEGORY	TOTAL
1.	Agricultural Plant	182
	Agricultural Animal	151
2.	Forest	191
3.	Ornamental	176
4.	Seed Treatment	67
5.	Aquatic	68
6.	Right-of-Way	91
7.	Industrial, Institutional, Structural and Health Related	366
8.	Public Health	64
9.	Demonstration and Research	363
10.	Aerial Application	274
	Total number recertified	1993

Private Applicators Certified During FY 80	553

Private applicators are producers of agricultural commodities, or farmers, and may meet certification requirements by attending an approved training course or by taking an examination.

THE STATE OF MISSISSIPPI
DEPARTMENT OF AGRICULTURE AND COMMERCE
DIVISION OF PLANT INDUSTRY
P. O. Box 5207 — Telephone 325-3390
Mississippi State, Mississippi 39762

JIM BUCK ROSS
COMMISSIONER

JACK D. COLEY
DIRECTOR AND
STATE ENTOMOLOGIST

September 3, 1980

Dear Pest Control Operator:

Earlier this year, you were mailed a copy of the proposed changes for Regulations Governing Pest Control Operators. The proposed changes pertained to issuance of temporary identification cards, establishment of an advisory council, and clearance inspections. Following receipt of comments and a public hearing, two (2) of the proposed changes were adopted.

The Regulations Governing Pest Control Operators were officially amended June 25, 1980. The decision was made not to amend the regulations providing for regulating clearance inspections in accordance with the previous proposal. Amendments adopted included changes in Section 14 and the addition of Section 19.

Section 14 now states that when an identification card is requested, two pictures must be submitted to this office. In the past only one picture was required for issuance of an identification card. Effective September 15, 1980, all identification card requests must have two (2) pictures for each person. Also, Section 14 was amended to include provisions for a temporary identification card to be issued by the license holder. This temporary identification card shall be valid for a maximum of sixty (60) days after the date of employment.

At the time this temporary identification card is issued, the Division must be notified in writing. Information on the temporary identification must include:

1. Name and license number of licensee and address
2. Name, signature and address of employee
3. Date issued and date of expiration
4. Signature of licensee or permit holder in charge

Issuance of temporary identification cards is optional. A licensee can continue to request identification cards for new employees without issuing the temporary identification card.

Section 19 of the Pest Control Regulations is a new section. It establishes a pest control advisory council. Its purpose is to advise the Division on matters concerning rules and regulations regarding persons licensed in category (a), control of termites and other structural pests and in category (b), control of pests in homes, businesses, and industries.

The council shall consist of five persons licensed in these categories. The council shall meet quarterly and hold special meetings as required. Members of this advisory council will be elected at a meeting of the Mississippi Pest Control Association. We assume the first election will be held at the next annual meeting of the Association.

A copy of the amended regulations is enclosed and you can refer to Sections 14 and 19 for details. If you need additional copies of the regulations, we will be glad to furnish them.

Yours truly,

Robert McCarty

Robert McCarty
Assistant Director

Jim Haskins

Jim Haskins
Supervisor, Pest Control Section

RHM/pa

Enclosure

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE
DIVISION OF PLANT INDUSTRY
P. O. BOX 5207
MISSISSIPPI STATE, MISSISSIPPI 39762

REGULATIONS GOVERNING PEST CONTROL OPERATORS

RULE 1. (Adopted March 29, 1977, amended September 18, 1979 and June 25, 1980)

The Division of Plant Industry, Mississippi Department of Agriculture and Commerce, under the provisions of Section 69-19-1 and Section 69-23-109, Mississippi Code 1972 does hereby promulgate and declare the following Rules and Regulations.

SECTION 1. DEFINITIONS - For the purpose of these regulations, the following words, names and terms shall be construed within the meaning and purpose of Sections 69-19-1 through 69-19-11 and Sections 69-23-101 through 69-23-133, Mississippi Code 1972.

(A) "Act" shall mean Sections 69-19-1 through 69-19-11 and Sections 69-23-101 through 69-23-133, Mississippi Code 1972.

(B) "Advisory Board" shall mean the board established under the provisions of Section 69-25-3, Mississippi Code 1972, as amended.

(C) "Bonafide Employee" shall be a person who receives all or part of his salary, pay or commission from a license holder and whose salary, pay or commission is regularly reported by the licensee under the Federal Social Security and/or income tax laws. A bonafide employee must be under the direct supervision of a licensee or a permit holder.

(D) "Branch Office" shall mean any establishment or place of business other than the place of business managed by the license holder who has at least one employee capable of answering questions, scheduling normal inspections or work, or performing work covered by these regulations. A telephone answering service is not a "Branch Office."

(E) "Certification" shall mean the recognition by the Division that a person is competent and thus authorized to use or supervise the use of restricted use pesticides in the category or categories listed on said certificate.

(F) "Certified Applicator" shall mean a licensee or his employee who has met the requirements for certification.

(G) "Commissioner" shall mean the commissioner of the Mississippi Department of Agriculture and Commerce.

(H) "Competent" shall mean a person who is capable of performing the various functions associated with pesticide application and pest control: the degree of capability required being directly related to the nature of the activity and the associated responsibility.

(I) "Division" shall mean the Division of Plant Industry of the Mississippi Department of Agriculture and Commerce created under the provision of Section 69-25-3, Mississippi Code 1972.

(J) "Entomologist" shall mean a person skilled in the biology of, and remedial measures employed for the control of and eradication of insect pests or rodents.

(K) "Executive Secretary and/or State Entomologist" shall mean the executive secretary and director and/or state entomologist of the Division of Plant Industry, Mississippi Department of Agriculture and Commerce as set forth in Section 69-25-5, Mississippi Code 1972.

(L) "Insect Pest" shall mean any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example: spiders, mites, ticks, centipedes and millipedes.

(M) "License" shall mean a document issued by the Division which indicates that a person has met the requirements set forth in the Act and these rules and regulations to receive fees for services in the categories indicated on said document.

(N) "Pathologist" shall mean a person knowledgeable in the biology of and skilled in the necessary remedial measures to apply for the control and eradication of plant diseases.

(O) "Permit" shall mean a document issued by the Division indicating that a person has thorough understanding of the pest or pests that a licensee is licensed to control and is competent to use or supervise the use of a restricted use pesticide under the categories listed on said document at any branch office. A permit is not a license.

(P) "Permit Holder" shall mean a bonafide employee of a license holder who has passed a permit examination for each category in which work is performed and is responsible for supervising the activities indicated on said permit at a branch office.

(Q) "Person" shall mean any individual, partnership, corporation, association, company or organized group of persons whether incorporated or not.

(R) "Plant Disease" shall mean the pathological condition in or on plants and plant products caused by fungi, bacteria, nematodes, viruses, mycoplasma and viroids.

(S) "Professional Services" shall mean any of the professional services performed as designated by the various categories listed under Section 6.

(T) "Restricted Use Pesticides" shall mean a pesticide that is classified for restricted use by the Environmental Protection Agency or the Division.

(U) "Under the Direct Supervision" shall mean the act or process whereby application of a pesticide is made by a competent person acting under the instructions and control of a license or permit holder who is responsible for the actions of that person and who is available if and when needed, even though such license or permit holder is not physically present at the time and place the pesticide is applied.

SECTION 2. PERSONS REQUIRED TO SECURE A LICENSE - Entomologists and Pathologists must secure a license from the Division of Plant Industry, Mississippi Department of Agriculture and Commerce in accordance with Section 69-19-9, Mississippi Code 1972. No person shall advertise in any manner to render professional services or solicit business within the meaning of the Act without first obtaining a license.

SECTION 3. PERSONS REQUIRED TO SECURE A PERMIT - Each branch office shall have at least one license or permit holder for each category that the licensee is soliciting and/or performing work under. Any bonafide employee may hold a permit in one or all of the categories that said business is licensed under. The requirements of this section shall be met prior to October 21, 1977, by at least one bonafide employee in each branch office.

SECTION 4. LICENSE APPLICATION - QUALIFICATIONS - Application for a license shall be submitted on a regular form furnished by the Division, in time to be approved ten (10) days prior to regular scheduled examinations. The applicant shall furnish names of several references as to his character and a satisfactory credit report. No application for a license shall be accepted unless the applicant shall furnish written proof that he meets one of the following requirements:

(1) Must be graduated from a recognized college or university with at least 15 semester hours or the equivalent in the category for which he is requesting a license.

(2) Must have no less than two years college or university training with special training in the category for which he is requesting a license.

(3) Must be at least a high school graduate or equivalent and have had, in addition, at least four years experience with a licensed operator within the past six years; PROVIDED, that in special cases where an applicant can submit proof of education, experience and training equal to or exceeding these requirements he shall be allowed to take the required examinations.

SECTION 5. PERMIT - APPLICATION - QUALIFICATIONS - Application for a permit shall be submitted on a regular form furnished by the Division in time to be approved ten (10) days prior to regular scheduled examinations. No permit application shall be accepted unless the applicant furnishes written proof that he is a bonafide employee of a person holding a license in one or more of the categories listed under Section 6 of these regulations.

SECTION 6. LICENSE - EXAMINATION - CATEGORIES - Each person required to secure a license in accordance with the Act shall be examined as follows: When the firm is under

the control of one person who is solely responsible for the work, this person alone shall be required to pass the examination. When more than one person is responsible, then each shall be required to pass the examination. A person may designate an employee who is regularly and actively in charge to take the examination and the license will be issued naming the employee as supervisor. Both the employee and the person to whom the license is issued will be held responsible for the professional services rendered.

The license applicant shall take and pass a written examination. This examination will cover the professional services designated in the application and include the standards for certification of applicators as set forth in the Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4. The examination may be waived if the applicant is already licensed to perform the same professional services in a state with standards equal to those of Mississippi, and provided further that said state recognizes such examinations given by Mississippi.

Examination dates: Examinations shall be given once each quarter at Mississippi State, Mississippi. The dates for written examinations shall be the second Tuesday in each quarter of the calendar year. Persons who take the examination and fail will be allowed to retake said examination the second Tuesday of the next quarter.

Categories in which examinations are to be given and for which licenses or permits will be issued:

(a) Control of termites and other structural pests - This category includes persons engaged in control of termites, beetles, or other wood destroying insects in buildings and other structures, including homes, warehouses, stores, docks or any other structure.

(b) Control of pests of orchards - This category includes persons engaged in the control of insect pests, plant diseases or pest animals of various fruit and nut trees, brambles, vineyards and all plants normally classed as nut trees or fruit orchards. An examination may be given and a license issued to include only control of pests of pecan orchards.

(c) Control of pests in homes, businesses and industries - This category shall include persons engaged in control of insect pests or pest animals which may invade homes, restaurants, stores and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself, as for example: roaches, silverfish, ants, flies, mosquitoes, carpet beetles, clothes moths, fleas, stored food insects, rats, mice, centipedes, etc.

(d) Control of pests of ornamental plants, shade trees and lawns - This category includes persons engaged in control of insect pests, plant diseases or pest animals of ornamental plants, shade trees (which may include nut or fruit trees if used as ornamental plants or shade trees) and lawns.

(e) Control of pests of domestic animals - This category includes persons engaged in control of insect pests of domestic animals.

(f) Control of pests by fumigation - This category includes all persons whose sole practice is the control of insect pests by fumigation only.

SECTION 7. PERMIT EXAMINATION - CATEGORIES - The permit applicant shall take a written examination. This examination will cover the professional services designated in the application and include the standards for certification of applicators as set forth in the Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4. The examination may be waived if the applicant already holds a permit to perform the same professional services in a state with standards equal to those of Mississippi, and provided further that said state recognizes such examinations given by Mississippi.

Examination dates: Examinations for a permit shall be given once each quarter at Mississippi State, Mississippi. The dates for written examinations shall be the second Tuesday in each quarter of the calendar year. Persons who take the permit examination and fail will be allowed to retake said examination the second Tuesday of the next quarter.

Categories in which examinations are to be given and for which permits will be issued are the same as the license categories set forth in Section 6.

SECTION 8. ISSUANCE OF A LICENSE - If the qualifications and other requirements of the license applicant are satisfactory, the Division shall then require that said applicant submit a detailed statement of the methods he will employ and such typed or printed forms or contracts which will be used in the conduct of the professional services for which the application for license is made. If these are approved, said applicant shall then furnish a bond in the proper amount as set forth in Section 12 of these regulations in conformity to Section 69-19-9, Mississippi Code 1972. After all requirements have been met by the applicant for licensing, the Division shall then issue said applicant a license, PROVIDED, that no license shall be issued any person who fails to disclose to the Division the ingredients used in his practice, or who uses any material or method which has not been approved by the Division. A license is not transferable. When there is a change in the status of a license holder due to uncontrollable circumstances, a reasonable period of time shall be allowed for a qualified person to meet the requirements of Section 2 of these regulations.

Persons requesting a license must have passed the required examination within the past year or have been actively engaged in the work since passing the examination, or be reexamined before his license can be issued.

SECTION 9. ISSUANCE OF A PERMIT - After all requirements have been met by the applicant for a permit the Division shall then issue said applicant a permit. A permit is not transferable. When there is a change in the status of the person holding a permit who is supervising a business location, the license holder shall be allowed a reasonable period of time in order to have another bonafide employee meet the requirements of Section 3 of these regulations.

Persons requesting a permit must have passed the required examination within the past year or have been actively engaged in the work since passing the examination, or be reexamined before his permit can be issued.

SECTION 10. EXPIRATION OF A LICENSE OR A PERMIT AND CONDITIONS FOR RENEWAL - All

licenses and permits shall expire thirty-six months from the date of issuance. To renew said license or permit, the holder of same shall submit a request for renewal on a form prescribed by the Division and show that he is knowledgeable of current control recommendations, techniques and abreast of changing technology and pesticide usage. To meet these requirements, the licensee or permit holder shall have attended a training course approved by the Division within the past thirty-six months or successfully complete an examination administered by the Division.

SECTION 11. DENIAL, SUSPENSION OR CANCELLATION OF A LICENSE OR A PERMIT; REFUSAL TO ISSUE OR RENEW SAME - The commissioner, with the approval of the advisory board may suspend for not more than thirty days and then after opportunity for a hearing may deny, suspend, cancel or modify the provisions of a license or a permit if he finds that a person holding a license or a permit has committed any of the following applicable to him each of which is declared to be a violation of the Act and these regulations:

(a) Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be used;

(b) Operated in a faulty, careless or negligent manner or knowingly operated faulty or unsafe equipment in a manner as to cause damage to property or person;

(c) Refused, or after notice neglected to comply with the provisions of the Act, the regulations adopted hereunder, or any lawful order of the commissioner;

(d) Refused, or neglected to keep and maintain records required by the Act or to make reports when required;

(e) Made false or fraudulent records, invoices or reports;

(f) Used fraud or misrepresentation in making application for a license or permit;

(g) Aided or abetted any person in evading the provisions of the Act, allowed one's license to be used by an unlicensed person;

(h) Impersonated any state or federal official;

(i) Convicted in a court of law of a violation under the Federal Insecticide, Fungicide and Rodenticide Act;

(j) Convicted in a court of law for using any pesticide in a manner which is determined to be inconsistent with its labeling;

(k) Misrepresented for the purpose of deceiving or defrauding;

(l) Made a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their detriment;

(m) Performed work in a category for which the licensee does not hold a license;

(n) If repeated inspections by Inspectors of the Division of Plant Industry reveal

that the licensee is not performing services in a manner consistent with the Act and these regulations;

(o) Failed to register agents or solicitors or failure to make reports within the time specified in these regulations;

(p) Convicted in any of the courts of this state of a violation of the Act or these rules and regulations;

(q) Refused to yield a pesticide sample to an employee of the Division;

(r) Failed to correct work not performed in accordance with the Act and these rules and regulations after sufficient notice; or

(s) Failure to renew the bond required in Section 12 of these regulations means automatic cancellation.

During the time a license holder has his license under suspension, he shall not solicit any new business or perform any new work. He shall be allowed to inspect and/or retreat all properties on which he has current contracts.

Any person who is denied a license or a permit or whose license or permit is suspended, cancelled or modified by the commissioner shall be afforded an opportunity for a fair hearing before the advisory board in connection therewith upon written application to the commissioner within thirty days after receipt of notice from the commissioner of such denial, suspension, cancellation or modification. The commissioner shall set a time and place for such hearing and shall convene the board within ten days following receipt of the written application for a hearing. The board shall receive evidence and affirm, modify or reverse the determination of the commissioner within five days.

