

PROGRAM PERSONNEL

James A. Arceneaux - President ASPCRO,
Louisiana Dept. of Agriculture
Bob Odom - Commissioner, Louisiana
Dept. of Agriculture
Clarence "Cookie" Bourgeois - President
Louisiana Pest Control Association
Paul Adams - Senior Member Structural
Pest Control Commission
Denise Stephens - New York State
Dept. of Environmental Conservation
Bob Russell - Vice President, Government
Relations, Orkin, Atlanta, Georgia
Judy Page - Product Registration,
Manager, Dow Chemical
Dr. Jeffery LaFage - Professor, Dept.
of Entomology, Louisiana State
University
Russell Farringer, III - Environmental
Protection Specialist, E.P.A.,
Dallas, Texas
Harvey Gold - Executive Vice President
NPCA
Charles Hromda - Terminix International
Ray Beal - U.S. Forest Service Research
Joe Mauldin - U.S. Forest Service
Research
David Shriver - Maryland Dept. of
Agriculture
Charles Frommer - Director Regulatory
Affairs, Velsicol Chemical Company

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National Pest Control Association

ASSOCIATION
OF
STRUCTURAL PEST CONTROL
REGULATORY OFFICIALS

25th
ANNUAL MEETING
SEPT. 30; OCT. 1, 2, 3, 1985

INTERNATIONAL HOTEL
300 CANAL ST.
NEW ORLEANS, LOUISIANA

1985 ASPCRO OFFICERS
JAMES ARCENEUX - PRESIDENT
DAVID SHRIVER - VICE PRESIDENT
JIM HARRON - SECRETARY

PROGRAM COORDINATORS
MANCIL SMITH
JAMES A. ARCENEUX

P R O G R A M
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS
25th ANNUAL MEETING
SEPT. 30; OCT. 1, 2, 3
INTERNATIONAL HOTEL
NEW ORLEANS, LOUISIANA
* * *

MONDAY, SEPT. 30, 1985

4:30 P.M. . . . Registration - Registration Fee \$25.00
6:30 P.M. . . . Attitude Adjustment Hour

TUESDAY, OCT 1, 1985

A.M.

8:00 Registration
8:30 Call to Order - James A. Arceneaux, President
8:35 Invocation - John McPherson, Sr., Structural
Pest Control Commission Member
8:45 Welcome - Commissioner of Agriculture, Bob Odom
9:00 Welcome - Clarence "Cookie" Bourgeois, President LPCA
9:15 Let's get on with the program, Paul K. Adams, Senior Member
Structural Pest Control Commission
9:30 Chlordane Update: Ms. Denise Stephens, New York
10:00 The Law, The Label and Structural Pest Control
Bob Russell, Orkin Pest Control
10:30 Break
11:00 Dursban TC, Air Monitoring, and Clean Up
Judy Page, Product Registration Manager, Dow Chemical
11:30 Pest Control Operator Liability
Charles Hromda, Terminix International
12:00 Lunch (on your own)

P.M.

1:30 Formosan Termite Update, Dr. Jeffery LaFage,
Professor Louisiana State University
2:30 Issues on Structural Pest Control
Russell Farringer, E.P.A.
3:00 Break (coffee)
3:15 Wood Destroying Insect Report (Regulation)
David Shriver, Maryland
3:45 Adjourn
6:30 Cajun Festival

WEDNESDAY, OCT. 2, 1985

A.M.

8:00 Field Trip: U.S. Forest Service Research
Facilities, Gulf Port, Mississippi
Bus will leave hotel at 8:15 A.M. sharp
(we plan to return to hotel by 5:30 P.M.)

P.M.

7:00 Attitude Adjustment Hour

THURSDAY, OCT. 3, 1985

A.M.

8:30 Chlordane Update, Charles Frommer, Director
Regulatory Affairs, Velsicol Chemical Co.
9:30 Issues important to the Structural Pest
Control Industry, NPCA, Harvey Gold,
Executive Vice President
10:00 Break
10:30 Business Meeting (Association Members Only)
A. Election of Officers
B. Committee Reports
C. Subjects from any state that may be of
interest to the members (brief)
12:00 Adjourn

MINUTES OF THE 25th ANNUAL MEETING OF THE ASSOCIATION
OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

The Association of Structural Pest Control Regulatory Officials met for their 25th annual meeting at the International Hotel, New Orleans Louisiana from September 30th to October 3rd, 1985. Forty state regulatory officials from twenty three state regulatory agencies were represented. Also present were seventeen representatives from industry and other regulatory agencies.

The meeting was called to order on October 1, 1985 at 8:30 am by President James A. Arceneaux. Mr. John McPherson Sr. of the Louisiana Structural Pest Control Commission gave the invocation. The members were welcomed to Louisiana by Mr. Clarence Bourgeois, President of the Louisiana Pest Control Association and by Commissioner of Agriculture Bob Odom.

Mr. Paul Adams of the Louisiana Pest Control Commission spoke about problems the industry faced due to a biased news media.

Mr. Ray Malkiewicz of the New York Department of Environmental Conservation presented an update on the banning of Chlordane and problems with the pest control industry in New York.

Mr. Bob Russell with Orkin Exterminating Co. spoke to the members about the law, the label, and the structural pest control industry from four different viewpoints; history, application, the position today, and directions for the future.

Ms. Judy Page of Dow Chemical presented information on the clean up, deactivation, air monitoring of Dursban TC.

Mr. Charles Hormada addressed problems with increasing pest control operator liability.

Dr. Jeffery LaFage, professor of Entomology, Louisiana State University gave an update on the Formosan termite from the view of the regulatory official.

Mr. Russell Farringer, from the Environmental Protection Agency, addressed several issues of concern such as status of the termiticides, applicator certification, and pesticide contamination and disposal.

ASPCRO Vice President David Shriver of the Maryland Department of Agriculture presented information on the development and use of the wood destroying insect report that is used in Maryland.

The meeting was then adjourned for the day.

A field trip to the U.S. Forest Service Research Facility at Gulfport Mississippi was held on Wednesday October 2, 1985

The meeting was called to order again at 8:30 am on Thursday October 3, 1985 by President Arceneaux.

Mr. Charles Fromer of Velsicol Chemical Company gave an update on Chlordane, information on the Velsicol training seminars, results of air monitoring tests, and results of the survey sent out to ASPCRO members.

Mr. George Rambo of NPCA discussed several issues affecting the pest control industry such as problems with liability insurance, revision of NPCA's ARP for termite control, hazardous wastes, and air levels for pesticides in the home.

BUSINESS MEETING:

The nomination committee nominated the following for ASPCRO officers for the next two years:

Persident - David Shriver

Vice President - Rudolph Howell

Secretary - Betty Wyckoff

They were then elected to serve for the next two years.

President Arceneaux then turned the meeting over to David Shriver after stating that Arizona has agreed to host the 1986 meeting.

Resolutions Chairman Niel Ogg submitted two resoultions to the members. (see attached report)

Secretary - Treasurer Jim Harron submitted the treasurers report. (see attached report)

A group discussion on several issues was then held. Among some of the issues discussed was applicator certification and allowing recertification credit between states.

The meeting was then adjourned.

RESOLUTION ADOPTED

AT

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

NEW ORLEANS, LA

SEPTEMBER 30 - OCTOBER, 2 1985

RESOLUTION I

WHEREAS, the 25th Annual Meeting of The Association of Structural Pest Control Regulatory Officials (ASPCRO) was an outstanding success, and this success was through the hard work, excellent programs and outstanding hospitality of our hosts, the Structural Pest Control Commission, Louisiana Department of Agriculture, and its very capable staff, particularly Mancil Smith and James Arceneaux, Director, in providing such an excellent meeting; and

WHEREAS, the International Hotel, New Orleans, Louisiana, particularly Brian Fitzgerald, Catering Director Coordinator; Gary Urbina, Banquet Manager; Jane Gaultwey, Sales Manager; and Jack Goldstein, Convention Coordinator provided excellent facilities and hospitality contributing to the success of the meeting; and

WHEREAS, Orkin Exterminating Co., Inc., provided the excellent reception and hospitality hour on September 30, 1985; and

WHEREAS, Terminix International, Inc. and the Louisiana Department of Agriculture provided the excellent Cajun Festival on the evening of October 1, 1985; and

WHEREAS, Dow Chemical Company, the Louisiana Pest Control Association, the Greater New Orleans Pest Control Association, Van Waters and Rogers, and the National Pest Control Association provided financial support for this meeting; and

WHEREAS, Velsicol Chemical Company provided the bus to transport the attendees to the Gulfport, Mississippi South Eastern Forest Experimental Station;

NOW, THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials, through written and personal appreciation of these individuals for their joint contributions to this meeting and through each of its officers and members, express its sincere thanks and gratitude to all those parties and individuals for an excellent meeting and a very pleasant stay in the State of Louisiana.

term exposure to airborne concentrations of termiticides until the full assessment of airborne concentrations termiticides is completed.

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

NEW ORLEANS, LOUISIANA

SEPTEMBER 30 - OCTOBER 3, 1985

RESOLUTION II

WHEREAS, The Airborne Concentration of Termiticides with structures is still a serious unresolved problem in the Pest Control Industry and the regulation of this industry; and

WHEREAS, long term National Academy of Science guideline levels for airborne termiticides have filled a void and are being utilized as standards in litigation across the United States; and

WHEREAS, this litigation is based on controversial questions still not fully researched which are negatively affecting the insurance availability and financial stability of this industry and undermining structural regulatory decisions; and

WHEREAS, the Environmental Protection Agency is methodically addressing this issue through needed research data call-in over the next several years; and

WHEREAS, any further delay will result in reversible harm to the PCO industry, the safe and proper protection of the American home and confidence in Federal and State Regulators;

THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials request the Environmental Protection Agency to establish immediately short term guideline levels considering OSHA standards and other toxicologist's recommendations, e.g. Dr. W. J. Hayes, Jr. (attached) for short

STATE OF ARIZONA
ANNUAL REPORT TO ASPCRO

October 1985

The structural pest control industry in Arizona is regulated by the Structural Pest Control Board under the authority granted by Chapter 29, A.R.S. § 32-2301, et. seq.