Any person aggrieved by the determination of the board may petition the chancery court of the county of residence of such person, or the Chancery Court of Hinds County, for review with supersedeas. The chancellor shall grant a hearing on said petition and may grant such review with supersedeas; the appellant may be required to post bond with sufficient sureties in an amount to be determined by the chancellor. Upon the review of any such decision, additional evidence may be received and considered but any record made or evidence heard before the board or commissioner may be submitted. Any such petition by either party from the determination of the chancellor shall proceed as otherwise provided by law.

Any person who is refused a license or a permit or whose license or permit is not renewed, or when the Division contemplates invalidation of said license or permit, shall have the right of a hearing by filing a written request for a hearing with the Division by registered or certified mail. The person requesting the hearing may appear in person or be represented by an attorney on the date and at the place set by the Division.

When a license has been cancelled, the licensee shall be notified in writing. The bonding company shall be notified of the action taken, but revoking a license shall in no way invalidate the bond for the duration of the contract entered into by the licensee. When a permit has been cancelled, the person holding said permit shall be notified in writing.

A license shall automatically become invalid when the person whose name appears on the license ceases to personally supervise and be in direct charge of operations and shall remain invalid until some other person, having met the requirements and been examined in accordance with these rules and regulations becomes licensed in his stead; except as provided for in Section 8 of these regulations.

Nothing in these rules and regulations shall be construed as requiring the commissioner to report for prosecution or for the institution of libel proceedings of minor violations of the Act or these rules and regulations whenever he believes that the public interest will best be served by a suitable notice of warning in writing.

SECTION 12. BOND

(a) The bond furnished the Division by any licensee, as provided in Section 69-19-9, Mississippi Code 1972, shall be conditioned so as to insure to the purchaser of services from said licensee the fulfillment of any contract or guarantee made by the licensee. No surety bond shall be accepted except from companies approved by the Insurance Department of Mississippi.

(b) All persons holding licenses to engage in the control of any kind of pests (including rodents and plant diseases) shall be required to file with the Division a bond of not less than $2,500.00 to insure the faithful performance of contracts. Said bond shall be so conditioned as to be valid and effective for the minimum time for which the licensee shall issue guarantees or contracts to render future service.

SECTION 13. INSPECTIONS - RECORDS - REPORTING - CONTRACTS

(a) Licensed operators shall keep complete and accurate records of all work performed including copies of contracts issued for a period of at least two years. Such records shall be available for examination by employees of the Division during reasonable business hours. Such records shall include location, kind of services performed, date performed, chemical used if there were any, the strength, amount, the pest controlled and such other information as may be necessary for a complete record.

(b) The commissioner or his representative may enter upon public or private premises at reasonable times for the purpose of enforcing the Act and these regulations and may investigate complaints of injury or accidents resulting from use of pesticides.

(c) Persons holding a license in the category "Control of Termites and Other Structural Pests" as covered by paragraph (a), Section 6 shall enter into a written contract with the person employing him. Said contract for control of termites and/or other structural pests shall guarantee the performance of the work for at least one year and that said property meets the minimum standards set forth in these regulations for such work, unless an exception of the minimum standards is clearly set forth in a separate statement on the face of the contract. A copy of a work order covering a complete plot or diagram showing the location of visible damage and an outline of the work to be carried out shall be given to the property owner and one copy shall be

maintained by the operator with a copy of the contract for as long as the contract is in force. Before the expiration date of said contract, the operator shall reexamine the property treated for termites and/or beetles and a written report of the reexamination showing the condition of the property with respect to the presence or absence of termites and/or beetles shall be filed with the owner of the property and a copy maintained in the operator's file. All subsequent inspections, as provided by the terms of the contract, shall be regularly made by the operator who shall report the results to the homeowner and make them available to the Division if such information shall be requested. When a termite control pretreat contract is issued, an inspection before the contract expires is not required.

(d) Persons operating under a license in the category "Control of Termites and Other Structural Pests" as covered by paragraph (a) Section 6 of these regulations shall by the 20th day of each month remit to the Division a report for each property on which a contract has been issued during the previous calendar month on forms furnished or approved by the Division. (1) Persons licensed for "Control of Pests in Homes, Businesses and Industries" who contract for their services on a monthly or yearly basis shall by the 20th day of each month remit to the Division a report for each property treated the previous month for the first year after the license is issued. After a year's satisfactory work in this state, he shall not be required to file reports; PROVIDED, that the Division may request a record of all work at any time. (2) A report shall be filed each month even though no work is performed. (3) If on inspection by the Division, it is found that a contract has not been fulfilled, the licensee shall be notified by the State Entomologist and shall be allowed fifteen calendar days in which to apply such remedial measures as are necessary and shall notify the Division in writing that the work has been performed.

SECTION 14. IDENTIFICATION - OPERATORS - EMPLOYEES - EQUIPMENT

(a) Operators - All license holders or owners of a pest control business soliciting work or dealing with the public must be provided with an identification card to be obtained from the Division except as provided for in paragraph (c) of this section.

(b) Employees - All employees of licensed operators who solicit business or otherwise represent the operator in dealings with the public, must be provided with an identification card, to be obtained from the Division except as provided for in paragraph (c) of this section. An employee of an operator considered as a laborer shall have an I.D. card or be accompanied by an employee who holds a valid I.D. card. A recent picture of the employee shall be permanently attached to the I.D. card.

The operator shall request in writing I.D. cards for his employees and himself, enclosing two pictures of each person and a remittance of $1.00 for each laminated card to be issued. When an operator or an employee resigns or is discharged, his I.D. card shall be returned to the Division for cancellation.

The I.D. card shall be in the possession of the operator or owner, or his employee at all times, when performing work or soliciting business and will be presented on request to the person or persons for whom business is performed or solicited.

An I.D. card will not be issued to any person who has been employed by another operator until his previous card has been returned to the Division for cancellation.

(c) Temporary Identification - Temporary identification may be issued to a new employee by the license holder for a period not to exceed sixty (60) days after the date of employment. At the time this identification is issued, the Division shall be notified in writing. Information on the temporary identification shall include:

(1) Name and license number of licensee and address
(2) Name, signature and address of employee
(3) Date issued and date of expiration
(4) Signature of licensee or permit holder in charge

(d) Equipment - All vehicles and mobile equipment except private passenger automobiles used by persons engaged in professional services covered by the Act and these regulations shall be marked for easy identification.

SECTION 15. APPROVED PESTICIDES - MINIMUM REQUIREMENTS

1. ACCEPTABLE PESTICIDES FOR CONTROL AND/OR PREVENTION OF TERMITES AND OTHER STRUCTURAL PESTS.

(a) All pesticides recommended by the Southern Forest Experiment Station, Forest Insect Laboratory at Gulfport, Mississippi, and registered by the Division of Plant Industry will be acceptable for use in structural pest control work performed under these regulations.

(b) Persons licensed in accordance with these regulations shall use all pesticides in a manner consistent with the label and consistent with the Environmental Protection Agency rules, notices and guidelines.

2. TREATMENT REQUIREMENTS - Subterranean Termites - Pier-Type (Crawl Space) Construction

(a) Remove all cellulose-bearing debris such as scrapwood, wood chips, paper, stumps, dead roots, etc., from underneath buildings. Large stumps or roots that are too sound to be removed may be trenched, drilled or rodded and treated provided they are six inches or more from foundation timbers.

(b) Remove all wooden contacts between building and soil, both inside and outside. Wooden supports under buildings must rest on a concrete footing, a brick capped with concrete, or other non-cellulose materials. The top of the brick or footing should not be less than six inches above the ground. This includes but is not limited to wood steps, skirting and lattice work, form boards, piers and stiff legs. (Pressure treated piling foundations are exempt from this requirement.)

(c) Termite tunnels - Scrape off all termite tunnels from foundation walls and pillars.

(d) Trenches - Cut trenches a minimum of 4 inches wide and deep, but not below top of footing, in contact with masonry around all exterior and interior foundation walls and pillars and apply pesticide according to label directions. Soil injection techniques will be accepted by the Division when they are used in accordance with label directions.

(e) Pipes - Pipes underneath the structure should be treated by rodding or trenching according to label directions. All non-metal packing around pipes should be saturated with an approved pesticide.

(f) Treatment of Masonry and Voids - Approved pesticides shall be applied to porous areas, cracks and voids in foundation walls, piers, chimneys, step buttresses and other structures likely to be penetrated by termites. (1) Flood all cracks in concrete. (2) Drill mortar joints on all 2 course brick formations such as piers, foundation walls, chimneys, step buttresses, etc., in a horizontal line at sufficient intervals to provide thorough saturation of wall voids but in no case shall the distance between holes exceed 24 inches. Holes shall be deep enough to reach the center mortar joint and shall be flooded under sufficient pressure to flood all cracks and voids therein. Drilling shall not be required when solid concrete footing extends above grade level or when wall is capped with solid concrete. (3) Drill mortar joints on all brick formations with 3 or more courses of brick on each side of formation at the end of every other brick but with the locations of the holes on each side of the formation alternating as much as is practicable and flood under pressure all cracks and voids therein. Where the outside finish of a 3 course brick wall makes drilling from each side of wall impractical, this wall can be drilled from one side by extending holes two bricks deep. (4) Drill into the center of each vertical core in a complete row of hollow concrete (or other light weight aggregate) blocks in construction using this type of building material and apply an approved pesticide into the openings. In hollow concrete block construction, drilling will not be required where accessibility to the opening is already available through construction.

(g) Dirt Fills - All dirt filled structures such as concrete slab porches, steps, chimneys, porch columns, etc., shall be treated by excavating, trenching, and applying pesticides in the same manner as around pillars and foundations. EXCEPTION: If due to construction, it is impractical to break into and excavate dirt filled areas, a method acceptable to the Division such as drilling, flooding or rodding may be employed.

(h) Beetles - Approved controls must be applied in accordance with Section 16 of these regulations for beetles in timbers, walls and flooring, if beetles are present, unless contract states that protection against beetle injury is not included.

3. EXISTING SLAB - TYPE CONSTRUCTION

(a) Rod or trench and treat the entire perimeter of the slab foundation.

(b) Treat all traps, foundation walls, and other openings in the slab.

(c) Treat all expansion joints, visible cracks and other voids in slab by rodding under or drilling through slab and thoroughly saturating the area beneath the slab where the above stated conditions exist. When the foundation wall or slab is drilled or rodded, the holes must not be more than 3 feet apart along the above stated areas.

4. PRETREATMENT FOR TERMITE CONTROL - All pretreats shall be made in accordance with label directions as specified on the label of the pesticide being used.

5. SPOT TREATMENT

(a) "Spot" treatment shall not be done on pier-type construction except with permission of the Division.

(b) "Spot" treatment of existing slab-type construction is permissible when it is impractical to treat the entire slab and where the property owner requests this type of treatment. The contract shall specify "Spot" treatment and clearly define area treated.

6. SPECIAL CASES

In special cases, where it is apparent that these specifications are either insufficient or more than sufficient to insure adequate protection, the operator shall consult the Division for advice before treatment is started.

SECTION 16. WOOD DESTROYING BEETLES - REQUIREMENTS

1. WHEN TREATMENT WILL BE PERMITTED - After it is determined that an active infestation exists, treatment will be permitted for the control or prevention of reinfestation of the families of beetles which are known to reinfest seasoned wood, i. e. Anobiidae, Lyctidae, Bostrichidae, Cerambycidae (old house borer and flat oak borer only) and Curculionidae. Preventative treatment in the absence of an infestation is not recommended and is prohibited without approval of the Division. Treatment is expressly prohibited for the control or prevention of other beetles that may cause damage to seasoned wood in structures such as Ambrosia beetles, Bark beetles, Flat headed borers, long-horned borers, Metallic wood borers, Pin worms, Roundheaded borers other than old house and flat oak borers, Timber beetles, and the Siricidae (woodwasps) or Marine borers except with prior approval of the Division and specification of the organism involved on the treatment or service proposal.

2. DETERMINING ACTIVE INFESTATIONS

(a) Determining the activity of Anobiidae (anobiid powder-post) beetles in sub-structures, attached garages or other outbuildings, and stored lumber.

1. The presence of frass the color of fresh cut wood will be acceptable as evidence of an active infestation of the Anobiidae.

2. The presence of holes alone or holes and dull-colored frass will not be acceptable evidence of an active infestation of the Anobiidae except in such cases where live larvae and pupae are found in wood members.

NOTE: Where numerous holes alone and/or dull-colored frass are found in wood members, this should encourage the licensee or his representative(s) to check the upper living areas for infestation and to recheck the property during the optimum time for frass production by Anobiidae (March 15 to July 15). It should be pointed out that Anobiidae beetles usually infest products older than 10 years and most infestations are confined to softwoods such as pine, whereas the Lyctidae only actively infest recently processed hardwoods such as domestic oak and pecan or foreign woods such as banak, meranti and obeche.

3. Numerous other beetles may cause damage in the products that the Anobiidae and Lyctidae infest. Identification aids for these beetles are: (timber beetles and pin worms - no frass in tunnels, tunnel walls stained darker than surrounding wood, no activity in products older than 5 years, and (2) bark beetles or bostrichids in softwoods - holes few in number in or near bark, larval tunnels beneath bark scoring bark and wood, some of the frass is same color as inner bark.

(b) Determining the activity of powderpost beetles (Lyctidae) infestations is not required if infested products are less than 10 years old. Otherwise, fresh frass and/or live larva or pupae in wood will be acceptable evidence of activity.

(c) Determining the activity of old house borer (Hylotrupes bajulus L.) infestations.

1. The presence of adult beetles and oval exit holes with fresh sawdust-like frass in southern pine, Douglas fir, or spruce wood will be evidence of an active infestation of the old house borer.

2. The presence of live larvae or pupae in the above softwoods will be evidence of an active old house borer infestation, if the frass is sawdustlike.

NOTE: It should be pointed out that other long-horned borers, flat-headed borers, Siricid woodwasps, and marine borers sometimes damage softwood used in building construction. These other long-horned borers produce loosely packed fibrous tobaccolike frass, the flat headed borers make tunnels three times wider than high, whereas old house borer tunnels are less than three times wider than high, Siricids make perfectly circular exit holes, and marine borer excavations usually contain whitish calcium deposits but no frass.

3. Treatment Procedures

a. When wood-destroying beetles are present at or below the subfloor level, then control measures should be applied from underneath the structure using an approved pesticide in

accordance with label directions.

b. If there is evidence to indicate or reasonable cause to suspect that a substantial active infestation of wood-destroying beetles exists above the subfloor level, then fumigation with an approved fumigant is permitted, provided the property owner has been informed of other alternative treatments such as removal and replacement of infested wood members or treatment of the sub-structure only if it is actively infested. At least 48 hours prior to the scheduled release of the fumigant, the licensee must notify the Division of the location and time of treatment and the type of infestation present.

SECTION 17. BONAFIDE EMPLOYEE

Services or work performed under any section of these regulations must be performed only by the licensee or his bonafide employee.

SECTION 18. EXAMINATION REQUIREMENTS FOR GENERAL STANDARDS

Persons licensed before July 13, 1976, shall successfully complete an examination covering general standards for certified commercial applicators as set forth in Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4 (b).

SECTION 19. PEST CONTROL ADVISORY COUNCIL

(a) Purpose - To advise the Division on matters concerning rules and regulations regarding persons licensed in categories (a) and (c) as set forth in Section 6 of these regulations.

(b) Members - This advisory council shall consist of five persons, elected as provided for in paragraph (c) below, licensed in categories (a) and (c) under Section 6 of these regulations. Also, one alternate to serve in absence of another member. Members of the council shall serve on seats numbered one through five. Seat one shall be elected to serve three years. All other council seats shall serve two year terms except during the initial election which shall designate seats two and four for one year terms. In the event of the loss of one member beyond the alternate, the seat will be filled for the remainder of the year by the Board of Directors of the Mississippi Pest Control Association. The member holding seat one will serve as council chairman.

(c) Election of Members - Members shall be elected to represent the following areas, one from each of the three Supreme Court Districts in the State and two from the State at large. Elections will be conducted by the Mississippi Pest Control Association at an appropriate assembly open to all license holders. Persons holding a valid license in categories (a) and (c) under Section 6 of these regulations shall have one vote. Nominations shall be made by the nominating committee named by the Board of Directors of the Mississippi Pest Control Association. Nomination notices shall be sent to all license holders requesting any additional nominations who are qualified and willing to serve. Election results shall be based on popular votes.

(d) Meetings - Will be held quarterly and special meetings as needed.

(e) Conduct - Members may not disclose any names of individuals, companies or situations that might expose those involved in discussions in meetings or information supplied by the Division. All members are required to meet at least three of the four meetings each year. Any absence beyond one shall automatically remove the member from the council. No member may succeed himself in consecutive terms but may be re-elected after a one year absence.

SECTION 20. EFFECTIVE DATE

These regulations adopted March 29, 1977, shall become effective October 21, 1977. Also, on October 21, 1977, these regulations shall replace regulations pertaining to pest control operators contained in Rule 1 "Regulations Governing Pest Control Operators, Tree Surgeons and Landscape Designers" last amended January 18, 1974.

THE STATE OF MISSISSIPPI
DEPARTMENT OF AGRICULTURE AND COMMERCE
DIVISION OF PLANT INDUSTRY
P. O. Box 5207 — Telephone 325-3390
Mississippi State, Mississippi 39762

JIM BUCK ROSS
COMMISSIONER

JACK D. COLEY
DIRECTOR AND
STATE ENTOMOLOGIST

September 3, 1980

Dear Pest Control Operator:

Earlier this year, you were mailed a copy of the proposed changes for Regulations Governing Pest Control Operators. The proposed changes pertained to issuance of temporary identification cards, establishment of an advisory council, and clearance inspections. Following receipt of comments and a public hearing, two (2) of the proposed changes were adopted.

The Regulations Governing Pest Control Operators were officially amended June 25, 1980. The decision was made not to amend the regulations providing for regulating clearance inspections in accordance with the previous proposal. Amendments adopted included changes in Section 14 and the addition of Section 19.

Section 14 now states that when an identification card is requested, two pictures must be submitted to this office. In the past only one picture was required for issuance of an identification card. Effective September 15, 1980, all identification card requests must have two (2) pictures for each person. Also, Section 14 was amended to include provisions for a temporary identification card to be issued by the license holder. This temporary identification card shall be valid for a maximum of sixty (60) days after the date of employment.

At the time this temporary identification card is issued, the Division must be notified in writing. Information on the temporary identification must include:

1. Name and license number of licensee and address
2. Name, signature and address of employee
3. Date issued and date of expiration
4. Signature of licensee or permit holder in charge

Issuance of temporary identification cards is optional. A licensee can continue to request identification cards for new employees without issuing the temporary identification card.

Section 19 of the Pest Control Regulations is a new section. It establishes a pest control advisory council. Its purpose is to advise the Division on matters concerning rules and regulations regarding persons licensed in category (a), control of termites and other structural pests and in category (b), control of pests in homes, businesses, and industries.

The council shall consist of five persons licensed in these categories. The council shall meet quarterly and hold special meetings as required. Members of this advisory council will be elected at a meeting of the Mississippi Pest Control Association. We assume the first election will be held at the next annual meeting of the Association.

A copy of the amended regulations is enclosed and you can refer to Sections 14 and 19 for details. If you need additional copies of the regulations, we will be glad to furnish them.

Yours truly,

Robert McCarty
Assistant Director

Jim Haskins
Supervisor, Pest Control Section

RHM/pa

Enclosure

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE
DIVISION OF PLANT INDUSTRY
P. O. BOX 5207
MISSISSIPPI STATE, MISSISSIPPI 39762

REGULATIONS GOVERNING PEST CONTROL OPERATORS

RULE 1. (Adopted March 29, 1977, amended September 18, 1979 and June 25, 1980)

The Division of Plant Industry, Mississippi Department of Agriculture and Commerce, under the provisions of Section 69-19-1 and Section 69-23-109, Mississippi Code 1972 does hereby promulgate and declare the following Rules and Regulations.

SECTION 1. DEFINITIONS - For the purpose of these regulations, the following words, names and terms shall be construed within the meaning and purpose of Sections 69-19-1 through 69-19-11 and Sections 69-23-101 through 69-23-133, Mississippi Code 1972.

(A) "Act" shall mean Sections 69-19-1 through 69-19-11 and Sections 69-23-101 through 69-23-133, Mississippi Code 1972.

(B) "Advisory Board" shall mean the board established under the provisions of Section 69-25-3, Mississippi Code 1972, as amended.

(C) "Bonafide Employee" shall be a person who receives all or part of his salary, pay or commission from a license holder and whose salary, pay or commission is regularly reported by the licensee under the Federal Social Security and/or income tax laws. A bonafide employee must be under the direct supervision of a licensee or a permit holder.

(D) "Branch Office" shall mean any establishment or place of business other than the place of business managed by the license holder who has at least one employee capable of answering questions, scheduling normal inspections or work, or performing work covered by these regulations. A telephone answering service is not a "Branch Office."

(E) "Certification" shall mean the recognition by the Division that a person is competent and thus authorized to use or supervise the use of restricted use pesticides in the category or categories listed on said certificate.

(F) "Certified Applicator" shall mean a licensee or his employee who has met the requirements for certification.

(G) "Commissioner" shall mean the commissioner of the Mississippi Department of Agriculture and Commerce.

(H) "Competent" shall mean a person who is capable of performing the various functions associated with pesticide application and pest control: the degree of capability required being directly related to the nature of the activity and the associated responsibility.

(I) "Division" shall mean the Division of Plant Industry of the Mississippi Department of Agriculture and Commerce created under the provision of Section 69-25-3, Mississippi Code 1972.

(J) "Entomologist" shall mean a person skilled in the biology of, and remedial measures employed for the control of and eradication of insect pests or rodents.

(K) "Executive Secretary and/or State Entomologist" shall mean the executive secretary and director and/or state entomologist of the Division of Plant Industry, Mississippi Department of Agriculture and Commerce as set forth in Section 69-25-5, Mississippi Code 1972.

(L) "Insect Pest" shall mean any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example: spiders, mites, ticks, centipedes and millipedes.

(M) "License" shall mean a document issued by the Division which indicates that a person has met the requirements set forth in the Act and these rules and regulations to receive fees for services in the categories indicated on said document.

(N) "Pathologist" shall mean a person knowledgeable in the biology of and skilled in the necessary remedial measures to apply for the control and eradication of plant diseases.

(O) "Permit" shall mean a document issued by the Division indicating that a person has thorough understanding of the pest or pests that a licensee is licensed to control and is competent to use or supervise the use of a restricted use pesticide under the categories listed on said document at any branch office. A permit is not a license.

(P) "Permit Holder" shall mean a bonafide employee of a license holder who has passed a permit examination for each category in which work is performed and is responsible for supervising the activities indicated on said permit at a branch office.

(Q) "Person" shall mean any individual, partnership, corporation, association, company or organized group of persons whether incorporated or not.

(R) "Plant Disease" shall mean the pathological condition in or on plants and plant products caused by fungi, bacteria, nematodes, viruses, mycoplasma and viroids.

(S) "Professional Services" shall mean any of the professional services performed as designated by the various categories listed under Section 6.

(T) "Restricted Use Pesticides" shall mean a pesticide that is classified for restricted use by the Environmental Protection Agency or the Division.

(U) "Under the Direct Supervision" shall mean the act or process whereby application of a pesticide is made by a competent person acting under the instructions and control of a license or permit holder who is responsible for the actions of that person and who is available if and when needed, even though such license or permit holder is not physically present at the time and place the pesticide is applied.

SECTION 2. PERSONS REQUIRED TO SECURE A LICENSE - Entomologists and Pathologists must secure a license from the Division of Plant Industry, Mississippi Department of Agriculture and Commerce in accordance with Section 69-19-9, Mississippi Code 1972. No person shall advertise in any manner to render professional services or solicit business within the meaning of the Act without first obtaining a license.

SECTION 3. PERSONS REQUIRED TO SECURE A PERMIT - Each branch office shall have at least one license or permit holder for each category that the licensee is soliciting and/or performing work under. Any bonafide employee may hold a permit in one or all of the categories that said business is licensed under. The requirements of this section shall be met prior to October 21, 1977, by at least one bonafide employee in each branch office.

SECTION 4. LICENSE APPLICATION - QUALIFICATIONS - Application for a license shall be submitted on a regular form furnished by the Division, in time to be approved ten (10) days prior to regular scheduled examinations. The applicant shall furnish names of several references as to his character and a satisfactory credit report. No application for a license shall be accepted unless the applicant shall furnish written proof that he meets one of the following requirements:

(1) Must be graduated from a recognized college or university with at least 15 semester hours or the equivalent in the category for which he is requesting a license.

(2) Must have no less than two years college or university training with special training in the category for which he is requesting a license.

(3) Must be at least a high school graduate or equivalent and have had, in addition, at least four years experience with a licensed operator within the past six years; PROVIDED, that in special cases where an applicant can submit proof of education, experience and training equal to or exceeding these requirements he shall be allowed to take the required examinations.

SECTION 5. PERMIT - APPLICATION - QUALIFICATIONS - Application for a permit shall be submitted on a regular form furnished by the Division in time to be approved ten (10) days prior to regular scheduled examinations. No permit application shall be accepted unless the applicant furnishes written proof that he is a bonafide employee of a person holding a license in one or more of the categories listed under Section 6 of these regulations.

SECTION 6. LICENSE - EXAMINATION - CATEGORIES - Each person required to secure a license in accordance with the Act shall be examined as follows: When the firm is under

the control of one person who is solely responsible for the work, this person alone shall be required to pass the examination. When more than one person is responsible, then each shall be required to pass the examination. A person may designate an employee who is regularly and actively in charge to take the examination and the license will be issued naming the employee as supervisor. Both the employee and the person to whom the license is issued will be held responsible for the professional services rendered.

The license applicant shall take and pass a written examination. This examination will cover the professional services designated in the application and include the standards for certification of applicators as set forth in the Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4. The examination may be waived if the applicant is already licensed to perform the same professional services in a state with standards equal to those of Mississippi, and provided further that said state recognizes such examinations given by Mississippi.

Examination dates: Examinations shall be given once each quarter at Mississippi State, Mississippi. The dates for written examinations shall be the second Tuesday in each quarter of the calendar year. Persons who take the examination and fail will be allowed to retake said examination the second Tuesday of the next quarter.

Categories in which examinations are to be given and for which licenses or permits will be issued:

(a) Control of termites and other structural pests - This category includes persons engaged in control of termites, beetles, or other wood destroying insects in buildings and other structures, including homes, warehouses, stores, docks or any other structure.

(b) Control of pests of orchards - This category includes persons engaged in the control of insect pests, plant diseases or pest animals of various fruit and nut trees, brambles, vineyards and all plants normally classed as nut trees or fruit orchards. An examination may be given and a license issued to include only control of pests of pecan orchards.

(c) Control of pests in homes, businesses and industries - This category shall include persons engaged in control of insect pests or pest animals which may invade homes, restaurants, stores and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself, as for example: roaches, silverfish, ants, flies, mosquitoes, carpet beetles, clothes moths, fleas, stored food insects, rats, mice, centipedes, etc.

(d) Control of pests of ornamental plants, shade trees and lawns - This category includes persons engaged in control of insect pests, plant diseases or pest animals of ornamental plants, shade trees (which may include nut or fruit trees if used as ornamental plants or shade trees) and lawns.

(e) Control of pests of domestic animals - This category includes persons engaged in control of insect pests of domestic animals.

(f) Control of pests by fumigation - This category includes all persons whose sole practice is the control of insect pests by fumigation only.

SECTION 7. PERMIT EXAMINATION - CATEGORIES - The permit applicant shall take a written examination. This examination will cover the professional services designated in the application and include the standards for certification of applicators as set forth in the Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4. The examination may be waived if the applicant already holds a permit to perform the same professional services in a state with standards equal to those of Mississippi, and provided further that said state recognizes such examinations given by Mississippi.

Examination dates: Examinations for a permit shall be given once each quarter at Mississippi State, Mississippi. The dates for written examinations shall be the second Tuesday in each quarter of the calendar year. Persons who take the permit examination and fail will be allowed to retake said examination the second Tuesday of the next quarter.

Categories in which examinations are to be given and for which permits will be issued are the same as the license categories set forth in Section 6.

SECTION 8. ISSUANCE OF A LICENSE - If the qualifications and other requirements of the license applicant are satisfactory, the Division shall then require that said applicant submit a detailed statement of the methods he will employ and such typed or printed forms or contracts which will be used in the conduct of the professional services for which the application for license is made. If these are approved, said applicant shall then furnish a bond in the proper amount as set forth in Section 12 of these regulations in conformity to Section 69-19-9, Mississippi Code 1972. After all requirements have been met by the applicant for licensing, the Division shall then issue said applicant a license, PROVIDED, that no license shall be issued any person who fails to disclose to the Division the ingredients used in his practice, or who uses any material or method which has not been approved by the Division. A license is not transferable. When there is a change in the status of a license holder due to uncontrollable circumstances, a reasonable period of time shall be allowed for a qualified person to meet the requirements of Section 2 of these regulations.

Persons requesting a license must have passed the required examination within the past year or have been actively engaged in the work since passing the examination, or be reexamined before his license can be issued.

SECTION 9. ISSUANCE OF A PERMIT - After all requirements have been met by the applicant for a permit the Division shall then issue said applicant a permit. A permit is not transferable. When there is a change in the status of the person holding a permit who is supervising a business location, the license holder shall be allowed a reasonable period of time in order to have another bonafide employee meet the requirements of Section 3 of these regulations.

Persons requesting a permit must have passed the required examination within the past year or have been actively engaged in the work since passing the examination, or be reexamined before his permit can be issued.

SECTION 10. EXPIRATION OF A LICENSE OR A PERMIT AND CONDITIONS FOR RENEWAL - All

licenses and permits shall expire thirty-six months from the date of issuance. To renew said license or permit, the holder of same shall submit a request for renewal on a form prescribed by the Division and show that he is knowledgeable of current control recommendations, techniques and abreast of changing technology and pesticide usage. To meet these requirements, the licensee or permit holder shall have attended a training course approved by the Division within the past thirty-six months or successfully complete an examination administered by the Division.

SECTION 11. DENIAL, SUSPENSION OR CANCELLATION OF A LICENSE OR A PERMIT; REFUSAL TO ISSUE OR RENEW SAME - The commissioner, with the approval of the advisory board may suspend for not more than thirty days and then after opportunity for a hearing may deny, suspend, cancel or modify the provisions of a license or a permit if he finds that a person holding a license or a permit has committed any of the following applicable to him each of which is declared to be a violation of the Act and these regulations:

(a) Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be used;

(b) Operated in a faulty, careless or negligent manner or knowingly operated faulty or unsafe equipment in a manner as to cause damage to property or person;

(c) Refused, or after notice neglected to comply with the provisions of the Act, the regulations adopted hereunder, or any lawful order of the commissioner;

(d) Refused, or neglected to keep and maintain records required by the Act or to make reports when required;

(e) Made false or fraudulent records, invoices or reports;

(f) Used fraud or misrepresentation in making application for a license or permit;

(g) Aided or abetted any person in evading the provisions of the Act, allowed one's license to be used by an unlicensed person;

(h) Impersonated any state or federal official;

(i) Convicted in a court of law of a violation under the Federal Insecticide, Fungicide and Rodenticide Act;

(j) Convicted in a court of law for using any pesticide in a manner which is determined to be inconsistent with its labeling;

(k) Misrepresented for the purpose of deceiving or defrauding;

(l) Made a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their detriment;

(m) Performed work in a category for which the licensee does not hold a license;

(n) If repeated inspections by Inspectors of the Division of Plant Industry reveal

that the licensee is not performing services in a manner consistent with the Act and these regulations;

(o) Failed to register agents or solicitors or failure to make reports within the time specified in these regulations;

(p) Convicted in any of the courts of this state of a violation of the Act or these rules and regulations;

(q) Refused to yield a pesticide sample to an employee of the Division;

(r) Failed to correct work not performed in accordance with the Act and these rules and regulations after sufficient notice; or

(s) Failure to renew the bond required in Section 12 of these regulations means automatic cancellation.

During the time a license holder has his license under suspension, he shall not solicit any new business or perform any new work. He shall be allowed to inspect and/or retreat all properties on which he has current contracts.

Any person who is denied a license or a permit or whose license or permit is suspended, cancelled or modified by the commissioner shall be afforded an opportunity for a fair hearing before the advisory board in connection therewith upon written application to the commissioner within thirty days after receipt of notice from the commissioner of such denial, suspension, cancellation or modification. The commissioner shall set a time and place for such hearing and shall convene the board within ten days following receipt of the written application for a hearing. The board shall receive evidence and affirm, modify or reverse the determination of the commissioner within five days.