The Structural Pest Control Board headquartered in Tempe, Arizona operates on fee revenues obtained from licensure and certification of pest control operators. The Board also participates in an EPA enforcement grant.

There are approximately 550 pest control businesses, 1,700 certified operators and 1,500 registered employees.

Three inspectors are stationed throughout the state to enforce compliance to the law and regulations. The Board is presently interviewing for an Inspections Supervisor I and the plans are to add two additional inspectors beginning July, 1986. More than 75% of all licensed pest control businesses in Arizona are located in the Tucson and Phoenix metropolitan areas.

During this past year, there was new state legislation which affected the Structural Pest Control Law and regulations. Some of the major changes are:

1. The Law now defines "applicator", "branch office", "business license", "business of structural pest control", "device", "direct supervision", "other structures", "pesticide", "qualifying party", "registered employee", "weed", "wood-destroying pests or organisms", and "wood infestation report".
2. Persons must be certified and licensed except for persons applying pesticides on property which they own, lease or rent, unless the property is a commercial or institutional food handling establishment or a golf course.
3. Applicator is an individual certified pursuant to Article 4, Chapter 22, (Federal Law) who uses pesticides or supervises the use of pesticides by registered employees at either a primary or branch office.
4. A business license entitles that business to engage in the business of structural pest control but it cannot operate until they have obtained a qualifying party license. The business licensee shall register each branch and primary office.
5. Each company must furnish proof of financial responsibility. The limits are the same as the previous statutes, (\$100,000. property damage and \$100,000. public liability), but in addition, a company licensed for termite control shall maintain either proof of a surety bond or a liability insurance rider in the amount of \$5,000. This bond or insurance rider must be maintained for at least two years after licensee stops practicing termite control.

6. The law provides for the registration and training of each employee within 90 days from the date of employment. When the employee is registered, they must set forth if they have ever been convicted of a felony. The business licensee must verify the employee's training at the time of registration and Board must be notified within 10 days after the termination of a registered employee.
7. The law provides that a person shall not engage in the business of structural pest control without holding a business license, without a qualifying party in that classification, operate a branch office without employing an applicator under whose direct supervision pesticide applications are made out of that office, apply any pesticides in any classification unless he is an applicator certified in or qualifying party qualified in that classification or under the direct supervision of an applicator certified in or qualifying party qualified in that classification, apply pesticides as an employee without being registered and complete a wood infestation report without being certified.
8. The law sets down violations of this chapter as a class 3 Misdemeanor.
9. The law provides for injunctive relief.
10. Pest Control Advisor category established.
11. Board may proceed against unlicensed pest control operations by using a cease and desist order or impose civil penalties for the first offense and second or subsequent offenses.
12. A complaint system established and all complaints must be in writing.
13. The Board may settle complaints through informal settlement procedure.
14. A business licensee is required to provide a written notification to a person requesting a pest control treatment, indicating the type of chemical used in the treatment.
15. Treatment proposal forms of each company must be approved by the Board and shall be prepared by a qualifying party or registered employee who has received five hours of instruction on the subject of termite inspection.
16. Wood infestation reports may only be completed by an applicator who is certified.
17. Applicators annually renew their certification and submit proof of completion of 12 hours of continuing education earned within the two preceeding years or take the examination.
18. Qualifying parties annually renew their license and submit proof of completion of 12 hours of continuing education earned within the two preceeding years or take the examination.

19. One of the grounds for disciplinary action is making a fraudulent statement or intentional material misrepresentation in connection with a wood treatment proposal or a wood infestation report.
20. The Board may proceed against a business licensee if business licensee has committed a prior violation of the same type including a violation by any employee of the business licensee.

The Structural Pest Control Board is in the process of completing the conversion of all records to data processing. It is hoped that computerization will ultimately result in more efficient operation of the office, particularly in regard to business license and certification renewals.

Betty B. Wyckoff

Submitted by Betty B. Wyckoff

BBW:ps

Association of Structural Pest Control Regulatory Officials

A S P C R O

TREASURERS REPORT - 1985

Opening Balance		\$749.40
Income		
	Deposit (From 1984 Meeting)	\$900.00
	Interest received 7/1/85 @ 9%	92.44
TOTAL		\$992.44
Debits		
	Tape Recorder	74.56
	Printing	235.84
	Tapes	6.62
	Honorarium	51.58
TOTAL		-\$368.60
BALANCE as of 9/30/85		\$1373.24



Melvin C. Tucker
Director

ARKANSAS STATE PLANT BOARD

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

Phone 225-1598

September 25, 1985

A S P C R O

Arkansas Report

Don Alexander, Head
Commercial Pest Control

Enclosed is a report of the activities of this section during the fiscal year 1985-1986.

Commercial Pest Control Section

Don Alexander, Head

Kiven Stewart, Supervisor

Gina Gardner, Secretary, II

Grace Watson, Secretary, I

Inspectors

Harold Conklin, John Lansdale, Archie Vaughn, Lonnie Smith, Scotty Counce

The Pest Control Section is charged with carrying out the Arkansas Pest Control Law. Any person engaging in pest control work in Arkansas must be licensed by this section. A person licensed to perform pest control work in Arkansas must have first been fully qualified through reference checks and passing of category and EPA Core examinations. Those persons licensed are then inspected routinely to make sure they are performing properly. The heaviest load of inspection is performed in Structural Pest Control. Other duties are investigations of unlicensed individuals performing pest control. These offenders are prosecuted with the assistance of local law officials. This section has one pest control inspector supervisor, five full time inspectors, one secretary II, and one secretary I, assigned to it for the purpose of enforcing the Pest Control Law.

Structural pest control work takes up most of our time. The Pest Control Section has set a high goal of routinely inspecting 1/3 of all work performed by the structural pest control industry. A shift in work area such as EPA Enforcement of pesticide application and uses, property owners request for inspection, follow up inspection on substandard work and investigations of unlicensed operators has greatly inhibited accomplishment of this goal. All of the functions performed are equally as important as the 1/3 inspection. We are applying more time and frequency of inspection on companies not performing properly. We have had a substantial increase in properties treated for structural pest this fiscal year. We still have a small number of companies continuing to do the bulk of the substandard work; consequently, they are inspected closer than other companies. Over all the majority of the companies have shown improvement in their work. The same factors contribute to substandard work which is unskilled labor, lack of inhouse company control and supervision by licensed operators.

148 licensed structural pest control companies reported 26,676 termite and other structural pest control jobs performed for the fiscal year ending June 30, 1985. A total of 5,430 properties were inspected by the staff and are broken down as follows:

- 3,766 - Jobs inspected routinely
- 412 - Jobs inspected at homeowners request
- 1,167 - Reinspections of substandard work
- 83 - Requests for prior approval of substandard work
- 2 - Other inspections (household pest)

508 reports of substandard work were issued on properties inspected routinely. 41 were found infested with termites and reports of substandard work were issued. 203 of the 412 properties inspected on request were found to be substandard. The staff feels that solving the problems associated with property owners requests is one of our most important functions. All infested or substandard work has been corrected at no further expense to the property owner.

Pest Control Hearings: Hearings before the Pest Control Committee of the Plant Board are afforded pest control operators to show cause why their licenses should not be revoked or suspended, or to state their cases in matters of dispute with the staff. 2 companies were called in for license revocation hearings during the year. 1 of these companies licenses was revoked. 1 company was placed on probation and increased surveillance was ordered by the Pest Control Committee of the staff. One pest control company appealed to the committee for adjudication of his responsibility on a damage claim.

Illegal Pest Control Investigations: 19 investigations of alleged unlicensed pest control services were made. 14 warrants were obtained for individuals performing pest control work without a license. 13 convictions with fines ranging from \$50.00 to \$1,000.00. Several other investigations of individuals performing pest control work without a license have been made but not enough evidence was found to prosecute.

EPA Enforcement: The Pest Control Section has increased output reporting under enforcement for all quarters of FY 84 grant. The increased reporting is due to reports of substandard work found through routine inspections of pest control operators. When pesticide application is required on a report of substandard work the reinspection or inspection is considered a use observation. 1266 such pesticide use observation inspections have been performed this year, 36 use dilution samples, 63 residual samples, along with 572 record checks and 453 pest control operator visits have been accomplished.

Examinations: 235 examinations were given to 171 prospective pest control operators in one or more of the 12 classifications. 108 basic certification exams were also given during the 6 examination periods. Those meeting Plant Board requirements were issued licenses to perform work in the respective classifications.

Kind of Work	Passed Exam	Failed Exam
Basic EPA Certification	102	6
Termite & Other Structural Pest	17	18
Household Pest	23	31
Rodent Control	20	30
General Fumigation	4	1
Tree Surgery	1	0
Ornamental Tree & Turf Pest	13	13
Weed Control	15	15
Golf Course	1	2
Pecan Pest Control	0	1
Food Mfg. Processing & Storage	17	3
Food Related Fumigation	7	3

At the present time 616 individuals have been certified and/or licensed in the 12 Plant Board categories or classifications. An individual may be certified/ licensed in more than one category. Each licensed operator may register agents or solicitors to work under his direct supervision. The licensed operators have registered 1,242 agent and 58 solicitors.

Although our work increased this year, we are well aware that more planning is needed for the upcoming year. Several areas of our state need more inspections because of shifts in new home construction as well as a considerable increase in work on existing homes in most of the state. We feel the public has again benefited greatly from our efforts as well as the industry serving the public.