Any person aggrieved by the determination of the board may petition the chancery court of the county of residence of such person, or the Chancery Court of Hinds County, for review with supersedeas. The chancellor shall grant a hearing on said petition and may grant such review with supersedeas; the appellant may be required to post bond with sufficient sureties in an amount to be determined by the chancellor. Upon the review of any such decision, additional evidence may be received and considered but any record made or evidence heard before the board or commissioner may be submitted. Any such petition by either party from the determination of the chancellor shall proceed as otherwise provided by law.

Any person who is refused a license or a permit or whose license or permit is not renewed, or when the Division contemplates invalidation of said license or permit, shall have the right of a hearing by filing a written request for a hearing with the Division by registered or certified mail. The person requesting the hearing may appear in person or be represented by an attorney on the date and at the place set by the Division.

When a license has been cancelled, the licensee shall be notified in writing. The bonding company shall be notified of the action taken, but revoking a license shall in no way invalidate the bond for the duration of the contract entered into by the licensee. When a permit has been cancelled, the person holding said permit shall be notified in writing.

A license shall automatically become invalid when the person whose name appears on the license ceases to personally supervise and be in direct charge of operations and shall remain invalid until some other person, having met the requirements and been examined in accordance with these rules and regulations becomes licensed in his stead; except as provided for in Section 8 of these regulations.

Nothing in these rules and regulations shall be construed as requiring the commissioner to report for prosecution or for the institution of libel proceedings of minor violations of the Act or these rules and regulations whenever he believes that the public interest will best be served by a suitable notice of warning in writing.

SECTION 12. BOND

(a) The bond furnished the Division by any licensee, as provided in Section 69-19-9, Mississippi Code 1972, shall be conditioned so as to insure to the purchaser of services from said licensee the fulfillment of any contract or guarantee made by the licensee. No surety bond shall be accepted except from companies approved by the Insurance Department of Mississippi.

(b) All persons holding licenses to engage in the control of any kind of pests (including rodents and plant diseases) shall be required to file with the Division a bond of not less than $2,500.00 to insure the faithful performance of contracts. Said bond shall be so conditioned as to be valid and effective for the minimum time for which the licensee shall issue guarantees or contracts to render future service.

SECTION 13. INSPECTIONS - RECORDS - REPORTING - CONTRACTS

(a) Licensed operators shall keep complete and accurate records of all work performed including copies of contracts issued for a period of at least two years. Such records shall be available for examination by employees of the Division during reasonable business hours. Such records shall include location, kind of services performed, date performed, chemical used if there were any, the strength, amount, the pest controlled and such other information as may be necessary for a complete record.

(b) The commissioner or his representative may enter upon public or private premises at reasonable times for the purpose of enforcing the Act and these regulations and may investigate complaints of injury or accidents resulting from use of pesticides.

(c) Persons holding a license in the category "Control of Termites and Other Structural Pests" as covered by paragraph (a), Section 6 shall enter into a written contract with the person employing him. Said contract for control of termites and/or other structural pests shall guarantee the performance of the work for at least one year and that said property meets the minimum standards set forth in these regulations for such work, unless an exception of the minimum standards is clearly set forth in a separate statement on the face of the contract. A copy of a work order covering a complete plot or diagram showing the location of visible damage and an outline of the work to be carried out shall be given to the property owner and one copy shall be

maintained by the operator with a copy of the contract for as long as the contract is in force. Before the expiration date of said contract, the operator shall reexamine the property treated for termites and/or beetles and a written report of the reexamination showing the condition of the property with respect to the presence or absence of termites and/or beetles shall be filed with the owner of the property and a copy maintained in the operator's file. All subsequent inspections, as provided by the terms of the contract, shall be regularly made by the operator who shall report the results to the homeowner and make them available to the Division if such information shall be requested. When a termite control pretreat contract is issued, an inspection before the contract expires is not required.

(d) Persons operating under a license in the category "Control of Termites and Other Structural Pests" as covered by paragraph (a) Section 6 of these regulations shall by the 20th day of each month remit to the Division a report for each property on which a contract has been issued during the previous calendar month on forms furnished or approved by the Division. (1) Persons licensed for "Control of Pests in Homes, Businesses and Industries" who contract for their services on a monthly or yearly basis shall by the 20th day of each month remit to the Division a report for each property treated the previous month for the first year after the license is issued. After a year's satisfactory work in this state, he shall not be required to file reports; PROVIDED, that the Division may request a record of all work at any time. (2) A report shall be filed each month even though no work is performed. (3) If on inspection by the Division, it is found that a contract has not been fulfilled, the licensee shall be notified by the State Entomologist and shall be allowed fifteen calendar days in which to apply such remedial measures as are necessary and shall notify the Division in writing that the work has been performed.

SECTION 14. IDENTIFICATION - OPERATORS - EMPLOYEES - EQUIPMENT

(a) Operators - All license holders or owners of a pest control business soliciting work or dealing with the public must be provided with an identification card to be obtained from the Division except as provided for in paragraph (c) of this section.

(b) Employees - All employees of licensed operators who solicit business or otherwise represent the operator in dealings with the public, must be provided with an identification card, to be obtained from the Division except as provided for in paragraph (c) of this section. An employee of an operator considered as a laborer shall have an I.D. card or be accompanied by an employee who holds a valid I.D. card. A recent picture of the employee shall be permanently attached to the I.D. card.

The operator shall request in writing I.D. cards for his employees and himself, enclosing two pictures of each person and a remittance of $1.00 for each laminated card to be issued. When an operator or an employee resigns or is discharged, his I.D. card shall be returned to the Division for cancellation.

The I.D. card shall be in the possession of the operator or owner, or his employee at all times, when performing work or soliciting business and will be presented on request to the person or persons for whom business is performed or solicited.

An I.D. card will not be issued to any person who has been employed by another operator until his previous card has been returned to the Division for cancellation.

(c) Temporary Identification - Temporary identification may be issued to a new employee by the license holder for a period not to exceed sixty (60) days after the date of employment. At the time this identification is issued, the Division shall be notified in writing. Information on the temporary identification shall include:

(1) Name and license number of licensee and address
(2) Name, signature and address of employee
(3) Date issued and date of expiration
(4) Signature of licensee or permit holder in charge

(d) Equipment - All vehicles and mobile equipment except private passenger automobiles used by persons engaged in professional services covered by the Act and these regulations shall be marked for easy identification.

SECTION 15. APPROVED PESTICIDES - MINIMUM REQUIREMENTS

1. ACCEPTABLE PESTICIDES FOR CONTROL AND/OR PREVENTION OF TERMITES AND OTHER STRUCTURAL PESTS.

(a) All pesticides recommended by the Southern Forest Experiment Station, Forest Insect Laboratory at Gulfport, Mississippi, and registered by the Division of Plant Industry will be acceptable for use in structural pest control work performed under these regulations.

(b) Persons licensed in accordance with these regulations shall use all pesticides in a manner consistent with the label and consistent with the Environmental Protection Agency rules, notices and guidelines.

2. TREATMENT REQUIREMENTS - Subterranean Termites - Pier-Type (Crawl Space) Construction

(a) Remove all cellulose-bearing debris such as scrapwood, wood chips, paper, stumps, dead roots, etc., from underneath buildings. Large stumps or roots that are too sound to be removed may be trenched, drilled or rodded and treated provided they are six inches or more from foundation timbers.

(b) Remove all wooden contacts between building and soil, both inside and outside. Wooden supports under buildings must rest on a concrete footing, a brick capped with concrete, or other non-cellulose materials. The top of the brick or footing should not be less than six inches above the ground. This includes but is not limited to wood steps, skirting and lattice work, form boards, piers and stiff legs. (Pressure treated piling foundations are exempt from this requirement.)

(c) Termite tunnels - Scrape off all termite tunnels from foundation walls and pillars.

(d) Trenches - Cut trenches a minimum of 4 inches wide and deep, but not below top of footing, in contact with masonry around all exterior and interior foundation walls and pillars and apply pesticide according to label directions. Soil injection techniques will be accepted by the Division when they are used in accordance with label directions.

(e) Pipes - Pipes underneath the structure should be treated by rodding or trenching according to label directions. All non-metal packing around pipes should be saturated with an approved pesticide.

(f) Treatment of Masonry and Voids - Approved pesticides shall be applied to porous areas, cracks and voids in foundation walls, piers, chimneys, step buttresses and other structures likely to be penetrated by termites. (1) Flood all cracks in concrete. (2) Drill mortar joints on all 2 course brick formations such as piers, foundation walls, chimneys, step buttresses, etc., in a horizontal line at sufficient intervals to provide thorough saturation of wall voids but in no case shall the distance between holes exceed 24 inches. Holes shall be deep enough to reach the center mortar joint and shall be flooded under sufficient pressure to flood all cracks and voids therein. Drilling shall not be required when solid concrete footing extends above grade level or when wall is capped with solid concrete. (3) Drill mortar joints on all brick formations with 3 or more courses of brick on each side of formation at the end of every other brick but with the locations of the holes on each side of the formation alternating as much as is practicable and flood under pressure all cracks and voids therein. Where the outside finish of a 3 course brick wall makes drilling from each side of wall impractical, this wall can be drilled from one side by extending holes two bricks deep. (4) Drill into the center of each vertical core in a complete row of hollow concrete (or other light weight aggregate) blocks in construction using this type of building material and apply an approved pesticide into the openings. In hollow concrete block construction, drilling will not be required where accessibility to the opening is already available through construction.

(g) Dirt Fills - All dirt filled structures such as concrete slab porches, steps, chimneys, porch columns, etc., shall be treated by excavating, trenching, and applying pesticides in the same manner as around pillars and foundations. EXCEPTION: If due to construction, it is impractical to break into and excavate dirt filled areas, a method acceptable to the Division such as drilling, flooding or rodding may be employed.

(h) Beetles - Approved controls must be applied in accordance with Section 16 of these regulations for beetles in timbers, walls and flooring, if beetles are present, unless contract states that protection against beetle injury is not included.

3. EXISTING SLAB - TYPE CONSTRUCTION

(a) Rod or trench and treat the entire perimeter of the slab foundation.

(b) Treat all traps, foundation walls, and other openings in the slab.

(c) Treat all expansion joints, visible cracks and other voids in slab by rodding under or drilling through slab and thoroughly saturating the area beneath the slab where the above stated conditions exist. When the foundation wall or slab is drilled or rodded, the holes must not be more than 3 feet apart along the above stated areas.

4. PRETREATMENT FOR TERMITE CONTROL - All pretreats shall be made in accordance with label directions as specified on the label of the pesticide being used.

5. SPOT TREATMENT

(a) "Spot" treatment shall not be done on pier-type construction except with permission of the Division.

(b) "Spot" treatment of existing slab-type construction is permissible when it is impractical to treat the entire slab and where the property owner requests this type of treatment. The contract shall specify "Spot" treatment and clearly define area treated.

6. SPECIAL CASES

In special cases, where it is apparent that these specifications are either insufficient or more than sufficient to insure adequate protection, the operator shall consult the Division for advice before treatment is started.

SECTION 16. WOOD DESTROYING BEETLES - REQUIREMENTS

1. WHEN TREATMENT WILL BE PERMITTED - After it is determined that an active infestation exists, treatment will be permitted for the control or prevention of reinfestation of the families of beetles which are known to reinfest seasoned wood, i. e. Anobiidae, Lyctidae, Bostrichidae, Cerambycidae (old house borer and flat oak borer only) and Curculionidae. Preventative treatment in the absence of an infestation is not recommended and is prohibited without approval of the Division. Treatment is expressly prohibited for the control or prevention of other beetles that may cause damage to seasoned wood in structures such as Ambrosia beetles, Bark beetles, Flat headed borers, long-horned borers, Metallic wood borers, Pin worms, Roundheaded borers other than old house and flat oak borers, Timber beetles, and the Siricidae (woodwasps) or Marine borers except with prior approval of the Division and specification of the organism involved on the treatment or service proposal.

2. DETERMINING ACTIVE INFESTATIONS

(a) Determining the activity of Anobiidae (anobiid powder-post) beetles in sub-structures, attached garages or other outbuildings, and stored lumber.

1. The presence of frass the color of fresh cut wood will be acceptable as evidence of an active infestation of the Anobiidae.

2. The presence of holes alone or holes and dull-colored frass will not be acceptable evidence of an active infestation of the Anobiidae except in such cases where live larvae and pupae are found in wood members.

NOTE: Where numerous holes alone and/or dull-colored frass are found in wood members, this should encourage the licensee or his representative(s) to check the upper living areas for infestation and to recheck the property during the optimum time for frass production by Anobiidae (March 15 to July 15). It should be pointed out that Anobiidae beetles usually infest products older than 10 years and most infestations are confined to softwoods such as pine, whereas the Lyctidae only actively infest recently processed hardwoods such as domestic oak and pecan or foreign woods such as banak, meranti and obeche.

3. Numerous other beetles may cause damage in the products that the Anobiidae and Lyctidae infest. Identification aids for these beetles are: (timber beetles and pin worms - no frass in tunnels, tunnel walls stained darker than surrounding wood, no activity in products older than 5 years, and (2) bark beetles or bostrichids in softwoods - holes few in number in or near bark, larval tunnels beneath bark scoring bark and wood, some of the frass is same color as inner bark.

(b) Determining the activity of powderpost beetles (Lyctidae) infestations is not required if infested products are less than 10 years old. Otherwise, fresh frass and/or live larva or pupae in wood will be acceptable evidence of activity.

(c) Determining the activity of old house borer (Hylotrupes bajulus L.) infestations.

1. The presence of adult beetles and oval exit holes with fresh sawdust-like frass in southern pine, Douglas fir, or spruce wood will be evidence of an active infestation of the old house borer.

2. The presence of live larvae or pupae in the above softwoods will be evidence of an active old house borer infestation, if the frass is sawdustlike.

NOTE: It should be pointed out that other long-horned borers, flat-headed borers, Siricid woodwasps, and marine borers sometimes damage softwood used in building construction. These other long-horned borers produce loosely packed fibrous tobaccolike frass, the flat headed borers make tunnels three times wider than high, whereas old house borer tunnels are less than three times wider than high, Siricids make perfectly circular exit holes, and marine borer excavations usually contain whitish calcium deposits but no frass.

3. Treatment Procedures

a. When wood-destroying beetles are present at or below the subfloor level, then control measures should be applied from underneath the structure using an approved pesticide in

accordance with label directions.

b. If there is evidence to indicate or reasonable cause to suspect that a substantial active infestation of wood-destroying beetles exists above the subfloor level, then fumigation with an approved fumigant is permitted, provided the property owner has been informed of other alternative treatments such as removal and replacement of infested wood members or treatment of the sub-structure only if it is actively infested. At least 48 hours prior to the scheduled release of the fumigant, the licensee must notify the Division of the location and time of treatment and the type of infestation present.

SECTION 17. BONAFIDE EMPLOYEE

Services or work performed under any section of these regulations must be performed only by the licensee or his bonafide employee.

SECTION 18. EXAMINATION REQUIREMENTS FOR GENERAL STANDARDS

Persons licensed before July 13, 1976, shall successfully complete an examination covering general standards for certified commercial applicators as set forth in Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4 (b).

SECTION 19. PEST CONTROL ADVISORY COUNCIL

(a) Purpose - To advise the Division on matters concerning rules and regulations regarding persons licensed in categories (a) and (c) as set forth in Section 6 of these regulations.

(b) Members - This advisory council shall consist of five persons, elected as provided for in paragraph (c) below, licensed in categories (a) and (c) under Section 6 of these regulations. Also, one alternate to serve in absence of another member. Members of the council shall serve on seats numbered one through five. Seat one shall be elected to serve three years. All other council seats shall serve two year terms except during the initial election which shall designate seats two and four for one year terms. In the event of the loss of one member beyond the alternate, the seat will be filled for the remainder of the year by the Board of Directors of the Mississippi Pest Control Association. The member holding seat one will serve as council chairman.

(c) Election of Members - Members shall be elected to represent the following areas, one from each of the three Supreme Court Districts in the State and two from the State at large. Elections will be conducted by the Mississippi Pest Control Association at an appropriate assembly open to all license holders. Persons holding a valid license in categories (a) and (c) under Section 6 of these regulations shall have one vote. Nominations shall be made by the nominating committee named by the Board of Directors of the Mississippi Pest Control Association. Nomination notices shall be sent to all license holders requesting any additional nominations who are qualified and willing to serve. Election results shall be based on popular votes.