STATE OF FLORIDA
ANNUAL REPORT TO ASPCRO

SEPTEMBER 1985

The structural pest control industry in Florida is regulated by the Florida Department of Health and Rehabilitative Services' Office of Entomology by virtue of the authority granted by Chapter 482 F.S. and Chapter 10D-55 F.A.C..

In January of 1985, an enforcement agreement was entered into between DHRS and the EPA. A memorandum of understanding is now being entered into between our agency and the Florida Department of Agriculture and Consumer Services which is the state lead agency. We will be conducting use/misuse investigations on pest control firms and mosquito districts. Jim Bond has worked hard on our end of the project and has done an outstanding job of getting it together.

There are approximately 1840 pest control businesses, 3367 certified operators and 15,748 pest control employees now licensed in Florida.

Seven Entomologist-Inspectors are stationed throughout the state to enforce compliance with the law and regulations. An additional Entomologist-Inspector in Ft. Lauderdale will be added after October 1, 1985. More than 25% of all licensed pest control businesses in Florida are located in the two county area which includes Miami and Ft. Lauderdale.

During this past fiscal year there was no new state legislation passed which materially affected the Florida Structural Pest Control Law or the allied Regulations. Minor changes were made including a 30 day reopening of the "grandfather" clause.

The Department initiated 119 separate enforcement actions consisting of 74 administrative fines ranging from \$50 to \$500, 2 suspensions, 1 revocation, 1 denial of application and 41 cease and desist orders to unlicensed operators.

As a result of an amended law in 1982, the Department began issuing a quarterly disciplinary action report to the industry. Initially, the report only listed the number and type actions taken. The report includes the names of individuals and pest control firms that have had action taken against them. It is hoped that the publishing of names and actions will act as a further deterrent to violations.

Still the leader, as to type of consumer complaint, is those which involve wood-destroying organism inspection reports issued for real estate sales. Fumigations and contract compliance account for a large share of the rest.

The Office of Entomology has completed the conversion of pest control records to data processing. It was hoped that computerization would result in more efficient operation of the office in regard to business license and pest control operator certificate renewals, however, the most significant result has been a large bill for computer services. We are now working on overcoming this.



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
DIVISION OF PRODUCTION AND PROMOTION
DRAWER D
DOVER, DELAWARE 19903

OFFICE OF THE
DIRECTOR

TELEPHONE: (302) 736-4811

STATE OF DELAWARE
ANNUAL REPORT TO
ASPCRO

October 1985
Submitted by

H. Grier Stayton

The Delaware Department of Agriculture is responsible for the administration of the Delaware Pesticide Law, 3 DEL. C., Chapter 12.

This act regulates the sale, use, and distribution of pesticides in the State. It provides for the certification of pesticide applicators.

Recent revisions to the act (July 19, 1985) provide for a civil penalty of \$1,000 maximum fine to be assessed violators who are classified as other than "Private" applicator. Another revision provides for criminal jurisdiction in the Justice of the Peace Courts and the Court of Common Pleas.

There are currently 250 commercial applicators in Category 7, Structural Pest Control, and there are 120 companies licensed to do business in the state. The State has a program of registering all pesticide applicators working for these companies.

There have been only eight incidents investigated by the Department for the Fiscal 1985 year which concerned pest control operators. A description of these are attached.

In the past year the Department has revised five certification exams in the major categories: Ag Plant; Ornamental and Turf; Structural Pest; Public Health; and the Core exam. These exams have been made much more difficult and are given closed book. The PCO exam now has a 50% passing rate.



Annual Report to ASPCRO
Page 2

Major changes have been added to our pesticide applicator computer program. We now have a very fast, easy-to-use and maintain program with 32 fields of information for each applicator. The program now sends an applicator a full transcript of classes he has attended and credits he has received over the past three years.

There is a major concern in the state of high insurance and the availability of insurance for PCO's. What role do the state regulations require of our Department for insurance acceptability?

Other concerns are the lack of enforceable storage and disposal regulations; the posting and pre-notification of property to be treated and the concern over drift from urban spraying of lawns and trees.

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15:28:11 25 SEP 1985

PESTICIDE.....	SITE.....	DESCRIPTION.....	APPLICATOR TYPE..	COMPLAINT DATE
ALDRIN	CRAWLSPACE	DOG ATE TREATED SOIL BECAME ILL	COMMERCIAL/NON-AG	11/12/84
TALON G	GARAGE & HOME	MOUSE BAIT PLACED IN NON-TAMPERPROOF BOX	COMMERCIAL/NON-AG	01/18/85
CHLORDANE	HOME	3 GALLONS INJECTED THRU BASEMENT WALL	COMMERCIAL/NON-AG	05/17/85
DURSBAN TC	HOME	SPILL INTO HEATING DUCT AND BASEMENT FLOOR	COMMERCIAL/NON-AG	05/02/85
CHLORDANE	HOME	HOUSE WITH WELL IN BASEMENT TREATED	COMMERCIAL/NON-AG	05/06/85
ALDRIN	HOUSE	CONCERN OVER POSSIBLE WELL-CONTAMINATION & USE	COMMERCIAL/NON-AG	06/24/85
CHLORDANE	URBAN HOME	SPRAYED CHLORDANE IN CRAWLSPACE	COMMERCIAL/NON-AG	07/31/84
LINDANE				
ROZOL	ATTIC	BAT CONTROL	COMMERCIAL/NON-AG	09/24/84
PARADICHLOROBENZENE				

8 ITEMS LISTED.

STATE OF GEORGIA 1985 ASPCRO REPORT

IN MARCH 1985 THE RULES OF THE GEORGIA STRUCTURAL PEST CONTROL ACT WERE COMPLETELY REVISED FOR THE FIRST TIME SINCE BEING ENACTED IN 1955. THESE REVISIONS UPDATED ALL REGULATIONS GOVERNING THE PEST CONTROL INDUSTRY TO REFLECT CHANGES IN TECHNOLOGY, PESTICIDES, AND CONCERNS ABOUT SAFETY.

AS OF JUNE 30, 1985 THE STATE OF GEORGIA HAD 590 LICENSED PEST CONTROL COMPANIES AND 804 CERTIFIED OPERATORS WHO WERE CERTIFIED IN ONE OR MORE CATEGORIES OF HOUSEHOLD PEST CONTROL, CONTROL OF WOOD DESTROYING ORGANISMS, OR FUMIGATION. THERE ARE ALSO OVER 2000 REGISTERED EMPLOYEES IN THE STATE.

DURING OUR FISCAL YEAR, 88,665 WOOD DESTROYING ORGANISM JOBS WERE REPORTED BY PEST CONTROL COMPANIES. THE GEORGIA DEPARTMENT OF AGRICULTURE INSPECTED 4,244 IF THESE REPORTED JOBS AND FOUND THAT 1,860 HAD ONE OR MORE VIOLATIONS OF THE MINIMUM TREATMENT STANDARDS.

DURING THIS TIME 637 SOIL SAMPLES WERE TAKEN WITH 359 FALLING BELOW THE REQUIRED 100 PPM AND REQUIRED FULL RETREATMENT OF THE STRUCTURE SAMPLED. LOW SOIL SAMPLES CONTINUE TO BE ONE OF THE AREAS OF HIGH VIOLATION.

THE REQUIRED USE OF THE OFFICIAL WOOD INFESTATION INSPECTION REPORT HAS CUT DOWN ON SOME PROBLEMS WITH CLEARANCE LETTERS; THERE ARE HOWEVER STILL FAR TOO MANY VIOLATIONS IN THE USE AND ISSUANCE OF THESE REPORTS.

CONCERN OVER THE SAFETY OF PESTICIDES, SPECIFICALLY THE TERMITICIDES, HAS RESULTED IN A TREMENDOUS INCREASE IN THE NUMBER USE/ MISUSE INVESTIGATIONS THAT WE HAVE BECOME INVOLVED IN. ACCORDINGLY WE HAVE GREATLY INCREASED THE NUMBER OF SAMPLES AND AIR SAMPLES TAKEN.

THE FOLLOWING REGULATORY ACTIONS WERE TAKEN DURING THE PAST FISCAL YEAR:
17 HEARINGS WERE FINES OR WARNINGS WERE ISSUED
FINES OF \$2650 WERE IMPOSED
OTHER PENALTIES INCLUDED HAVING TO SEND ALL SERVICE PERSONAL TO ATTEND AN APPROVED TRAINING COURSE. ONE ILLEGAL OPERATOR WAS INVESTIGATED AND 24 WARNING LETTERS WERE ISSUED.

Illinois Department of Public Health
1985 Annual Report
Prepared for Presentation at the Annual Meeting of the
Association of Structural Pest Control Regulatory Officials

Sept. 30 - Oct. 3, 1985
New Orleans, Louisiana

The Illinois Department of Public Health has been involved in licensing structural pest control business locations and certification of structural pest control technicians since the Structural Pest Control Act was enacted in October 1975.

In September 1977 the Act was amended to provide (1) for the separation of structural pest control activities into commercial (for hire) and non-commercial pest control business locations; (2) sub-category examinations for personnel employed at non-commercial facilities where restricted use pesticides are utilized.

The Act was also amended on September 24, 1983 and became effective on January 1, 1984. Under the amended Act any individual applying any pesticide (general or restricted use) while engaged in structural pest control would have been required to either (a) become certified as a structural pest control technician to use or oversee the use of general and/or restricted use pesticides, or (b) work under the supervision of a structural pest control technician certified to use general and/or restricted use pesticides. (General use pesticides have been considered to be all pesticides that have not been classified for restricted use by the U.S. Environmental Protection Agency). This change in the certification requirements did not apply to the home owner; however, these requirements did apply to those individuals owning rental property who provided pest control services for their renters.

The changes in the Act were recommended as a result of evidence compiled in 1982 that most pesticide use violations were attributed to the use of general use pesticides and not to restricted use pesticides. Unfortunately, certain vested interest groups were successful in having legislation introduced to amend the Act to delete the requirement concerning certification where general use pesticides were used with the exception of structural pest control business locations. In other words, certification to use or oversee the use of general use pesticides by employees of non-commercial locations (i.e. food plants, apartment complexes, restaurants, nursing homes, etc.) would no longer be required.

Department efforts to prevent adoption of this amendment were unsuccessful and the Act was amended on September 17, 1984 for the second time in one year. The amended Act, however, still requires that non-commercial business locations must employ at least one certified technician to use or oversee the use of restricted use pesticides.

In addition, the amended Act requires each commercial (for hire) structural pest control business location to employ at least one certified technician at each location to supervise all pesticide activities. All pest control business locations were required to be in compliance with the amended Act by January 1, 1985.

The amended Act also stipulated in Paragraph 2203.07, Sec. 307, as follows: "Pests" include arthropods (insects, spiders, mites, ticks, and related pests), wood infesting organisms, rats, mice, nuisance birds and any other obnoxious or undesirable animals in, or under structures, but does not include bacteria or other micro-organisms. The Department took exception to the definition and stated that the definition should be expanded and be limited to "on or in living man or other living animals."

Unless this change was made the Act would have been in direct conflict with Sec. 2 (t) of FIFRA and it could have affected the State Primacy Agreement between U.S. EPA and the State of Illinois under which the Illinois Department of Agriculture and the Illinois Department of Public Health receive Federal funds through a Pesticide Enforcement Grant.

As a result S.B. 877 was introduced in the 84th Illinois General Assembly and signed into Law (P.A.84-362) on September 14, 1985 effective on the same date. Another provision of P.A.84-362 included a change in Paragraph 2208, Sec. 8 since the time frame within this section for securing a certified technician and notifying the Department was vague and unclear. The amended Act specifies that the licensee or registrant shall notify the Director in writing within seven (7) days and employ a technician certified in accordance with Section 5 of the Act no later than 45 days from the time of discharge of the previous certified technician. All pest control operations shall be suspended until such time that the licensee or registrant obtains the services of a certified technician.

Additional legislation introduced during the recent session of the General Assembly included S.B. 1163 which was designed to amend Sections 9 and 10 of the Act. Section 9 covers fees required under the Act and Section 10 covers powers and duties of the Department.

The original license fee of \$100.00 for each structural pest control business location would remain the same; an original registration and renewal for a non-commercial business location would increase from \$25.00 to \$40.00; an application for examination including an original certificate would increase from \$25.00 to \$40.00; failing to file a renewal application by the date of expiration of a license, certification or registration would be assessed a late charge of \$75.00 instead of \$50.00 and there would be a \$10.00 fee for duplicate copies of certificates, licenses or registrations.

All the fees collected in carrying out this Act will be deposited into the Pesticide Control Fund established pursuant to the Illinois Pesticide Act of 1979. The amount annually collected as fees will be appropriated by the General Assembly to the Department for the purposes of conducting a public education program on the proper use of pesticides and for other activities related to enforcement of the Act and the Illinois Pesticide Act of 1979.

The fees will also be used to conduct a public education program to improve citizen awareness and participation in the reporting of pesticide misuse. Such a program will include as a minimum the dissemination of information to the public and the news media on the requirements of this Act and the Illinois Pesticide Act of 1979 and the methods of reporting cases of improper pesticide application and use to the Department.

S.B. 1163 was signed into P.A. 84-157 on August 13, 1985 with an effective date of January 1, 1986.

The Illinois Department of Public Health (IDPH) has been involved in a cooperative enforcement grant with the Illinois Department of Agriculture (IDA) since January 23, 1980. Special emphasis was placed on carrying out more use and follow-up or misuse inspections during FY'85 (Oct. 1, 1984 - Sept. 30, 1985) and IDPH plans to place more emphasis on carrying out more use and follow-up or misuse inspections during FY'86.

IDPH will continue to develop and carry out certification and recertification training with the structural pest control industry, the food processing and manufacturing industry, and other entities in the development of certification and recertification programs. Initial efforts to bring misuse problems to the attention of all training organizations, which began in FY'84 due to priority setting in specific problem areas, will be reemphasized in FY'86.

With the additional responsibility associated with the development of public education programs to improve citizen awareness and participation of the public in the reporting of pesticide misuse, alleged or confirmed, it is anticipated that IDPH will be expected to become more involved in misuse incidents with limited personnel.

The amount of man years devoted solely to investigations of alleged misuse of one pesticide, namely chlordane, is a good example of what may be expected during FY'86. As enforcement agencies, both IDPH and IDA, must continue to fulfill their responsibilities in an objective manner to serve the State of Illinois without being influenced by adverse influences which may not be based on factual data regarding the use of pesticides in the State while at the same time doing everything possible to discourage the misuse of pesticides.

The attached Pesticide Applicator Certification Program, including certification accomplishments, training programs, reciprocity, licensing and registration, administrative actions, inspections, samples collected, warning letters and stop-sale, seizure or embargo actions during the period of Oct. 1, 1984 - Aug. 31, 1985 has been provided as a source of information for other states or agencies in attendance at this meeting.

A handwritten signature in cursive script, reading "Harvey J. Dominick".

Harvey J. Dominick
Section Chief/Entomologist
Illinois Department of Public Health

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
PESTICIDE APPLICATOR CERTIFICATION PROGRAM
October 1, 1984 - August 31, 1985

PROGRAM STATUS

1. Certification Accomplishments (this period)

a. Number applicators certified first time

321 - Commercial
47 - Non-Commercial

b. Categories of Certification (first time)

368 - General-Use
139 - Insects, Rodents and Other Pests
65 - Termites and Other Wood Destroying Organisms
57 - Bird Control
9 - Fumigation
28 - Food Processing, Manufacturing and Storage
19 - Institutional and Multi-unit Residential Housing
6 - Public Health

c. Applicant's Previously Certified Adding Additional Sub-Category Examinations

17 - Insects, Rodents and Other Pests
16 - Termites and Other Wood Destroying Organisms
19 - Bird Control
9 - Fumigation
7 - Food Processing, Manufacturing and Storage
11 - Institutional and Multi-unit Residential Housing
5 - Public Health

d. Numbers of Applicators Recertified (during reporting period)

662 - Commercial/Non-commercial technicians renewing certification which expired 12/31/84. Applicants attended recertification seminars (for most part) prior to reporting period in order to accomplish this. Several renewed via examinations (2).

2. Total Certified by Sub-Category

2130 - General
1749 - Insects, Rodents and Other Pests
936 - Termites and Other Wood Destroying Organisms
938 - Bird Control
384 - Fumigation
556 - Food Processing, Manufacturing and Storage
239 - Institutional and Multi-unit Residential Housing
108 - Public Health

3. Training Programs Supporting Certification

a. Number of Training Sessions Conducted and Number Monitored by IDPH

- (1) Initial certification - 1
- (2) Recertification - 19 held
- 5 monitored

b. Number participants

- Initial certification - 6
- Recertification - 1500 (estimate)

c. IDPH criteria for Training Programs Section 830.600 through 830.670 of 77 Ill. Adm. Code 830 (Structural Pest Control)

4. Reciprocity

- a. Formal - none
- b. Informal - Indiana
Wisconsin
Missouri
Others on case by case basis

5. Licensing/Registration/Certification

- 641 - Licensed pest control business locations
- 170 - Registered non-commercial pest control locations
- 2130 - Certified pest control technicians
 - 1407 - Commercial
 - 723 - Non-commercial
 - 413 - Food Processors
 - 93 - Public Health
 - 217 - Housing Authority

6. Administrative Actions (since January 1985)

- 70 - Cases referred for administrative action
 - 9 - hearings (actual)
 - 5 - license denials confirmed
 - 2 - awaiting decisions
 - 2 - dismissed (compliance)
 - 6* - License Revocations (default judgements)
 - 15 - License Denials (default judgements)
 - 2* - Certification Revocation (default judgements)
 - 4 - Certification Denials (default judgements)
 - 27 - Vacated License Actions - dismissal because compliance achieved
 - 6 - Vacated Certification Actions - dismissed because compliance achieved
 - 1 - Pending Hearing

Almost all cases were for infractions of license/certification law.
*2 license and certification actions initiated as a result of misuse/fraud.

7. Inspection Program (this period)

a. Actual Inspections

373 - Use Inspections (non-ag)
 174 - Commercial Business Inspections
 38 - Non-commercial Business Inspections
 161 - Plan Use Inspections (w/technicians)
102 - Mis-use Investigations
 8 - Producer Establishment Inspections
 27 - Market Place Inspections
455 - Certified Applicator Record Checks
 1 - Restricted Use Dealer Inspection

b. Samples Collected

307 - Samples Collected This Period
 136 - Samples Collected During Plan Use Inspections
 132 - use dilutions
 2 - residue (wipes)
 2 - concentrates
 166 - Samples Collected During Misuse Investigations
 9 - use dilutions
 154 - residue (soil, wipes, etc.)
 3 - concentrates
 3 - Concentrate Samples Collected During Producer
 Establishment inspections
 3 - Concentrate Samples Collected During Market Place
 Inspections (General-use)

c. Warning Letters Assessed

280 - Warning Letters Assessed This Period
 226 - Non-Ag Use Warning Letters (assessed to businesses
 and technicians during inspections; also license
 violations).
 33 - Mis-use Warning Letters
 2 - Producer Establishment Warning Letters
 19 - Certified Applicator Warning Letters - (violation of
 certification requirements)

d. Stop-Sale, Seizure or Embargo Actions

22 - Stop-Sale, Seizure Actions
 14 - Assessed During Business/Use Inspections
 5 - Assessed During Mis-Use Investigations
 3 - Assessed During Producer Establishment Inspections

109Q/8931Q

Indiana Report
to the
Association of Structural Pest Control Regulatory Officials
New Orleans, Louisiana
October 1-3, 1985

Proposed Regulation Changes

Objective: Creation of a new regulation (Rule 5) which has been developed to address the increasingly troublesome termiticide issue and the misapplications that result from their use by unqualified businesses and poorly trained and supervised non-certified technicians.