(d) Meetings - Will be held quarterly and special meetings as needed.

(e) Conduct - Members may not disclose any names of individuals, companies or situations that might expose those involved in discussions in meetings or information supplied by the Division. All members are required to meet at least three of the four meetings each year. Any absence beyond one shall automatically remove the member from the council. No member may succeed himself in consecutive terms but may be re-elected after a one year absence.

SECTION 20. EFFECTIVE DATE

These regulations adopted March 29, 1977, shall become effective October 21, 1977. Also, on October 21, 1977, these regulations shall replace regulations pertaining to pest control operators contained in Rule 1 "Regulations Governing Pest Control Operators, Tree Surgeons and Landscape Designers" last amended January 18, 1974.

MISSOURI REPORT

to

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

Winston-Salem, North Carolina - October 6, 7 and 8, 1980

JOHN R. HAGAN
BUREAU OF PESTICIDE CONTROL

Since last years report to this association, the Missouri Department of Agriculture, Bureau of Pesticide Control has completed its first year of enforcement activities as designated in an Environmental Protection Agency Enforcement Grant. These activities included enforcement of pesticide use in all categories as well as misuse, marketplace inspections and producer establishment inspections.

The number of certified commercial applicators in the state of Missouri has decreased since last year's report. We feel this decrease is not only due to normal attrition of applicators, but also the fact that category examinations have become more difficult and the increase of new people is less than the decrease of certified applicators.

The Missouri Pesticide Use Act requires commercial applicators to be retrained or reexamined within three years from the original certification date and within each three year period thereafter. Our second year of required recertification of applicators seems to have been successful. Approximately 600 persons either attended training or reexamined during the past year. This brings our total of recertified applicators to approximately 1,800 out of 2,220 certified applicators. Certification and licenses have been issued to include 1,054 General Structural Pest Control (7A), 837 Termite Pest Control (7B) and 221 Fumigation Pest Control (7C). The

majority of the people licensed in Termite Pest Control are also licensed in Structural Pest Control.

Our bureau is actively working with other organizations to help prevent deceptive business practices and possible fraud in the area of home solicitation of pest control services.

Reciprocal agreements have been signed with the states of Arkansas, Kansas, Iowa and EPA in Nebraska. The agreement with Arkansas does not include Structural Pest Control. A working agreement has been arranged between the Illinois Department of Public Health and the Missouri Department of Agriculture. The agreements basically refer to an applicator being exempted from taking examinations in categories he is currently licensed in, in his resident state.

STATE OF NEW JERSEY

THE NEW JERSEY BUREAU OF PESTICIDE CONTROL OPERATIONS IN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IS THE AGENCY RESPONSIBLE FOR THE REGULATORY ASPECTS OF PESTICIDES IN NEW JERSEY. GEORGE L. BEYER, JR., DEPUTY ASSISTANT DIRECTOR, IS THE SUPERVISOR FOR THE BUREAU. EXAMPLES OF THE REGULATORY FUNCTIONS OF THE BUREAU INCLUDE THE CONTROL OF USE, SALE, STORAGE, DISPOSAL, AND TRANSPORTATION OF PESTICIDES. THE BUREAU IS COMPOSED OF TWO SECTIONS WHICH SUPPORT THE REGULATORY DUTIES, THE CERTIFICATION AND REGISTRATION SECTION, AND THE INSPECTION AND ENFORCEMENT SECTION.

THE CERTIFICATION AND REGISTRATION SECTION IS HIGHLY INVOLVED WITH THE CERTIFICATION OF APPLICATORS. COMMERCIAL APPLICATORS, A LARGE SEGMENT OF WHICH INCLUDES THE STRUCTURAL PEST CONTROL INDUSTRY, MUST SUCCESSFULLY COMPLETE A BASIC CORE EXAM AND AT LEAST ONE OF THE 18 CATEGORY OR SUBCATEGORY EXAMS WHICH ARE SPECIFIC TO ONE'S FIELD OF WORK. THE CATEGORIES ENCOMPASSING THE STRUCTURAL PEST CONTROL INDUSTRY INCLUDE CATEGORY 7 - INDUSTRIAL, INSTITUTIONAL, AND STRUCTURAL PEST CONTROL, AND IS SEPARATED INTO THE FOLLOWING FOUR SUBCATEGORIES: 7A-GENERAL AND HOUSEHOLD PEST CONTROL, 7B-TERMITE AND OTHER WOOD DESTROYING PEST CONTROL, 7C-FUMIGATION PEST CONTROL, AND 7D-FOOD PROCESSING PEST CONTROL.

ALL EXAMINATIONS ARE BASED ON MANUALS AND STUDY MATERIALS DEVELOPED BY EXPERTS AT RUTGERS UNIVERSITY IN NEW JERSEY AND/OR CORNELL UNIVERSITY IN NEW YORK. ONCE MANUALS ARE DEVELOPED, THE BUREAU OF PESTICIDE CONTROL OPERATIONS DEVELOPS THE EXAMINATIONS BASED ON SUCH MANUALS. IN ADDITION, THE BUREAU ADMINISTERS ALL THE EXAMS ONCE A MONTH IN VARIOUS LOCATIONS THROUGHOUT THE STATE.

ONCE THE APPLICATOR IS CERTIFIED, ELIGIBILITY TO REGISTER AS A PESTICIDE APPLICATOR IS ESTABLISHED. THE COMMERCIAL APPLICATOR MAY BECOME REGISTERED WITH THE SECTION BY COMPLETING THE APPLICATION FORM AND SUBMITTING A $20 ANNUAL REGISTRATION FEE. IN ADDITION TO APPLICATOR REGISTRATIONS, THE SECTION ALSO REGISTERS DEALERS SELLING RESTRICTED USE PESTICIDES. THERE IS NO DEALER FEE OR CERTIFICATION REQUIREMENT AT THE PRESENT, BUT SUCH REQUIREMENTS MAY BE ADDED IN THE NEAR FUTURE. BUSINESSES IN THE STATE WHICH HOLD THEMSELVES OUT FOR HIRE MUST ALSO BE REGISTERED ANNUALLY. THE REGISTRATION FEE IS $40 PER YEAR. EPA REGISTERED PRODUCTS WHICH ARE SOLD AND USED IN NEW JERSEY MUST BE REGISTERED ANNUALLY. THE MANUFACTURER SUBMITS DATA, A COPY OF THE LABEL FOR EACH PRODUCT ALONG WITH A $5 REGISTRATION FEE FOR EACH PRODUCT.

THE SECTION EMPLOYS A CONTINUING CERTIFICATION PROGRAM FOR APPLICATORS AND IS A RELATIVELY NEW PROGRAM WHICH WENT INTO EFFECT IN OCTOBER, 1978. ALL CERTIFIED APPLICATORS ARE REQUIRED TO ACCUMULATE UNITS OVER A 5 YEAR PERIOD FOLLOWING THEIR CERTIFICATION. EACH UNIT REPRESENTS ½ HOUR OF INSTRUCTION TIME. THE TOTAL REQUIREMENT INCLUDES 8 UNITS IN CORE SUBJECTS AND 16 UNITS IN EACH CATEGORY OR SUBCATEGORY THE APPLICATOR IS CERTIFIED IN OVER THE 5 YEAR PERIOD. IF THE APPROPRIATE NUMBER OF UNITS IS NOT ACCUMULATED AT THE CONCLUSION OF THE 5 YEAR PERIOD, THE ANNUAL APPLICATION TO REGISTER WILL NOT BE SENT AND THE APPLICATOR MUST BECOME CERTIFIED AGAIN BY SUCCESSFULLY COMPLETING THE EXAMS. THE UNIT SYSTEM WAS EMPLOYED DUE TO ITS FLEXIBILITY AND ITS ADAPTABILITY TO STATE TRAINING PROCEDURES. THE STRUCTURAL PEST CONTROL INDUSTRY IS HIGHLY INVOLVED WITH THE PROGRAM, AND MANY

QUALITY TRAINING PROGRAMS ARE OFFERED TO PEST CONTROL OPERATORS BY PRIVATE INDUSTRY, THE NEW JERSEY AND SOUTH JERSEY PEST CONTROL ASSOCIATIONS, AND THE RUTGERS EXTENSION SERVICE TO NAME A FEW. IT IS A VERY SUCCESSFUL PROGRAM TO DATE. THE PROGRAM REQUIRES THE APPLICATOR TO BE EXPOSED TO THE LATEST TECHNOLOGICAL ADVANCES IN ONE'S FIELD WHICH INTURN UPGRADES THE STANDARDS AND PROFESSIONALISM IN THE INDUSTRY.

NEW JERSEY PRESENTLY HAS RECIPROCITY AGREEMENTS WITH THE FOLLOWING STATES: NEW YORK, PENNSYLVANIA, DELAWARE, VERMONT, AND SOUTH CAROLINA. IF AN APPLICATOR RESIDES IN ONE OF THESE STATES AND APPLIES PESTICIDES IN NEW JERSEY, A NEW JERSEY REGISTRATION MAY BE OBTAINED ON A RECIPROCITY BASIS WITHOUT BECOMING CERTIFIED IN OUR STATE. HOWEVER, ANYONE WHO RESIDES AND APPLIES PESTICIDES IN NEW JERSEY, MUST BECOME CERTIFIED AND REGISTERED WITH OUR BUREAU.

AN APPLICATOR IS NOT REQUIRED BY THE STATE TO OBTAIN INSURANCE PRIOR TO APPLICATION OF PESTICIDES. INSURANCE IS OPTIONAL AND VOLUNTARY AT THIS TIME. THIS SITUATION MAY CHANGE IN THE NEAR FUTURE AS REGULATIONS ARE CURRENTLY BEING REVISED.

THE INSPECTION AND ENFORCEMENT SECTION HAS THE LABORIOUS TASK OF ENFORCING FEDERAL AND STATE REGULATIONS. SUCH TASKS INCLUDE PRODUCER ESTABLISHMENT INSPECTIONS, DEALER RECORD CHECKS, MARKET PLACE SURVEYS, AND INVESTIGATION OF THE MANY SALE, DISPOSAL, AND USE PROBLEMS WHICH OCCUR THROUGHOUT THE STATE. INVESTIGATION REPORTS, ADMINISTRATIVE ORDERS, NOTICES OF PROSECUTION, ADMINISTRATIVE HEARINGS, ETC. ARE ALL EXAMPLES OF THE DIFFICULT TASKS EXHIBITED BY THIS SECTION. BASED ON THE NEW JERSEY PESTICIDE CONTROL ACT-1971, A FINE OF UP TO $3,000 PER OFFENCE PER

DAY MAY BE IMPOSED IF SO WARRANTED.

THE STRUCTURAL PEST CONTROL INDUSTRY HAS REQUESTED FEEDBACK FROM THE ENFORCEMENT SECTION TO IDENTIFY AND REMEDY PROBLEM AREAS IN THE INDUSTRY. OUR BUREAU WILL CERTAINLY COMPLY WITH SUCH REQUESTS AND CERTAINLY WELCOME THE COMMUNICATION, INTERACTION, AND INTEREST PORTRAYED BY THE PCO'S.

THE NEW JERSEY PESTICIDE CONTROL ACT OF 1971 REQUIRED THE FORMATION OF THE PESTICIDE CONTROL COUNCIL, AN ADVISORY GROUP TO THE DEPARTMENT AND OUR BUREAU CONCERNING PESTICIDE RELATED MATTERS. THE STRUCTURAL PEST CONTROL INDUSTRY IS REPRESENTED BY CERTAIN MEMBERS OF THE COUNCIL, AND CONTRIBUTE EXPERT INPUT FOR THE IMPROVEMENT OF THE INDUSTRY IN GENERAL, AND IMPROVEMENT IN THE WAY THE THE INDUSTRY IS REGULATED.

THE BUREAU OF PESTICIDE CONTROL OPERATIONS HAS BEEN IN EXISTENCE SINCE 1971. FEDERAL GRANTS, STATE FUNDS, AND FEES SUPPORT THE PERSONNEL AND PROGRAMS OF THE BUREAU. WE BELIEVE THAT THROUGH THE EFFORTS OF THE BUREAU AND THE COOPERATION FROM INDUSTRY, GREAT IMPROVEMENTS HAVE BEEN MADE TO UPGRADE THE PROFESSIONALISM OF THE PCO INDUSTRY, AND TO IMPROVE THE QUALITY OF HEALTH AND ENVIRONMENT IN THE STATE. HOPEFULLY, THIS TREND WILL CONTINUE IN THE FUTURE.

THE FOLLOWING PAGE IS A SUMMARY OF STATISTICS AS THEY RELATE TO APPLICATORS IN GENERAL, AND ALSO SPECIFICALLY TO THE STRUCTURAL PEST CONTROL INDUSTRY.

Some Relevant Certification and Registration Statistics

Certification (All figures as of 9/1/80)

Core Exams Given - 15,605

Core Exams Passed -

- Total - 13,283
- Commercial - 8,679
- Private - 4,604

Category Exams	No. Given	No. Passed
Total -	13,121	11,537
Private Part 2	3,528	3,527
1A-Agricultural Plant	251	222
1B-Agricultural Animal	31	30
2-Forest	62	61
3A-Ornamentals	1,874	1,422
3B-Turf	1,941	1,585
4Seed Treatment	9	9
5-Aquatic	56	54
6-Right-of-Way	239	148
7A-General & Household	1,876	1,615
7B-Termite & Other Wood Destroying	1,553	1,263
7C-Fumigation	127	121
7D-Food Processing	496	423
8A-General Public Health	552	516
8B-Mosquito	368	303
8C-Campground	46	46
9-Regulator	54	53

10-Demonstration & Research	67	59
11-Aerial	82	80

Recertification (All figures as of 9/1/80)

No. of courses in which recertification credit has been awarded - 301.

No. of Applicators attending courses where recertification credit was given - 13,130

Registration (For 10/1/79 to 9/30/80)

No. of Commercial Applicators - 3,690

No. of Private Applicators - 3,474

No. of Pesticide Applicator Businesses - 979

New Mexico Department of Agriculture

1980 ASPCRO Report

I. Introduction:

The 1979 New Mexico Legislature passed a bill amending the New Mexico Pesticide Control Act. These amendments took effect on July 1, 1979, and were reported in the 1979 report. Because of amendments to the Pesticide Control Act, Regulatory Order No. 3 adopted in September, 1975, was superseded by new rule making. In November, 1979, the Board of Regents, New Mexico State University, adopted Regulatory Orders No. 5, 6, 7, and 8 under the Act. Regulatory Orders No. 5, 7, and 8 were mainly technical changes to the old regulations to reflect changes in the Act. Regulatory Order No. 6 was significant in that it established for the first time a set of State restricted-use pesticides. Regulatory Order No. 6 was amended again in February, 1980, and became Regulatory Order No. 9.

Regulatory Order No. 9 restricted nine insecticides if they had wording on their labeling to the effect that they were meant for" use by professional applicators only." The regulation also made certain phenoxy herbicides restricted-use pesticides. In addition to designating the phenoxy herbicides as restricted-use pesticides, the regulation established a permit system for the use of these herbicides in two counties with a history of herbicide drift complaints.

As a result of Regulatory Order No. 9, many insecticides commonly used by pest control operators became restricted use pesticides. This had no affect on licensed operators because all of them were already certified to use restricted use pesticides. However, it did mean that apartment house managers and others who were doing their own pest control and using these insecticides now were required to be licensed and certified as noncommercial applicators. This was one of the intentions of the regulations. A tabulation of the 1978 pesticide incident reports from the New Mexico Poison Control Center had shown that the majority of accidents and pesticide misuse incidents involving structural pest control chemicals had resulted from applications of apartment house managers and janitors. The NMDA has not experienced a large request for certification from this area. Because we feel that pesticide dealers are following the rules on sales of restricted use pesticides fairly well, we feel that persons who formerly used these PCO chemicals are either using other general use pesticides or they have hired licensed operators to service their businesses. We do expect more activity in this area as current stocks of chemicals are depleted and word of the restrictions spreads.

Also, as a result of the law and rule changes, the department submitted to the Environmental Protection Agency an amendment to the State Plan for the certification of commercial and private applictors. On July 17, 1980, EPA, Region 6, approved New Mexico's amended State Plan.

II. Certification Workshops:

The New Mexico Department of Agriculture sponsored 16 workshops for applicator certification/recertification for 1980. These workshops included three in the structural pest control categories.