Input: The State Chemist's office has worked closely with industry and academia in the well over one year development of this regulation. Input has been received from the Indiana Cooperative Extension Service, the Indiana Pesticide Training Office, the Indiana Pest Control Association, the Professional Independent Exterminators of Indiana, and numerous individuals in the industry.

Status: This proposed rule has undergone final public review at a well attended Public Hearing held July 2, 1985 in Indianapolis. Comments received at that hearing have been taken into consideration and a few minor changes have been incorporated with the final proposed rule being submitted through the necessary chain to the Governor in October, 1985.

Major Provisions:

- 1) Required registration with ISCO for all wood destroying organism for hire technicians (service technicians and inspectors/salesmen).
- 2) Completion of specified training by all technicians prior to registration. To be verified by successful completion of a workbook to be administered by ISCO. Minimum allowable training period for new employee/technician is twenty (20) days.
- 3) Only registered technicians can operate under off-site direct supervision of a fully certified and licensed Category 7b applicator.
- 4) \$25.00 initial and then \$10.00 annual registration fee per technician.
- 5) Requirements for full certification and licensing in Category 7b:
 - a) one year as an active registered technician for a properly licensed business.

- b) Successful completion of an "advanced training" program in which the trainee prepares and submits to ISCO case records for inspections, applications, etc. for a minimum of fifteen (15) wood destroying organism jobs performed by him.
- c) 75% passing score on the Core and the 7b certification exams.

Certifications and Licenses

Category	Applicators (for hire)		Applicators (not for hire)		Public Applicators	
	"84"	"85"	"84"	"85"	"84"	"85"
7A	616	644	42	39	38	37
7B	597	619	23	26	25	21
7C	210	218	143	136	4	6
7D	114	120	21	88	0	1

Enforcement

The majority of structural pest control related complaints and investigations this past year have centered around wood destroying organism inspection reports (primarily real estate transactions) and interior termiticide misapplications, at least two of which resulted from non-certified and poorly trained technicians drilling completely through exterior walls (repeatedly) and injecting termiticide into living areas.



JIM BUCK ROSS
COMMISSIONER

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



JACK D. COLEY
DIRECTOR AND
STATE ENTOMOLOGIST

TO: All Licensed Pest Control Operators
DATE: February 7, 1985
FROM: Jack Coley *JDC*
SUBJECT: REVISED REGULATIONS GOVERNING PEST CONTROL OPERATORS

Enclosed are regulations governing pest control operators adopted December 18, 1984, to become effective April 1, 1985. Please keep these regulations since they will remain in effect until another revision.

I suggest you read and study these regulations completely. In the past license holders have violated these regulations because they were not familiar with them. Ignorance of the law is no excuse.

Changes that will become effective April 1, 1985 are as follows:

SECTION 1. DEFINITIONS

- (Add) (G) "Clearance Inspection" shall mean the inspection of an existing structure for determining factors relating to termites and other wood destroying insects which is required as a condition of sale, financing or refinancing of property.
- (Add) (M) "Fumigation" shall mean the use of a substance or mixture of substances which exist in a gaseous state or from which a gas or gases is liberated or emitted, for the purpose of destroying pests. Aerosols are excluded from this definition.

SECTION 6. LICENSE-EXAMINATION-CATEGORIES

- (Add) (F) Control of pests by fumigation-This category includes persons engaged in control of pests by fumigation. A person holding a license or permit shall be present at time fumigant is released.

Individuals licensed for pest control who are performing fumigations must have their license reissued to include fumigation within twelve (12) months after the effective date of this amendment. Before reissuing this license, proof that he has engaged in fumigation within the past three (3) years must be submitted to the Division.

SECTION 8. ISSUANCE OF A LICENSE

(Add) (Paragraphs Three and Four)

An individual shall not have more than one (1) license to perform the same service at any given time.

All companies performing work under these regulations shall have at least one office holder residing in the state if a place of business or branch office is located in the state.

SECTION 11. DENIAL, SUSPENSION OR CANCELLATION OF A LICENSE, A PERMIT, OR (Add) AN IDENTIFICATION CARD; REFUSAL TO ISSUE OR RENEW SAME.

(Add) An identification card was added to this section.

(Add) (Paragraph Two)

During the time a license, permit or an identification card has been suspended or cancelled, they shall not be reissued for another company.

SECTION 13. INSPECTIONS-RECORDS-REPORTING CONTRACTS

(Add) (b) Labeling of Pesticides-It shall be illegal to store or transport any pesticide chemicals, except those in application devices, unless the containers for such chemicals are labeled to show (1) the name of the pesticide, (2) the E.P.A. registration number of the pesticide and (3) the concentration of the pesticide.

(Add) (f) Whenever a licensee performs a clearance inspection, he is required to make a written report and provide copies to the mortgagee, the seller, the buyer, and the relator, if these are known.

SECTION 14. IDENTIFICATION -OPERATORS-EMPLOYEES-EQUIPMENT

(Add) (a) License holders shall not have more than one (1) identification card at any given time.

(Add) (b) Employees of licensed operators shall not have more than one (1) identification card at any given time.

(Change) (d) Modify this section to require all vehicle and mobile equipment to be marked while engaged in professional services. Previously the regulations excluded privately owned vehicles.

(Add) This marking shall contain the company name.

SECTION 15 APPROVED PESTICIDES-MINIMUM REQUIREMENTS

(Add) (1) (c) Pesticides applied for control and/or prevention of termites and other structural pests shall be applied in accordance with the label and shall not be applied at concentrations or volumes less than specified on the label of the pesticide product being applied. Special exceptions may be made with prior approval of the Division.

MICHIGAN STATE REPORT

ASPCRO 1985

Michigan has experienced some significant developments during fiscal year 1985 which will impact on the state's pesticide use enforcement in the years ahead. Foremost has been the establishment of the Governor's Cabinet Committee on Environmental Protection. The Cabinet Committee identified four areas of concern to the Governor which included pesticide enforcement programs, ground-water contamination, non-point source pollution, and identification of chemical manufacturing and storage facilities within the state. Work groups were established for each of these areas of concern and charged with submitting a report of their findings along with any recommendations for changes to the Governor's Cabinet Committee.

The working group on pesticides has completed a draft document entitled "A Strategy for Improved Pesticide Management in Michigan". The draft has been subjected to five public hearings, and a final document will be submitted to Governor's Cabinet Council by December, 1985. Significant recommendations made in the draft include: 1. Increasing the fine for pesticide use violations from \$500.00 to \$5,000.00 for each offense; 2. Grant the Department of Agriculture authority to assess civil penalties; 3. Increase administrative support for pesticide enforcement programs.

Another development in Michigan is a proposed regulation on pesticide use. The regulation is an interpretive rule which will serve to inform the user on how the department will interpret and enforce labeled pesticide uses. The regulation addresses pesticide uses by outdoor applicators, structural PCO's, and the use of termiticides. A public hearing on the regulation was held in April, and a final rule will be considered by the Joint Rules Committee of the Legislature sometime this fall.

Michigan has established an additional administrative position to work on pesticide enforcement programs. A search and selection committee is working to fill this position by early November. The position will hopefully be filled from existing field staff and will not increase the number of FTE positions. However, additional funding for the position is being obtained through our EPA Enforcement Grant.

Michigan will soon have additional microcomputer capability. We are hoping to establish a computer data base for pesticide use investigations in particular. This will enable us to better analyze data, identify problem areas, and determine appropriate deterrents.



Harry Hughes
Governor
Joseph Curran, Jr.
Lt. Governor

Wayne A. Cawley, Jr.
Secretary
Hugh E. Binks
Deputy Secretary

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
PESTICIDE APPLICATORS LAW SECTION

Association of Structural Pest Control Regulatory Officials
New Orleans, Louisiana
October 1-3, 1985

Maryland Report
David Shriver, Chief
Pesticide Applicators Law Section

1. REGULATION REVISION

The Regulations pertaining to the Maryland Pesticide Applicators Law were revised and should go into effect by January, 1986.

2. CERTIFICATION

We currently have 4,324 certified private applicators and 1,748 commercial applicators. A total of 945 Category VII certification examinations were administered to pesticide applicators in the last year. Ninety applicators received initial certification in this category which brings the total to 952 structural pesticide applicators.

3. RECERTIFICATION AND TRAINING

Each commercial applicator must participate in one approved training session a year for recertification. Last year 53 meetings were approved to satisfy recertification training requirements for Category VII applicators.

4. PESTICIDE SURVEY

The results of the 1982 pesticide usage survey were published. A total of 182 pesticides were reported to have been used by commercial applicators. The product inventory includes 65 herbicides, 53 insecticides, 38 fungicides, 10 rodenticides, eight fumigants, four acaricides, two avicides, one nematocide and one wood preservative. All reported product quantities were totaled and converted to actual active ingredient applied. Product quantities were grouped according to the county in which the licensee was located and also tabulated on a Statewide basis.

5. PESTICIDE MONITORING

A specially equipped van has been purchased which will be used as a mobile laboratory for monitoring pesticide programs and as an enforcement tool for investigations.

TELEPHONE NUMBER (301) 841- 5710
50 HARRY S. TRUMAN PARKWAY, ANNAPOLIS, MARYLAND 21401

6. ENFORCEMENT

Approximately 45 written consumer complaints were received during the last year. Twenty complaints involved termite inspection reports and improper treatment procedures. Sixteen complaints were a result of drift problems from agricultural, right-of-way, ornamental and turf pesticide applications. Three cases were taken to the State's Attorney Office on charges of operating a pest control business without a license. Two administrative hearings and 11 investigational conferences were held and 51 notices of warning were issued.

MARYLAND DEPARTMENT OF AGRICULTURE
PESTICIDE APPLICATORS LAW SECTION

PROPOSED STANDARDS FOR INSPECTION FOR PESTS

A. Responsibilities -- General. The following standards apply to each person regulated under this chapter, and each pest inspection shall be done according to the following standards by a person who is competent to determine the presence of target pests or their damage:

(1) Each inspection shall include a careful visual observation and through examination of the readily accessible area, object, material, or part of a structure inspected. Particular attention shall be directed to those areas where target pests are likely to occur, based upon the habits and natural tendencies of the target pest.

(2) The inspector shall report accurately all findings in writing to the person or persons for whom the inspection was performed.

(3) The report shall indicate any findings or visible evidence of the target pest or pests.

(4) A copy of any inspection report for pest control contracted shall be held by each licensee, permit or certificate holder for 2 years, and shall be made available, upon request, to the Department.

B. This section applies to each licensee, certificate holder, and registered employee who inspects structures for wood destroying insects. A person performing an inspection shall sound or probe readily accessible structural members to inspect for wood destroying insects. The following are included:

(1) Particular attention should be directed to the following areas of a structure:

(a) Exterior. The exterior of a structure below eye level, without the use of ladders, shall be inspected.

(b) Interior/General. The interior of the structure, including readily accessible attic area, shall be inspected.

(c) Interior/Basement. The interior of the basement area shall be inspected.

(d) Interior/Crawl Space. The crawl space area shall be inspected.

(2) The inspection report shall include a diagram of the structure or structures inspected that indicates locations where wood-destroying insects are found. All visible damage and any inaccessible areas shall be noted in the report.

(3) Each licensee shall use an inspection report form containing the following information:

- (a) Date of inspection.
- (b) Name and address of licensee performing inspection.
- (c) Name of person performing inspection.
- (d) Name of property owner or seller.
- (e) Address of property or structure inspected.
- (f) Description of structure inspected.
- (g) Indicate areas of the structure inaccessible to inspector, including, but not limited to, areas of the basement, crawl space, main level, attic, exterior and attached garage or porch, and indicate reason why the area is inaccessible.
- (h) Indicate presence or absence of wood destroying insects.
- (i) Describe visible evidence, if any, of wood destroying insects, including specific location of damage and insect, or insects involved.
- (j) Describe visible damage, if any, to structure, and indicate if observed damage has been or will be corrected and by whom.
- (k) Indicate if insect control measures are recommended or were performed.
- (l) Indicate evidence of previous treatment.
- (m) Indicate any finding or visible evidence of, or conditions such as earth-wood contact, faulty grades, or insufficient ventilation which may lead to infestation from subterranean termites.
- (n) Signature and title of company representative.

(4) The wood destroying insect information form, Maryland Pest Control Association Form 1-81, in effect July 1, 1985, complies with the requirements of SB(3) of this regulation.

PART 326

RESTRICTED PESTICIDES

(Statutory authority: Environmental Conservation Law, §§ 3-0301, 33-0303[3](d) and [e]; Agriculture and Markets Law, art. 11)

Sec.		Sec.	
326.1	Definitions	326.7	Purchase permits, restrictions
326.2	Restricted pesticides	326.8	Purchase permits, applications
326.3	Commercial permits, restrictions	326.9	Denial of an application or revocation of a purchase permit
326.4	Commercial permit applications	326.10	Cancellation procedure
326.5	Denial of an application or revocation of a commercial permit	326.11	Storage
326.6	Procedure by commercial permit holders upon sale of restricted pesticides	326.12	Research

Historical Note

Part (§§ 326.1-326.110) filed March 8, 1961; renum. Part 606; new (§§ 326.1-326.13) filed April 28, 1972 eff. May 1, 1972.

Section 326.1 Definitions. As used in this Part:

(a) *Basement* means any space under a structure that is greater than three feet in height and contained either wholly or in part by foundation walls.

(b) *Certification identification card* means the identification card issued by the commissioner, pursuant to Environmental Conservation Law, section 33-0905, for the commercial or private application of pesticides or the sale of restricted use pesticides.

(c) *Cistern* means a reservoir constructed either wholly or partially underground for the collection and storage of water. A stone-filled dry well with a capacity of less than 60 gallons or a septic or sewerage system is not considered a cistern for the purpose of this Part.

(d) *Commercial permit* means the permit issued by the commissioner, pursuant to Environmental Conservation Law, section 33-0901, for the distribution, sale, offer for sale, purchase for the purpose of resale, or possession for the purpose of resale, of a restricted pesticide.

(e) *Commercial permit holder* means the person to whom a commercial permit is issued.

(f) *Commissioner* means the Commissioner of the Department of Environmental Conservation, or his agents.

(g) *Crawl space* means any space under a structure that is three feet or less in height and contained either wholly or in part by foundation walls.

(h) *Department* means the Department of Environmental Conservation.

(i) *ECL* means the Environmental Conservation Law.

(j) *Person* means any individual, partnership, association, corporation, organized group of persons whether incorporated or not, private or public authority, State government or agency, political subdivision, governmental agency or any other legal entity.

(k) *Plenum air space* means any space under a structure which functions as or is designed to function as a channel for air circulated within the structure.

(l) *Preconstruction* means the time between the excavation of a site and the pouring of any slabs for the construction of a structure or an addition to a structure.

(m) *p.s.i.* means pounds per square inch.

(n) *Purchase permit* means the permit to be issued by the commissioner pursuant to Environmental Conservation Law, section 33-0903, for the purchase, possession, or use of a restricted use pesticide. Whenever used in this section and in this Part, the term *purchase permit* also means, as an alternative, a certification identification card.

(o) *Purchase permit holder* means the person to whom a purchase permit is issued.

(p) *Retreatment* means the reapplication or repeat of an application of a pesticide, whether or not it is the same concentration or formulation as applied initially, to a structure or an area of a structure, provided the application is for the control of the same pest as initially treated.

(q) *Restricted use pesticide* or *restricted pesticide* means any pesticide listed in section 326.2 of this Part according to the criteria of Environmental Conservation Law, section 33-0101(42), or any pesticide whose labeling bears the statement "Restricted Use Pesticide."

(r) *Rodding* means the application of a pesticide by means of the vertical or horizontal insertion of hollow steel tubes such as subsoil injection rods inserted directly beneath the slab or subsoil injection rods inserted into the soil to a depth of at least four inches, but not below the top of the footing of the foundation wall.

(s) *Structure* means any building, including any appurtenances such as patios, terraces or garages.

(t) *Subsurface ground insertion* means the placement of any pesticide:

(1) under or adjacent to structures by trenching; or

(2) under or adjacent to structures by rodding within six inches of the face of the foundation wall or masonry work footings made of such materials as stone, brick, cement or concrete blocks for any supporting posts or piers; or

(3) as a preconstruction treatment:

(i) on the surface of soil to be covered with at least four inches of untreated soil or a concrete slab prior to completion of the construction. If the surface of the soil is treated and the soil or concrete slab is not put in place on the same day, a waterproof material such as polyethylene sheeting must be placed over the treated soil; or

(ii) on the exterior side of a foundation wall, not made of stone or rubble, to be covered completely, when the exterior side of the foundation wall is backfilled, with at least a four-inch layer of untreated soil.

(u) *Trenching* means the application of a pesticide by means of the excavation of a narrow ditch and the application of the pesticide into the ditch or to the excavated soil. The ditch must be immediately adjacent to the face of the foundation wall or the masonry work footing for any supporting posts and piers, and not extend below the top of the footing of the foundation wall. Except as specified in sections 326.2(d)(7) and 326.2(d)(9)(vi)(b) of this Part, the pesticide must be mixed with the excavated soil as the soil is replaced in the ditch or rodded into the soil at the bottom of the ditch. The treated soil must be allowed to dry for at least four hours before it is covered with at least a four-inch layer of untreated soil.

Historical Note

Sec. renum. 606.1, Sept. 1966; new filed April 28, 1972; amds. filed: April 19, 1973; Jan. 30, 1978; repealed, new filed: Feb. 14, 1984 as emergency measure, expired 60 days after filing; April 19, 1984 as emergency measure, expired 60 days after filing; June 19, 1984 as emergency measure, expired 60 days after filing; Aug. 20, 1984 as emergency measure; refiled Oct. 18, 1984 as emergency measure; made permanent and amd. by order filed Nov. 20, 1984 eff. Nov. 20, 1984.

326.2 Restricted pesticides. Notwithstanding any statement to the contrary, including statements contained on labels or made by manufacturers, any substance or mixture of substances enumerated in this section, when used as a pesticide as defined in Environmental Conservation Law, article 33, is declared to be restricted to its purchase, distribution, sale, use and possession.