III. Certification Categories:

In Regulatory Order No. 5 under the Pesticide Control Act the Department established a new subcategory of commercial applicator. Under category (7) Industrial, Institutional, Structural and Health Related Pest Control the Department established the subcategory "7D" Wood Destroying Pest Control. This subcategory includes the control of termites, carpenter ants, wood-boring or tunneling beetles, fungi and other organisms which attack lumber in structures or sawed lumber.

Persons who were certified in subcategory "7A" Structural Pest Control were automatically licensed in Wood Destroying Pest Control. However, all new applicants for certification to treat wood destroying pests were required to take a separate and specific examination in this area.

The Department revised all of its structural pest control examinations during 1980.

IV. Enforcement Activities

No unusual enforcement actions were undertaken during 1980. The New Mexico Department of Agriculture does have a cooperative enforcement grant with EPA. The amount of this grant decreased significantly under the funding formula established by EPA.

V. Summary

No legislative changes are anticipated for 1981. There will be no significant changes in the required standards for competency and no changes are planned for enforcement procedures for 1981.

All pest control operators will have to be recertified during 1981. It is anticipated that most will accomplish this by showing that they have attended six hours of approved training during the preceding five years. NMDA will survey all applicators by means of a questionnaire to determined whether or not they have the required certification hours. Persons not having the requisite hours will be required to take a recertification examination. This examination will be a special composite test and not one of our normal certification exams.

NEW YORK STATE PESTICIDE PROGRAM REVIEW

The pesticide program in New York State is administered by the New York State Department of Environmental Conservation through the Bureau of Pesticide Management.

The Bureau's Central Office, which is in Albany, New York, consists of a Bureau Chief, an Assistant Bureau Chief, a Supervising Pesticide Inspector who is in charge of all field activities, a Case Review Officer who determines violative enforcement actions, a Senior Pesticide Inspector in charge of the certification program, a Pesticide Inspector handling applications to apply pesticides to control aquatic weeds, insects, and undesirable fish, and nine support personnel.

The number of our field force has more than doubled since 1977. It now includes three Senior Inspectors who supervise the activities of 23 Pesticide Inspectors scattered throughout nine administrative regions.

In addition to these people, we have a pesticide residue and formulation laboratory which is staffed with two chemists and three technicians. This facility is capable of analyzing most chemical groups of pesticides.

Enforcement

New York State Pesticide Inspectors are classified as Peace Officers and have the authority to seize or quarantine illegal pesticide products and can halt pesticide spraying if the method of application, wind velocity, or condition of equipment pose an immediate hazard to the applicator or surrounding environment.

Inspections are made at manufacturers, distributors, and retailers, as well as of commercial applicators and private applicators who use restricted pesticides. A major portion of the inspector's time is spent investigating pesticide incidents. From October 1, 1979, to September 30, 1980, approximately 2,000 inspections were completed. These inspections generated 300 pesticide-related samples, and approximately 290 enforcement actions.

Certification

New York requires that all individuals who apply any pesticide on a commercial basis must either become certified or work under the direct supervision of a certified applicator.

Private applicators, individuals raising agricultural commodities, must be certified to apply restricted chemicals. We have our own restricted pesticide list which, when combined with the Federal lists, adds up to 72 chemicals. We also have 10 chemicals with no legal uses in New York, those being Bandan, BHC, DDD, DDT, Endrin, Mercury Compounds, Selenites and Selenates, Strobane, Tahllium, and Toxaphene.

We are in the process of toughening commercial applicator exams and the qualification for taking such exams. These new tests will include identification of various pests in viles and on slides. This will be especially true of the institutional and structural pest control people.

Recertification of applicators is starting to generate more Bureau time. Present state law requires private applicators to become recertified every six years and commercial applicators every five years. Private applicators and commercial applicatories in categories agricultural plant and ornamental and turf are able to be recertified by completing a home study booklet. This manual will include chapters on safety, equipment, pesticide law changes and new pest control techniques. Each such section will include questions to be answered and when completed, returned to their local pesticide inspector for correcting. All other categories must attend a specified number of training courses related to their type of pesticide work. Course credits are determined by the Bureau of Pesticides and credits are computer filed by individual.

Product Registration

All products distributed or sold within New York State must go through a registration review. Presently, all previously registered products are accepted for State registration based on E.P.A.'s review data. The State Environmental Quality Review Act may force us to collect and analyze needed data and possibly submit an environmental impact statement on each new product. If so, our registration section will have to expand dramatically.

Proposed Program Changes

We hope to be replacing our paper certification identification card to a plastic credit card. This could be used in a credit card machine by the retail outlets as a record of individuals purchasing restricted pesticides. We also hope it could be utilized by instructors of recertification training programs as a means of keeping track of attendees.

Registered Pesticide Businesses, people applying pesticides for hire, must register individuals who are actually applying the material if such a person is not certified. This registration will require businesses to supply a certain number of hours of training for their registered employees. Subject matter and credits needed will be determined by the Bureau of Pesticides.

Fiscal problems are forcing us to increase the cost of various permits and registrations to enable the program to be maintained at its present staffing. We are proposing to charge a fee for certification examinations. Product registration fees will most likely be increased, as will our aquatic permits and our permit to distributors, retailors, etc., who sell restricted material.

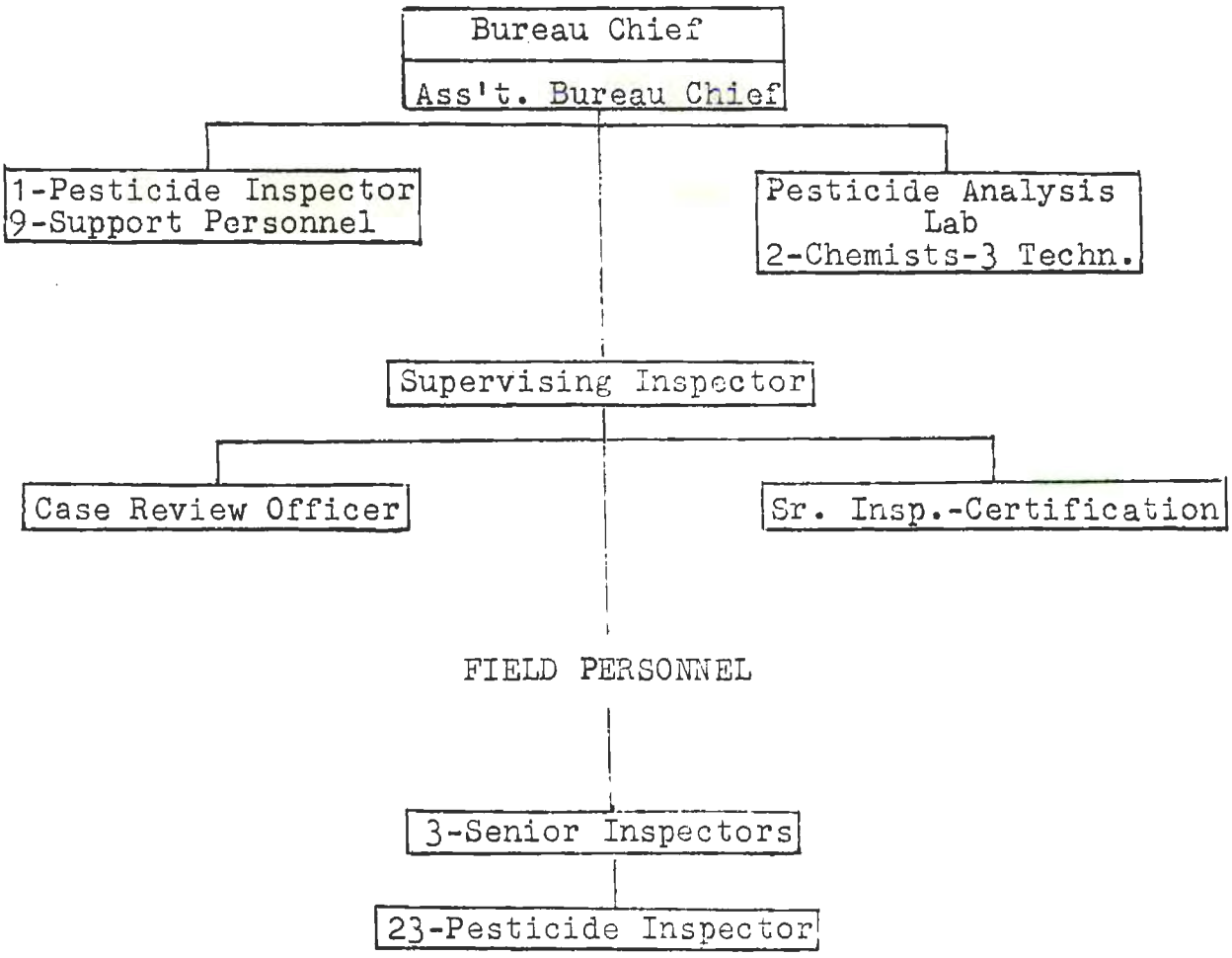
To conclude, I would just like to say that New York is very glad to be represented at this meeting. We feel that our pesticide programs are accomplishing their goals and through exchange of ideas with other states can continue to protect the interests of both the general public and the pesticide industry.

John F. Wainwright

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BUREAU OF PESTICIDE MANAGEMENT

ORGANIZATION CHART



STATE OF NEVADA
DEPARTMENT OF AGRICULTURE
350 CAPITOL HILL AVENUE
P.O. BOX 11100
RENO, NEVADA 89510

ASPCRO ANNUAL MEETING
October 6-8, 1980
Winston-Salem, North Carolina

The Nevada Department of Agriculture has just finished its first phase of Pesticide Applicator Certification and Training, In conjunction with the College of Agriculture, University of Nevada Reno the Department conducted 34 certification schools, consisting of 12 hours of lecture and 2 hours of exams, throughout the State. The program which commenced with a school in Reno on October 2, 1975 ended with a school in Las Vegas on September 16, 1980. Certification credentials were not issued until 1978 however due to the EPA failing to release the lists of restricted-use pesticides. Those persons who were issued credentials in 1978 must, under Nevada statutes and regulations, be recertified before January 1, 1982. Phase two of Pesticide Applicator Certification and training should be implemented in 1981. The major obstacle in the path of implementation is the funding for training which the University must receive for EPA/USDA to conduct the program. Without said funds, Nevada is facing a lifetime certification program with no upgrading in the program.

Nevada has entered into an enforcement grant with the EPA Region IX for the fifth straight year. This grant is basically the same as the previous grant with two exceptions. The first is that the number of wholesale/ retail inspections had been decreased and the number of use inspections has been increased. Secondly, EPA has requested we implement a drift monitoring program. This program is directed primarily at aerial applicators but will also be used to monitor structural applications involving pre-treatments, foundation sprays and any other "outdoor" type applications. In addition it may be used "indoors" where there is the possibility of drift into food handling areas.

Nevada has had two major problems with structural applications during the past year. The first is a problem that carried over from last year and deals with less than label dosage. The Department received requests from the structural pest control industry to allow them to apply pesticides at less than label dosage. We agreed to their request on a trial basis and allowed them to apply at less than label specifications. So far there have not been problems due to most firms not applying at less than label dosage and those that do apply the pesticide at "slightly" less than

the label recommendation rather than "greatly" less than label recommendation. We are attempting to insure accurate mixtures by having the applicator state his ratio mixture and analyzing the sample based on that statement. It is still too early however to tell how the applications are working. The second problem is that of the wood destroying inspections performed by our licensees. Our licensees are interperting the law very strictly and are not adding anything to their report that is not required. This is the case even when noted item is of importance. This has caused the public to challenge the Department's enforcement policy. It now appears we will have to implement further legislation to correct this problem. We apparently made a mistake in thinking our licensees would perform these inspections in a good working manner.

LEB:sal

9/80

NORTH CAROLINA REPORT

TO THE

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

BY

Rudolph E. Howell

October 6, 1980

1. Law

North Carolina has had a Structural Pest Control Law since 1955. The law provides for the licensing of persons to engage in the control of household pests (P license phase), the control of wood-destroying organisms (W license phase) and fumigation (F license phase). This law requires the license holder to register with the North Carolina Department of Agriculture (NCDA), within 75 days of employment, the names of all estimators, salesmen, servicemen and solicitors and to pay a registration fee for each name registered. Upon registration and payment of registration fee, the employee is issued an operator's identification card.

The law was amended in 1975 to bring it in compliance with FIFRA. These amendments provide for the certification of structural pest control applicators of restricted use pesticides. Persons conducting laboratory-type research, doctors of medicine and doctors of veterinary medicine who use restricted use pesticides in their work are exempt from the certification requirements.

2. Committee

The law provides for the creation of a Structural Pest Control Committee composed of five members, two of which are appointed by the Commissioner of Agriculture (one who is a member of the State Board of

Agriculture and one who is an employee of NCDA) to serve at the pleasure of the Commissioner; one of which is appointed by the Dean of the School of Agriculture, NCSU, from the Entomology faculty of the university to serve at the pleasure of the Dean; and two of which are appointed for four year terms by the Governor from the pest control industry. The Governor's appointees must hold valid licenses in at least two phases of structural pest control and be residents of the State of North Carolina. They can not be affiliates of the same company nor succeed themselves.

The Committee is responsible for making rules and regulations; conducting hearings relating to the denial, suspension and revocation of licenses, certified applicator cards and operator's identification cards; determining whether applicants meet the statutory qualifications for licenses; and filing an annual report with the State Board of Agriculture on the results of all Committee hearings and the financial status of the Structural Pest Control Division of the North Carolina Department of Agriculture.

3. Enforcement - Staff

The Structural Pest Control Division, NCDA, is the enforcement agency for the law and committee rules and regulations. This division administers all tests; issuses licenses and certified applicators cards; registers employees of license holders; inspects chemicals, equipment, records and work of licensed operators and certified applicators; and initiates legal action against unlicensed operators.

The division has a staff of 15 people consisting of:

a Director
3 Clerical Members
a Field Supervisor
9 Inspectors
a Special Investigator

4. Fees

a. Exam: For license - $25.00 for each of the 3 license phases (1 re-examination within 1 yr., free)

For certification - $10.00 for each of the 3 certification phases (Governmental agencies exempt; 1 re-examination within 1 yr., free)

All exams are given the first Monday of each month unless that date is a national or state holiday, if so exams are given the second Monday of that month. The passing score on all exams is 70%.

b. License: (Issuance & Renewal) - $100.00 first license phase and $50.00 for each additional phase.

(Late Renewal) - $10.00 for each of the 3 phases plus annual renewal fee.

(Duplicate) - $5.00 for each additional license certificate.

License must be obtained within 6 months from date exam passed, if not, applicant required to take and pass re-examination before license is issued. All licenses expire annually on June 30 and if not renewed on or before August 1 license holder must pay late renewal fee plus annual renewal fee before license is renewed. Any license which expires and is not renewed for a period of one year or more can not be renewed until license holder takes and passes exam covering expired license phase.

c. Certification: (Issuance & Renewal) - $30.00 for one or all certification phases (Governmental agencies exempt).

(Late Renewal) - $5.00 for each of three phases plus annual renewal fee.

(Reissuance) - $5.00 for reissuance (transfer) of card to a different employer.

(Duplicate) - $5.00 for each additional certified applicator's card.

Certified applicator's card must be obtained within 6 months from the date exam passed, if not, applicant required to take and pass re-examination before card is issued. All cards expire annually on June 30 and if not renewed on or before that date card holder must pay late renewal fee plus annual renewal fee before card is renewed. Any certified applicator's card which expires and is not renewed by October 1 can not be renewed until card holder takes and passes exam covering expired card phases.

d. Registration: (Issuance of Operator's I.D. Card) - $20.00 for each name registered.

(Renewal) - $20.00 for each card.

(Duplicate) - $1.00 for each additonal card.

Transfer of registration fee and operator's identification card prohibited under the law. All operator's identification cards expire annually on June 30.

e. Reinspection: (Substandard Inspection) - $10.00 for 1st reinspection
$25.00 for 2nd reinspection
$50.00 for 3rd reinspection
and each additional reinspection

5. Certified Applicators and License Requirements

a. Certified Applicator - Demonstrate competency by passing written exam and, as appropriate, performance testing.

b. License - (1) Qualify as certified applicator and

(2) Two year practical experience or two year's training in entomology or related subjects under college supervision plus one year of practical experience and demonstrate competency by passing written exam and

(3) Financial Responsibility - Applicant required to furnish proof of financial responsibility in the form of cash deposit or surety bond or liability insurance. Minimum limits of insurance - property damage - $10,000. and bodily injury - $100,000.