(a) The following may be distributed, sold, purchased, possessed and used only upon issuance of a commercial or purchase permit for any uses listed on the approved label as registered with the New York State Department of Environmental Conservation:

- (1) Acrolein [acryaldehyde]—all concentrations.
- (2) Acrylonitrile—all concentrations.
- (3) Antu [alpha naphthyl thiourea]—all concentrations above 29%.
- (4) Avitrol—all concentrations.
- (5) Azodrin [dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide]—all concentrations.
- (6) Bidrin [dimethyl phosphate of 3-hydroxy-N,N-dimethyl-cis-crotonamide]—all concentrations.
- (7) Bomyl [dimethyl 3-hydroxyglutaconate dimethyl phosphate]—all concentrations.
- (8) Carbon Disulfide—all concentrations. No permits will be issued for concentrations greater than 90%.
- (9) Carbofuran (Furadan)—all concentrations.
- (10) Carbophenothion (Trithion)—all concentrations above 5%.
- (11) Chloropicrin—all concentrations.
- (12) Chlorpyrifos— all formulations labeled for use to control termites by subsurface ground insertion.
- (13) Cyanides—calcium and inorganic cyanides—all concentrations; liquid hydrogen cyanide—all concentrations.
- (14) Cyclohexamide (Actidione)—all concentrations above 1.3%.
- (15) Dasanit [0,0-diethyl 0-/p-(methylsulfanyl) phenyl / phosphorothioate]—all concentrations.
- (16) Demeton (Systox)—all concentrations.
- (17) Dibromochloropropane (DBCP) [1,2 dibromo-3-chloropropane]—all concentrations.
- (18) Dinoseb (DNBP) or (DNOSBP) [4,6-dinitro-o-sec-butylphenol and salts]—all concentrations.
- (19) Dioxathion (Delnav)—all concentrations.
- (20) Diphacinone [2-diphenylacetyl-1,3-indandione]—all concentrations above 3%.
- (21) Di-Syston [0,0-diethyl S-/2-(ethylthio) ethyl / phosphorodithioate]—all concentrations above 2%.
- (22) DNOC [4,6-dinitro-o-cresol and salts]—all concentrations.
- (23) DNOCHP [4,6-dinitro-o-cyclohexylphenol and salts]—all concentrations.
- (24) Dyfonate [0-ethyl S-phenyl ethylphosphonodithioate]—all concentrations.
- (25) Endosulfan (Thiodan)—all concentrations.
- (26) EPN [0-ethyl 0-p-nitrophenyl phenylphosphonothioate]—all concentrations.
- (27) Ethion [bis(0,0-dimethylthionothiophosphoryl) methane]—all concentrations above 3% and granular formulations above 6%.
- (28) Famphur [0,0-dimethyl 2-/p-(dimethylsulfamoyl) phenyl / phosphorothioate]—all concentrations.
- (29) Fenthion (Baytex)—all concentrations above 0.5%.
- (30) Formetanate hydrochloride (Carazol SP) m [(Dimethylamino) methylene / amino]-phenyl methylcarbamate monohydrochloride—all concentrations.
- (31) Fumarin [3-(alpha-acetonyl-furfuryl)-4-hydroxycoumarin]—all concentrations above 3%.
- (32) Guthion [0,0-dimethyl S-/4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl /-phosphorodithioate]—all concentrations.

- (33) Methomyl (Lannate)—all concentrations.
- (34) Methyl bromide—all concentrations.
- (35) Methyl parathion [0,0-dimethyl 0-p-nitrophenyl phosphorothioate]—all concentrations.
- (36) Mexacarbate (Zectran) [4-(dimethylamino)-3, 5-xylyl methylcarbamate]—all concentrations.
- (37) Monitor [O,S-dimethyl phosphoramidothioate]—all concentrations.
- (38) Nicotine Alkaloid—all concentrations.
- (39) Nicotine Salts—all concentrations above 40% nicotine expressed as alkaloid.
- (40) Paraquat—concentrations above 0.2%.
- (41) Parathion—all concentrations.
- (42) Pentachlorophenol—all concentrations above 5%.
- (43) Phorate (Thimet)—all concentrations.
- (44) Phosdrin [2-carbomethoxy-1-methylvinyl dimethyl phosphate, alpha isomer]—all concentrations.
- (45) Phosphamidon—all concentrations.
- (46) Phosphorus (white or yellow)—all concentrations.
- (47) Pival [2-pivalyl-1,3-indandione and salts]—all concentrations above 3%.
- (48) PMP, Valone [2-isovaleryl-1,3-indandione and salts]—all concentrations above 6%.
- (49) Radox N-N-Diallyl-2-chloroacetamide—all concentrations.
- (50) Schradan (OMPA)—all concentrations.
- (51) Strychnine and its salts—all concentrations.
- (52) Sulfotepp [0,0,0,0-tetraethyl dithiopyrophosphate]—all concentrations.
- (53) Sulfuryl Fluoride (Vikane)—all concentrations.
- (54) Supracide-0,0 dimethyl phosphorodithioate ester with 4-(mercaptymethyl)-2-methoxy delta2-1,3,4-thiadiazolin-5-one.
- (55) TEPP [tetraethyl-pyrophosphate]—all concentrations.
- (56) 2,4,5-T [252,4,5-trichlorophenoxyacetic acid and its esters and salts]—all concentrations.
- (57) Vapona (dichlorvos, DDVP) 2,[2-dichlorovinyl dimethyl phosphate]—all concentrations above 1%. Resin strips such as flea collars, bird perches and other impregnated resin products are not restricted.
- (58) Warfarin [3-(alpha-acetonylbenzyl)-4-hydroxycoumarin and its salts]—all concentrations above 3%.
- (59) Zinc Phosphide—all concentrations above 2%.
- (60) Zinophos [0,0-diethyl 0-2-pyrazinyl phosphorothioate]—all concentrations.

(b) The following may be distributed, sold, purchased, possessed or used only upon issuance of a commercial permit or purchase permit for those purposes listed:

(1) Aldicarb (Temik). For use by trained personnel in commercial production of ornamental plants in commercial greenhouses and field-grown and nursery plantings on:

- (i) greenhouse plants or plant beds—for control of aphids, leafminers, thrips, mealybugs, spider mites, white flies;
- (ii) roses—for control of spider mites;
- (iii) dahlias—for the control of aphids, leafhoppers, leafminers, spider mites;
- (iv) lilies, bulbs—for the control of nematodes; and
- (v) birch and holly—for the control of aphids, leafminers.

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(2) Inorganic arsenic compounds:

(i) Arsenious oxide—may be purchased under permit for formulating baits which shall contain not more than 2.4% of the compounds for commercial areas or 1.5% of the compound for home use to control rodents.

(ii) Calcium arsenate—concentrations above 6% active ingredient expressed as tricalcium arsenate allowable for use only in prescription programs for control of *Poa annua* in turf by permit. Concentrations under 6% unrestricted.

(iii) Lead arsenate—allowable for use in integrated control programs on apples to control plum curculio, codling moth, apple maggot and other chewing insects.

(iv) Magnesium arsenate, Paris green and other inorganic arsenicals not specifically covered—limited to use by permit and only upon review for determining acceptability of proposed use.

(v) Soluble arsenics, including arsenic trioxide (above 1.5%), sodium arsenite (above 2%) and sodium arsenate (above 5%)—restricted, with permits granted only after review of the specific use proposed.

(3) Dicamba (Banvel D)—no restrictions on the substance itself and no permit required. However, in mixtures with fertilizer, the dicamba must be in the acid form and recommended at rates not to exceed 0.125 pounds acid equivalent per acre.

(4) Lindane:

(i) for use on trees, shrubs and logs to control lepidopterous and coleopterous borers, long-horned and ambrosia beetles, certain bark beetles, giant hornets, the white pine weevil, pine root collar weevil, pales weevil, balsam twig aphids, white pine aphids and the northern pine weevil;

(ii) for foliar treatment for the control of the honey locust pod gall. This is the only overall foliage treatment allowed;

(iii) for planter box treatment of bean, cucurbit, corn and pea seeds; and

(iv) pastes or ointments containing less than 2.1 percent, anti-flea collars for pets containing not more than 0.75 percent, and liquid concentrations containing not more than five percent in containers not to exceed 16 ounces (one pint) for the control of certain borers are not restricted.

(5) Sodium fluoroacetate:

- (i) for use by registered custom applicators and governmental agencies;
- (ii) must be used in locked bait stations, may be used only when the premises or area is vacated, the structure or area must be adequately posted, and all carcasses must be collected and disposed of before the premises or area can be occupied;
- (iii) a purchase permit must be secured for each job on which the material is to be used;
- (iv) applications for the purchase and use of sodium fluoroacetate must be accompanied by a letter outlining where the material will be used, who will be in charge of the operation, the dates of application, the disposal site of the carcasses, and the reasons for using this material; and
- (v) disposal of the carcasses shall be by burial or incineration at approved sites.

(6) Endrin:

- (i) for use only in apple orchards for the control of pine vole;
- (ii) shall not be used as a preventative. Only orchards with obvious pine vole damage may be treated;
- (iii) applicant must have attended an approved training session covering the use of Endrin and pine vole control prior to making application for a permit;
- (iv) verification of the infestation may be required by the department's regional office;
- (v) may be applied only after the area to be treated has been harvested, including drops; and
- (vi) not for use after January 30, 1978.

(7) Oxamyl:

- (i) in Nassau and Suffolk Counties use is permitted only on containerized plantings.
- (ii) all other uses listed on the registered label are otherwise permitted throughout the State.

(c) No permitted uses will be allowed for the following:

- (1) Aldrin [Hexachlorohexahydro-endo, exo-dimethanonaphthalene];
- (2) Bandane [polychlorodicyclopentadiene];
- (3) BHC [benzene hexachloride-mixed isomers];
- (4) Chlordane [Octachloro-4, 7-methanotetrahydroindane];
- (5) DDD, TDE [dichloro diphenyl dichloroethane];
- (6) DDT [dichloro diphenyl trichloroethane];
- (7) Dieldrin [Hexachloroepoxyoctahydro-endo, exo-dimethanonaphthalene];
- (8) Heptachlor [Heptachlorotetrahydro-4, 7-methanoindene];
- (9) Mercury compounds;
- (10) Selenites and selenates;
- (11) Strobane;
- (12) Thallium; or
- (13) Toxaphene.