6. Exams, Licensed Operators, Certified Applicators and Operator Identification Card Holders (1979-80 FY)

   a. Exams - (1) Certified Applicator: 871 exams given and 70% passed

      (2) License: 265 exams given and 23% passed (67 persons applied for exam and 3 were refused)

   b. Licensed Operators: 440 operators representing 293 companies

   c. Certified Applicators: 654 applicators

      (1) 370 applicators with pest control industry (3 digit numbers).

      (2) 284 applicators not with pest control industry (4 digit numbers).

   d. Operator I.D. Card Holders: 1,543

7. Inspections (1979-80 FY)

   a. WDO Jobs Inspected: 2,305 (28% substandard)

      (1) WDO Jobs Sampled (Soil): 1,943 (5% deficient in toxic chemical)

   b. HPC Inspections: 183

   c. F Inspections: 42

   d. CER (Chemical, Equipment & Records) Inspections: 602 (14% Substandard)

8. Reinspection Fees (1979-80 FY)

   No. license operators charged fees: 165

   No. reinspection fees charged: 451

9. Hearings Before Committee (1979-80 FY)

   Informal Hearings: 14

   Formal Hearings: 6 (1 W license revoked; 1 operator I.D. card revoked and application for P & W licenses denied).

10. Court Cases (1979-80 FY)

    No. people convicted of violating law: 10

11. Recertification

    The Committee rules and regulations require certification renewal every five years. First 5 year period ends June 30, 1981. Prior to July 1, 1981, applicator may be recertified for another 5-year period by earning

5 CCUs (.5 CEUs) of formal training, approved by the Committee, anytime during 5-year period immediately preceding the expiration date of his certification

or

taking and passing a re-examination without formal training.

Effective July 1, 1981, applicator may be recertified for another 5-year period by taking and passing a re-examination without formal training or earning CCUs of formal training, approved by the Committee, as follows:

5 CCUs - one license phase
7 CCUs - two license phases
9 CCUs - three license phases

12. Reciprocity

North Carolina has a reciprocal agreement with the State of South Carolina whereby applicants for certification are not required to take and pass an examination. This agreement does not include licensed operators.

13. EPA Grant

North Carolina has had an EPA Enforcement Grant since 1978. This grant has enabled the division to hire three additional inspectors and to perform inspections of certified applicators and household pest and fumigation work which had heretofore been neglected.

14. Sunset Commission

The N.C. Structural Pest Control Regulatory Agency is scheduled for review and evaluation by the Sunset Commission before July 1, 1983.

STATE DEPARTMENT OF AGRICULTURE
PLANT INDUSTRY DIVISION

DALE O. LAUBACH
DIRECTOR

JACK D. CRAIG
COMMISSIONER

OKLAHOMA REPORT TO ASPCRO

WINSTON-SALEM, N.C.

OCTOBER 5 - 8, 1980

PESTICIDE COMPLAINT ENFORCEMENT ACTIVITIES	JANUARY THRU SEPTEMBER '79	JANUARY THRU SEPTEMBER '80
Pest Control Complaints Received	430	361
Pest Control Complaints Closed	283	199
Stop Work Orders Issued	141	19
Notice of Violations	12	113
Complaints Filed in Court	3	14
Enforcement Visits Held	7	7
30 Day Letters Sent	112	87
Referrals Sent to EPA	-	8

During the year since our last meeting, the Plant Industry Division has conducted pesticide enforcement activities as outlined in the above table. Pesticide-related investigations for calendar year 1980 appear to be significantly less than for the same period during 1979, as indicated by the comparison. At this point in time, it is not known whether the decrease is directly related to increased enforcement activities or to the extremely adverse weather conditions prevalent in the State of Oklahoma and other areas. We would like to think this decrease has been due to increased efforts being put forth by the Division.

Since our last meeting, the Division has undergone yet another reorganization. All of the pesticide-related sections have been consolidated under one (1) Pesticide Management Section. Other sections have undergone similar changes. Much of the work is still being performed by the same personnel as before, but with this reorganization we have been able to build in some needed changes to the salary structure. We presently anticipate some personnel changes in the Pesticide Registration area due to the pending retirement of James Gassaway, whom some of you may know.

The State of Oklahoma has renegotiated an Enforcement Grant with EPA for FY 1981 and is looking forward to continuing a friendly and cooperative program with the EPA Region VI staff.

Respectfully Submitted,

Ray Elliott, Supervisor
Pest Management Section

OFFICE — 310 N.E. 28TH STREET, OKLA. CITY, OK

MAIL ADDRESS — 122 STATE CAPITOL, OKLA. CITY, OK 73105

(405) 521-3871

REPORT OF THE
ONTARIO MINISTRY OF THE ENVIRONMENT
PESTICIDES CONTROL SECTION

STRUCTURAL PEST CONTROL PROGRAMME

D. W. WILSON

6 OCTOBER 1980

The Pesticides Control Section of the Ontario Ministry of the Environment is responsible for the safe use and sound management of pesticides for Ontario.

The Section consists of a Director, Head of Technical Support, and three specialists responsible for land, water and structural pest control. There is also an entomologist to run the termite control programme and administer the grants, and another person in charge of examinations and licensing.

In addition to the head office staff, Ontario has been divided into six regions, each with a regional pesticide specialist, and also several district specialists.

Through examination by qualified persons, the knowledge and competence of those wishing to apply pesticides is tested. For some classes of licences, public liability and property damage insurance is a prerequisite.

Requests for aerial, aquatic, fumigation and special-use permits are investigated by pesticide control specialists; technical advice and guidance may then be provided to the applicators.

The routine checking of vendors, exterminators and other client groups ensures compliance with the Act and Regulations, and keeps Pesticide Control Officers aware of individual and group problems so that they may be solved. Where common sense does not prevail, violators of the Pesticides Act, 1973, may be prosecuted. If found guilty, they may be fined and have their licence revoked.

Contingency procedures have been established for the control and detoxification of pesticides accidentally spilled into the environment through disasters such as a fire or the rupture of a container. High priority is given to the investigation of damage to vegetation, poisonings and the misuse of pesticides.

HIGHLIGHTS OF THE STRUCTURAL PROGRAMME

1. Licences for 1980

Exterminators

Class of Licence	1	2	3	4	5	6
Number issued	160	100	160	300	70	310

Operators

Class of Licence	1	2	3	5
Number issued	27	47	1	77

2. Termites

In the 1979 - 1980 fiscal year, 409 grants were issued, totalling $262,101.14 paid out to private homeowners to assist in the control of termites.

In addition to the grant programme, six students were hired for the summer to conduct an extensive survey of known infested areas. The purpose was to define the limits of existing infestations, and locate new infestations. The bait block survey technique as developed by Dr. Beal of Gulfport, Mississippi was discontinued. Trial control areas using the bait blocks with antibiotics also appeared to have little effect on the control of termites.

3. No regulatory changes were adopted during the year, however we are considering increasing the cost of renewal of licences to $15.00 and of examinations to $25.00 from the present $10.00 and $5.00 respectively.

4. Examinations

All structural licences require an oral exam which is conducted by two examiners, one from industry and one from government.

In the last year, there were 354 exams scheduled, at an average of 11 people per day. Of these:

61 asked to be rescheduled;

192 passed;

52 failed;

49 forfeited the exam because they didn't appear.

5. Court Cases

a) Quality Pest Control

- applying a restricted pesticide

- also for an unregistered use of a pesticide

(4 counts x $500.00)

b) Sure-Kill

- applying DDT without a permit

(suspended sentence)

c) P.C.O.

- applying chloropicrin without a permit
- 2 other related charges (Health & Safety)

(Judgement to come)

d) Abell Waco

- applying DDT without a permit

($500.00)

6. Training

Several training programmes are conducted yearly to update exterminators in the latest procedures, and to prepare others for exams. Courses are also conducted for food plants, public health agencies and other client groups.

One main seminar is held yearly during the last week in January. This year, it is to be at the Holiday Inn, Downtown Toronto on January 27 & 28. Guest speakers include Dr. Austin Frishman, Vern Walter, Jos. Panetta of EPA as well as many specialists from Canada.

SOUTH CAROLINA

REPORT 1980

STRUCTURAL PEST CONTROL ACTIVITIES

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

South Carolina is now in its fifth year regulating structural pest control through the Plant Pest Regulatory Service, Division of Regulatory and Public Service Programs, Clemson University. New developments for 1980 are centered around the Standards for Prevention or Control of Wood Destroying Organisms. These standards were passed on August 29, 1980 and we will begin enforcing them November 1, 1980. They not only give termite treatment standards, but also detail when other wood destroying insects can be declared active by the PCOs. They also address, briefly, moisture control and detail procedures for writing wood infestation reports. A copy of the regulations, official waiver form, and draft copy of the wood infestation report is attached.

The regulations allow for inspection by Plant Pest Regulatory Service staff of work performed, define 100 ppm termiticide residual as the lowest accepted residue standard and give the PCOs thirty days to correct all discrepancies before civil or criminal penalties or license suspension procedures are begun. The Wood Infestation Report is designed for full disclosure of structural insect and fungi presence and damage. Since by regulation, all PCOs must use our form, it is anticipated that FHA will also accept our wood infestation forms. The local VA office is more autonomous and has already agreed to accept the new forms. An individual must be licensed to issue the Wood Infestation Report.

This license requirement and a desire on the part of the PCOs to demonstrate their high standards of professionalism are the only incentives for PCOs to become licensed in South Carolina. Our law still requires individuals using restricted use pesticides to be licensed and only a handful of PCO products are restricted. A plea for the Environmental Protection Agency to expedite decision

making in the area of restriction of appropriate structural pesticides is again made this year.

Presently, there are 700 pest control operators licensed in Category 7A, (General): Industrial, Institutional, Structural and Health Related Pest Control and 211 PCOs licensed in Subcategory B, Fumigation. South Carolina now has six Regulatory Specialists, one less on board than last year. A political mandate of 7% decrease in personnel budgeting may prevent us from filling this vacant position. However, these six Regulatory Specialists have thus far successfully covered the entire pesticide area including use investigation, pesticide dealer inspection, some pesticide market place sampling particularly small package pesticides, and of course, structural pest inspections. Over 289 structural pest inspections were made last fiscal year, and this number is sure to continue to climb at a geometric rate as more people learn of our regulating structural pest control. New forms for structural pest inspections have been developed which the field personnel send to Clemson for analysis and for review as to the appropriate regulatory action. These are also attached for information.

Plant Pest Regulatory Service is seeking, in spite of funding cuts, to fund an attorney's position to facilitate prosecution of a very few evident, but illusive, individuals involved in fraudulent and criminal PCO activities in portions of the state. These individuals are not part of the established reputable pest control firms. Assistance from the South Carolina Attorney General's Consumer Fraud Office and individual county solicitors offices have been helpful. Last year one PCO license was suspended and he was fined $200 for using a pesticide inconsistent with label directions. Numerous warning letters were written.

Cooperation in passing the standards from the PCO industry was excellent. We are looking forward to the next decade with enthusiasm that due to the new standards structural pest control will improve in South Carolina and that PCOs will be better protected from unfair lawsuits, particularly those involving implied liability of the previous wood infestation reports.

SUBMITTED BY:

Neil Ogg
Pesticide Coordinator

Caron W. Gentry
Regulatory Specialist

27-1085 Standards for Prevention or Control of Wood Destroying Organisms.

A. Every person performing either preventive measures against or control measures for termites and other wood-destroying organisms (both insects and fungi) on the property of another shall follow the methods and procedures specified in the following codified paragraphs of this regulation.

B. Control measures used shall be appropriate for the type of termite or other wood-destroying organisms present or for preventative purposes as previously determined by inspection and in accordance with the written agreement or contract for as long as the contract is valid.

C. Treatment for each property shall meet the standards outlined herein unless structural or physical characteristics of the property or the stipulations of the property owner or his agent make adherence to these standards difficult or unnecessarily costly. In such cases, waivers clearly identifying the standard(s) not performed must be developed and acknowledged in writing by the property owner before work begins. Waiver Form to be published by the Division of Regulatory and Public Service Programs and furnished by the pest control operator. A copy of the waiver must be supplied to the property owner. A copy of the waiver must be maintained by the pest control operator.

D. The chemicals permitted in the control of termites or other wood-destroying organisms shall be only those pesticides which are labeled for the use desired. The chemicals shall be used in the proper proportions and in the quantities and manner directed on the label and herein.

E. Periodic inspections may be made by Plant Pest Regulatory Service employees to ensure that standards are being met by all applicators. Soil samples may be drawn. One hundred (100) parts per million shall be the minimum acceptable termiticide residues for a soil sample taken within one (1) year of the treatment.

F. Discrepancies in treatment procedures found during inspections shall be corrected within 30 days of written notification to the applicator. If not corrected within a 30 day period, the applicator may be subject to license suspension and/or civil or criminal penalties.

G. Subterranean Termite Control of Existing Structures.

(1) Only pesticides properly labeled for subterranean termite control shall be used.

(2) On each Subterranean Termite Control Treatment the Pest Control Operator shall give the following minimum services:

(a) Remove from crawl spaces all cellulose debris (wood, paper, etc.) and any other debris which would interfere with effective treatment and inspections. Remove form boards which are less than eight (8) inches from the soil.

(b) All contact points where the wood of the building being treated rests on or in the ground shall be removed or treated. Wooden steps, support piers, window frames, trellises, lattice work and other such wooden parts of the building shall be set on a concrete or other base which is impervious to termites, or shall be otherwise altered so that they are not in direct contact with the ground.

(c) Scrape off all visible and accessible termite shelter tubes, including those on the wood.

(d) Rod and/or cut a narrow trench on the inside of foundation walls in all soil in contact with foundation walls, pillars and supports. Where footings are not covered by soil, rod and/or cut a narrow trench adjacent to footings but not below bottom of footing. Apply termiticide solution to the trenches and to the backfill. Trenching and

backfilling or rodding, spacing the rod at not more than 12 inch intervals, is required along the outside foundation walls. The soil immediately around the point where pipes enter the soil shall be saturated with an approved termiticide. When pipes are covered with insulating material, care shall be taken that the soil treatment is sufficient to insure penetration in the soil below the depth to which such covering extends.

(e) Drill and flood, at least every sixteen inches, the cavities in hollow pillars, tile, brick, concrete block or other cavity type walls, chimneys or any other construction feature likely to be penetrated by termites. If walls or pillars are capped by a solid masonry cap without cracks, drilling is not mandatory. If blocks are open at the top and accessible, treat these open voids or drill and treat.

(f) Soil areas beneath attached concrete slabs (porches, patios, carports, garages, walkways, etc.) which are less than 18 inches below the sill or plate line of the structure should be treated:

(1) By cutting access openings and removing soil adjacent to the foundation the length of the fill at least six (6) inches deep below the bottom of the slab and six (6) inches wide applying chemical as specified on the label.

(2) Or by drilling vertically and applying chemical from the top of the slab at not more than twenty-four (24) inch intervals parallel to and not more than twelve (12) inches away from the foundation wall.

(3) Or by rodding and applying the permitted chemical beneath the slab in a continuous barrier not more than six (6) inches from foundation walls.

(4) Or by drilling from the crawl space or basement side and through the foundation wall immediately beneath the slab at least every twenty-four inches and treating the soil beneath the slab.

(g) Provide adequate ventilation. Normally this will require approximately one 8 by 16 inch foundation ventilator per 150 square feet of crawl space making certain that no "dead ends" or corners are left unventilated.

(h) Remove enough soil to give sufficient space for the application of proper control measures between wood super-structure and the soil. In any case, minimum clearance between wood and soil shall be eight (8) inches.

(i) In treating structures built on a concrete slab on the ground, soil beneath all points of potential termite entry, such as expansion joints, plumbing pipes, and similar areas shall be saturated with termiticide by treating from above or by horizontally drilling or rodding at least every twenty-four (24) inches, beneath the slab. Treatment from above shall consist of vertically drilling the slab at least every twenty-four (24) inches and not more than twelve (12) inches from the potential point of termite entry.

H. Subterranean Termite Control Pretreatment of Structures

(1) In new construction treatment, the approved termiticide shall be applied in accordance with label instructions to cavities in pillars, tiles, brick or concrete block walls, voids between brick and

block walls, or other cavities likely to be pentrated by wood destroying organisms by flooding the voids before they are covered.

(2) Soil surfaces to be covered by slabs may be treated before the slab is poured, otherwise drilling will be necessary. After the outside grade has been filled, treat the soil that is adjacent to the foundation wall.

(3) Crawl space foundation areas are to be pretreated as set forth in Section G (2).

I. Other Wood-Destroying Insects

(1) Infestations of beetles which are not capable of reinfesting seasoned wood normally do not require treatment. Rustic dwellings (log homes) initially infested with large numbers of Buprestidae and structures with infestations in wood with more than 20% wood moisture content may be the exception.

(2) Before treatment is recommended, infestations of beetles capable of re-infesting seasoned wood must be determined to be active infestations. To determine if the infestation is active, the following criteria will apply:

(a) Drywood termite: The presence of the distinctive frass, by damage, by live insects, or swarmers, live or dead shall constitute reasonable evidence of active infestation, provided no localized treatment for these insects or fumigation, has been previously performed. In cases where prior localized treatment or fumigation has occurred live insects shall constitute an active infestation.

(b) Powder Post Beetles (Anobiidae, Lyctidae, and Bostrichidae): Frass the color of fresh cut wood streaming out of emergence holes or piled beneath emergence holes. Emergence holes alone do not indicate activity nor does the presence of old frass in emergence holes or galleries.

(c) Old House Borer (Hylotrupes bajulus): Oval exit holes with powdery frass the color of fresh cut wood and live adult or larval specimens constitutes an active infestation. The detection of gnawing noises shall be considered comparable to live larvae.

(d) Treatment: Wood destroying beetles may have localized activity and local treatments may be sufficient. All beetle frass from vertical and horizontal surfaces must be removed. Widespread and inaccessible infestations may require fumigation. Preventative treatments for powder-post beetles or old house borers are not normally warranted, but are not totally prohibited where the situation warrants preventative measures.

J. Moisture Control

(1) Fungal growth under structures can be controlled by controlling the source of moisture. Sprays to kill and fungi occurring on the wood substructure are not normally effective. If it is impracticable to prevent moisture problems due to drainage problems, the property owner must be notified in the contract.

(2) If moisture condensation of soil moisture is occurring on the substructure wood, it can be prevented by installing a vapor barrier. An adequate barrier can be made by covering the soil under the structure with polyethylene sheets. Normally not more than 70% to 80% of the crawl space soil should be covered. Note, subfloor and finished floors swelled by excessive moisture may crack or be damaged if the moisture is dried out beyond the equilibrium content. To prevent this, wood in most old structures must be kept somewhat more moist than new buildings.

K. Wood Infestation Report

(1) Any wood infestation report issued for the purpose of describing the apparent absence of wood-destroying organisms from a building or structure in connection with a sale or mortgage of real property shall be issued by an individual currently licensed under Industrial, Institutional,Structural and Health-Related Pest Control, subcategory 7A: General. This report shall be signed by the individual currently licensed issuing the report and shall be given to each party of the realty transaction.

(2) This inspection shall be conducted as prescribed below and the findings reported on Form CL-100, Wood Infestation Report, or a later form approved by the Division of Regulatory and Public Service Programs. The form for this report shall be furnished by the licensee.

Scope of the Inspection

The inspection shall be conducted by a careful visual inspection of the readily accessible areas of the structure and sounding or probing those areas showing visible indication of wood-destroying organisms. The inspection and report thereon for fungi and fungi damage is limited to the area below the floor level of the first main floor. This Wood Infestation Report cannot be viewed as a structural damage report.

If visual evidence of wood-destroying organisms or damage is noted in this report, further investigation for structural damage by qualified building experts is recommended. This report is not a warranty as to the absence of wood-destroying organisms; rather it is a report of the apparent absence of wood-destroying organisms at the time of the inspection. Any warranty or guarantee must be obtained from a pest control operator who has treated the premises.

(3) The following items must be reported:

(a) Termite infestations:

(1) Active infestation of termites.

(2) Previous infestations of termites.

(3) Termite damage.

(b) Other wood-destroying insect infestations:

(1) Active infestation of other wood-destroying insects.

(2) Previous infestation of other wood-destroying insects.

(3) Other wood-destroying insect damage.

(c) Decay fungi conditions:

(1) Decay fungi.

(2) Excessive moisture conditions.

(3) Fungi damaged wood.

(4) Mold or sap stain.fungi.

This report does not place the responsibility of correction of reported damage upon the person issuing the report unless separate contracts to this effect are in force.

SOUTH CAROLINA DIVISION OF REGULATORY & PUBLIC SERVICE PROGRAMS

OFFICIAL WAIVER OF STANDARDS FOR THE CONTROL OF SUBTERRANEAN TERMITES IN STRUCTURES

(COMPANY LOGO CAN BE PLACED HERE)

COMPANY NAME _____ NAME OF PEST CONTROL OPERATOR _____

STREET OR P. O. BOX _____ CONTRACT DATE _____

CITY AND STATE _____ ZIP _____

Location of Property _____

Type of Construction: Basement ☐ Crawl Space ☐ Slab ☐ Combination ☐

Type of Treatment: Existing Structure ☐ Pretreatment ☐

Standards for the treatment of existing structures for prevention or control of subterranean termites. Extracted from Rules and Regulations of the South Carolina Pesticide Control Act (Sec. 46-13-30 of 1976 code, as amended, 27-1085).

This form is to be used when a standard(s) for prevention or control of subterranean termites is not performed. A check in one of the boxes below indicates which standard treatment procedure will not be performed.

☐ 1. Cellulose debris removed from crawl space. G(2)(a)

☐ 2. Form Boards within 8 inches of crawl space soil removed. G(2)(a)

☐ 3. Wood in direct contact with soil placed on concrete base, treated or removed. G(2)(b)

☐ 4. All visible and accessible termite shelter tubes scraped off. G(2)(c)

☐ 5. Foundation walls, piers, pillars, supports, and pipes rodded or trenched and treated. G(2)(d) and H(1)

☐ 6. Cavities in hollow pillars, tile, brick, block, chimneys or other construction features likely to be penetrated by termites, treated. G(2)(e)

☐ 7. Soil beneath attached slabs (porches, patios, carports, garages, walkways, etc.) which are less than 18 inches below sill treated. G(2)(f)

☐ 8. Adequate ventilation provided. G(2)(g)

☐ 9. Crawl space soil removed to provide at least 8 inches' clearance. G(2)(h)

☐ 10. Soil beneath concrete slab, ~~foundation~~ floor treated. G(2)(i) and H(2)

Reason for not performing standard treatment procedures: (explain why standards checked above are being waived) _____

_____

_____

_____

It is my understanding that this structure will be treated according to the standards of the South Carolina Division of Regulatory and Public Service Programs except for those items checked above, and I authorize the above-named company to proceed with treatment on that basis.

Property Owner or Authorized Agent

SIGNATURE _____ DATE _____

STREET OR P. O. BOX _____

CITY & STATE _____

OFFICIAL STRUCTURAL PEST INSPECTION – TERMITES

Plant Pest Regulatory Service
Barre Hall, Clemson University
Clemson, SC 29631

Inspection Date _____

Inspector(s)_____ (Name)

File Date _____

Type Inspection: (1) Routine ☐ Affidavits Attached ☐

(2) Complaint ☐ (3) Misc. ☐ _____ Contract Attached ☐

Property Owner or Agent	Other Interested Parties	
NAME	NAME	NAME
ST. ADDRESS OR P.O. BOX	ST. ADDRESS OR P.O. BOX	ST. ADDRESS OR P.O. BOX
CITY & STATE ZIP	CITY & STATE ZIP	CITY & STATE ZIP
TELEPHONE NUMBER		

Complete Appropriate Sections

1. **Subterranean Termites** ☐ active, ☐ no visible activity, ☐ previous infestation, description of damage or activity: _____

2. Complete this section if a subterranean termite treatment has been performed.
Type foundation: ☐ Basement, ☐ crawl space, ☐ slab, ☐ combination
Type Treatment: ☐ Existing Structure, ☐ pretreated, _____ age of structure, _____ date termite treatment

A. Standards for prevention or control of subterranean termites:
(Check standards **not** performed)

(1) Cellulose debris removed from crawl space. G(2)(a) ☐
(2) Form board within 8 inches of crawl space soil removed. G(2)(a) ☐
(3) Wood in direct contact with soil placed on concrete base, treated or removed. G(2)(b) ☐
(4) Accessible termite shelter tubes scraped off. G(2)(c) ☐
(5) Rod/trench and treat foundation walls, piers, pillars, supports, and pipes. G(2)(d) and H(1) ☐
(6) Treat all cavities in hollow pillars, tile, brick, block, chimneys, or other construction features likely to be penetrated by termites. G(2)(e) ☐
(7) Treat all soil beneath attached slabs (porches, patios, carports, garages, walkways, etc.) which are less than 18 in. below sill. G(2)(f) ☐
(8) Provide adequate ventilation G(2)(e) ☐
(9) Remove crawl space soil to provide at least 8 inches' clearance. G(2)(h) ☐
(10) Treat soil beneath concrete slab foundation. (G)(2)(i) and H(2) ☐

Was a waiver written for any of the above? _____

Identify: _____

How does this job fail to meet termite control standards? _____

PCO NAME _____ LICENSE NO. OF APPLICATOR _____

COMPANY NAME _____

STREET ADDRESS OR P.O. BOX _____

CITY & STATE ZIP _____

B. Soil sample drawn:

Sample Number	Chemical	Analytical Results PPM

Date Received _____; Date Analyzed _____; Lab. No. _____

Plant Pest Regulatory Service field recommendations (termite control & regulatory action) _____

Monetary savings accomplished by this inspection $_____

White: Pesticide Coordinator
Yellow: Agr. Chem. Serv.
Pink: Regulatory Inspec

OFFICIAL STRUCTURAL PEST INSPECTION – OTHER WOOD-DESTROYING INSECTS

Plant Pest Regulatory Service
Barre Hall, Clemson University
Clemson, SC 29631

Inspection Date _____

Inspector(s) _____ (Name)

File Date _____

Type Inspection: (1) Routine ☐

(2) Complaint ☐ (3) Misc. ☐ _____

Affidavits Attached ☐

Contract Attached ☐

Property Owner or Agent	Other Interested Parties	
NAME	NAME	NAME
ST. ADDRESS OR P.O. BOX	ST. ADDRESS OR P.O. BOX	ST. ADDRESS OR P.O. BOX
CITY & STATE ZIP	CITY & STATE ZIP	CITY & STATE ZIP
TELEPHONE NUMBER		

Powder-Post Beetles ☐ active ☐ no visible activity

Type of Wood: ☐ hard ☐ soft ☐ Anobiidae ☐ Lyctidae, _____ per cent moisture content of wood in question

☐ previous infestation, description of treatment, damage or activity _____

Old House Borer ☐ active ☐ no visible activity, _____ per cent moisture content of wood in question ☐ previous infestation, description of treatment, damage or activity _____

Moisture ☐ per cent wood moisture content, description of treatment, damage or activity _____

Other samples drawn

Sample No.	Type:	Location:
(1) _____	(1) _____	(1) _____
(2) _____	(2) _____	(2) _____
(3) _____	(3) _____	(3) _____

Plant Pest Regulatory Specialist's Evaluation: (control and regulatory action)

Monetary savings accomplished by this inspection: $_____

White: Pesticide Coordinator
Yellow: Regulatory Specialist
Pink: Agr. Chemical Services

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 AND BY SOUNDING OF READILY ACCESSIBLE STRUCTURAL MEMBERS AND THIS REPORT IS SUBMITTED WITHOUT WARRANTY, GUARANTEE, 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___

	Check One YES	NO
WERE ANY AREAS OF THE PROPERTY OBSTRUCTED OR INACCESSIBLE? IF "YES", DESCRIBE ON REVERSE.	☐	☐
INFESTATION:		
1. There is active infestation of: (A) Termites	☐	☐
(B) Other wood destroying insects	☐	
2. There is evidence of a previous infestation of:		
(A) Termites.	☐	☐
(B) Other wood destroying insects	☐	☐
3. There is visible evidence of prior treatment	☐	☐
4. There is evidence of the presence of wood destroying fungi below the floor level of the first main floor.	☐	☐
5. There is evidence of the presence of excessive moisture conditions below the floor level of the first main floor. . .	☐	☐
DAMAGE (Termite, other wood destroying insects & fungi):		
1. At the time of our inspection, there were visible damaged structural members (columns, sills, joists, plates, headers, exterior stairs, porch supports). If the answer is "YES", specify cause(s)_____	☐	☐
DAMAGE OBSERVED (IF ANY)		
A. Will be or has been corrected by this company.	☐	☐
B. Will be corrected by another company, see attached contract.	☐	☐
C. Will not be corrected by this company, recommend that damage be evaluated by qualified building expert and that needed repairs be made.	☐	☐
D. In our opinion there is insufficient visible damage to recommend repair. Explain on the reverse side why repair was not recommended.	☐	☐
TREATMENT:		
1. The property described was treated by us for the control of_____.	☐	☐
A waiver has been issued and is attached to this form.	☐	☐
The present guaranty, subject to all original terms and conditions, will expire on_____	☐	☐
and may be renewed at $_____annually by the new owner.	☐	☐
2. The property described has not been treated by us or is not now under contract with our firm.	☐	☐

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.

Form -CL-100-Approved by the South Carolina Pest Control Association, Inc., and the [illegible]

Fourth Printing
Revised 10/80 (over)

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. Plumbing leads may not be apparent at the time of inspection and if evidence of such leaks is disclosed, liability for the correction of such leaks is specifically denied.

The areas of the substructure 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 NO. WITH EACH EXPLANATION.

Charles G. Rock
October 6-8, 1980
ASPCRO

VIRGINIA REPORT

Virginia continues to strengthen its program in the field of structural pest control regulation. The broad overall Commercial Applicator Category 7 (Industrial, Institutional, Structural and Health Related) has and is being broken down into 4 subcategories to more nearly reflect the actual area(s) that an individual applicator is practicing pest control in. The four subcategories are included in the specialized fields of General Pest Control, Wood Destroying Organism Pest Control, Food Processing Pest Control and Fumigation.

To support the subcategorization, individual training manuals leading to more in-depth and sophisticated written evaluations were developed. Some 600 of 4500 certified commercial applicators have elected either one or all four of the subcategories. This change was strongly supported by the pest control industry. Additional efforts are being continued to further strengthen the program through adoption of approved reference materials that will serve as resource materials for examination purposes.

In the area of enforcement, the Virginia Department of Agriculture and Consumer Services (VDACS) has pursued several cases of pesticide misuse leading to hearings and prosecution. Of major interest was a case involving the use of Cyamide's Cyanogas A-Dust for rodent control around an occupied dwelling. The PCO had introduced the pesticide into a burrow adjacent to the foundation and a hollow stoop. Shortly after treatment, the homeowner complained of odor, nausea and eye irritation, apparently from the formation of HCN and its subsequent infiltration into the kitchen and bedroom areas of the home. His sample confirmed the presence of HCN in the dwelling.

The case was prosecuted based upon alleged misuse of the product, primarily from the label prohibitions of use in and around the home as well as the statement "do not use where burrows may open under or into occupied buildings". The case was litigated in Richmond with findings against the Commonwealth. The judge ruled that the PCO was, in fact, negligent and further agreed with the Department's label interpretation, but felt that we had not proved "criminal intent". This decision may have considerable impact on future proposed legislation and, in effect, lends credence to civil penalties, provisions and other administrative actions.

The misuse of chlordane continues to be of concern to the Department and may result in more enforcement emphasis in this area.

Another area of concern lies with development and implementation of Section 26 and 27 of the FIFRA, as amended. The VDACS strongly supports the concept of state primary use enforcement, however, does not agree with mandated State-EPA consultation on pending enforcement actions and unrealistic time contraints on States for initiating so called appropriate enforcement actions.

Recertification or competency updating is progressing with approximately 10,000 individuals of the 30,000 Private and Commercial Applicators to date having elected either the attendance at an approved training program or reexam for recertification.

Virginia is entering its fourth Pesticide Cooperative Enforcement Grant with EPA. Under this grant approximately 300 of the estimated 500 pest control establishments operating in Virginia have been inspected. Approximately 200 use/misuse investigations have been conducted, the majority of which show a significant degree of compliance.

Several law and regulation charges are pending, including anti-siphon device requirements and service container labeling.

Virginia greatly appreciates the cooperation it has received from the National and State Pest Control Associations and looks forward to a continuing good relationship with these groups.