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(d) Unless otherwise stated, the following restrictions apply to all applications of any pesticide for the control of termites, except applications made to wood utility poles not to be used in structures:

(1) All applications must be made in accordance with both the pesticide label directions and these regulations. In circumstances where the label and these regulations address the same point, the stricter of the label or regulations must be complied with.

(2) Applications must be made by individuals certified in accordance with the termite subcategory as described in section 325.18(g)(3) of this Title. An application shall include, but not be limited to: the mixing of the pesticide solution; the application of the pesticide; the clean-up of application areas and equipment; and the disposal of excess dilution, rinsate, and empty containers. An individual need not be certified, but must be working in the presence of and under the observation and direction of a certified applicator to drill holes for the subsurface ground insertion of pesticides. An individual need not be certified, but must be working under the direct supervision of a certified applicator to: dig ditches where pesticide applications will be made; remove coverings so that a visual inspection may be conducted; plug holes where pesticide applications have been made; or provide other nonapplication support services to the certified applicator.

(3) Prior to the subsurface ground insertion of a pesticide for the control of termites made from the interior of the structure, a visual inspection of the application area must be made by the applicator to determine that the foundation and concrete portions of the structure will prevent the pesticide from moving from the soil into the structure. This inspection must include, but is not limited to, the removal of coverings such as wood paneling or sheet rock from foundation walls which are intended to be drilled for the subsurface ground insertion of a pesticide and the removal of coverings such as wood floors or carpeting from basement floors or concrete slabs which are intended to be drilled for the subsurface ground insertion of a pesticide. This inspection may also include the removal of coverings such as asphalt linoleum and ceramic tile. The application area must remain uncovered during the application of the pesticide.

(4) All pressurized application equipment used for subsurface ground insertion must be equipped with a properly operating pressure gauge (accurate to within plus or minus 3 psi). During applications, pressure at the nozzle may not exceed 25 psi.

(5) During the subsurface ground insertion of a pesticide for the control of termites, at least two individuals must be present on the premises. One of these individuals must be present inside the structure to assist the applicator in detecting any intrusion of the pesticide into the structure during the subsurface ground insertion of the pesticide. At the first indication of any intrusion of the pesticide, the application must be stopped and clean-up procedures must be initiated immediately.

(6) Pesticides used for the control of termites must not be applied in any manner to soil:

(i) under or adjacent to any structure which contains a well or cistern, or which is within 10 feet of a well or cistern as measured across the surface of the soil from the application area to where the well or cistern begins to descend vertically; or

(ii) at or below the level of the local water table as determined by:

(a) excavation of a test hole dug down to the lowest planned treatment area if evidence of a high water table is found such as water stains on the foundation or the presence of a sump pump in the structure to be treated. The application of a pesticide to the soil may be made only if, at the end of two hours immediately following the completion of the excavation of the test hole, the test hole does not contain any water or saturated soil; or

(b) examination of all sumps in the structure if they exist. Any standing water must be removed from the sumps, and all sump pumps must be removed from the sumps or disconnected from their power source for the next two hours. The application of pesticides to the soil may be made only if, at the end of two hours immediately following the removal or disconnection of the pumps, the sumps do not contain any water.

(7) Pesticides used for the control of termites may be applied to soil located 10 to 25 feet from any wells or cisterns, as measured across the surface of the soil from the application area to where the well begins to descend vertically, only if the application within four feet of the waterpipes located between the structure and the well is limited to trenching except that before the pesticide is applied, the removed soil must be placed on a waterproof tarp or polyethylene sheeting that is six mils thick, the pesticide must be applied only to the removed soil, and the soil to which the pesticide has been applied must be allowed to dry on the tarp or sheeting for at least four hours prior to replacing the soil in the ditch.

(8) Pesticides applied by subsurface ground insertion for the control of termites may not be applied to the interior of hollow masonry block foundation walls.

(9) Subsurface ground insertions of pesticides for the control of termites may be made to structures with intraslab or subslab air circulation ducts, plenum air spaces, exposed soil areas in basements or crawl spaces, or foundations with holes, cracks, voids, or of rubble or stone only under the following provisions:

(i) Intraslab or subslab air circulation ducts—Preconstruction. Application may be made only if:

(a) the air circulation ducts will be completely encased in concrete, within or below the slab; or

(b) the air circulation ducts will be constructed of an impervious material such as metal or plastic and will be sealed prior to the pouring of the concrete slab to prevent the pesticide from moving from the soil into the air circulation ducts.

(ii) Intraslab or subslab air circulation ducts—Post construction. Application may be made to an existing structure only if:

(a) the air circulation ducts are permanently filled and sealed prior to the application and an alternative air circulation system or other heating or cooling system is installed to replace the filled air circulation ducts; or

(b) made from the exterior side of the foundation by trenching, vertical rodding, or trenching and vertical rodding.

(iii) Plenum air spaces. Application may be made only from the exterior side of the foundation and must be limited to trenching, vertical rodding, or trenching and vertical rodding.

(iv) Exposed soil areas in basements which do not have a permanent impervious slab cover. Application to exposed soil areas which do not have a permanent impervious slab cover may be made in basements only if:

(a) made by trenching, rodding, or trenching and rodding from the interior of the foundation; and

(b) the exposed soil area where the applications are made are permanently sealed with an impervious material such as an 18-inch wide ribbon of cement immediately following the application. Polyethylene sheeting is not acceptable.

(v) Exposed soil areas in crawl spaces which do not have a permanent impervious slab cover. Application to exposed soil areas which do not have a permanent impervious slab cover may be made in crawl spaces only if:

(a) made by trenching, rodding, or trenching and rodding from the interior of the foundation; and

(b) the exposed soil areas where the applications are made are permanently sealed with an impervious material such as an 18-inch wide ribbon of cement immediately following the application. Except as specified in subclause (c)(2) of this subparagraph, polyethylene sheeting is not acceptable; or

(c) the crawl spaces do not have any permanent openings that open into the structure, other than access doors that are securely closed immediately after the application, and:

(1) the crawl spaces are ventilated, prior to the application of the pesticide, with permanently constructed openings or vents which have a total opening area equivalent to 1/150 of the total square footage of the interior floor surface of the crawl space. Vents must be placed on at least two exterior walls and one vent must be placed within three feet of each exterior corner of the crawl space; and

(2) the exposed soil areas are completely covered with polyethylene sheeting that is six mils thick. The polyethylene sheeting must be placed on the surface of the soil and the edges of the sheeting must overlap and be sealed against the foundation walls. All seams in the polyethylene sheeting must overlap and be sealed.

(vi) Foundations with holes, cracks, voids, or of stone or rubble. Applications to structures that have basements or crawl spaces that extend below the level of the outside grade and which have holes, cracks or voids may be made only if:

(a) holes, cracks and voids are filled with mortar or other suitable permanent and impervious material prior to the application to prevent the pesticide from moving into the structure; or

(b) limited to trenching, except that before the pesticide is applied, the removed soil must be placed on a waterproof tarp or polyethylene sheeting that is six mils thick, the pesticide must be applied only to the removed soil, and the soil to which the pesticide has been applied must be allowed to dry for at least four hours prior to replacing the soil in the ditch.

(10) Immediately after the subsurface ground insertion of a pesticide for the control of termites, all interior holes drilled in any of the construction elements of structures must be securely plugged with a tightly fitted material such as cement or mortar. Plugs made out of other materials such as plastic, wood or cork must be recessed a minimum of one inch and capped with cement or mortar.

(11) Retreatments are allowed only when there is evidence of reinfestation subsequent to the initial application, or there has been a disruption of the pesticide barrier in the soil due to construction, excavations or landscaping. This requirement applies regardless of whether the pesticide used for the retreatment is chemically different from the pesticide initially applied. Retreatments may be made to the reinfested or disrupted areas only.

(e) If it is determined by the Commissioner of the New York State Department of Health that an emergency exists affecting the public health or if it is determined by the Commissioner of the New York State Department of Agriculture and Markets or the United States Department of Agriculture that the enforcement of a State or Federal quarantine requires it, the Commissioner of Environmental Conservation may permit the use of any restricted pesticide to cope with the emergency or enforce the quarantine.

(f) The distribution, sale, purchase, possession or use of aldicarb (Temik) for use on potatoes in Nassau and Suffolk Counties is hereby forbidden.

(g) The in-ground use of oxamyl (Vydate) shall be permitted in the counties of Nassau and Suffolk on only those lands on which cropping has been restricted by contract with the New York State Department of Agriculture and Markets under the Golden Nematode Control Program.

(h) In all counties other than Nassau and Suffolk, aldicarb for use on potatoes may be distributed, sold, offered for sale, purchased for the purpose of resale or possessed for the purpose of resale only upon issuance of a commercial permit, and may be purchased, possessed, or used only by a certified applicator or a special permit holder. Use on potatoes is further restricted as follows:

- (1) application must not be made to any field that was treated with aldicarb in 1982;
- (2) application rate must not exceed two pounds of active ingredient per acre; and
- (3) application must not be made until plant emergence.

Historical Note

Sec. renum. 606.2, Sept. 1966; new filed April 23, 1972; amds. filed: April 19 and 27, 1973; Sept. 26, 1977; Oct. 11, 1977; July 13, 1978; March 7, 1980 as emergency measure, expired 60 days after filing; April 4, 1980 as emergency measure, expired 60 days after filing; March 24, 1981; Feb. 26, 1982 as emergency measure, expired 60 days after filing; March 17, 1983 as emergency measure, expired 60 days after filing; May 17, 1983; Feb. 14, 1984 as emergency measure, expired 60 days after filing; April 19, 1984 as emergency measure, expired 60 days after filing; May 24, 1984 as emergency measure, expired 60 days after filing; June 19, 1984 as emergency measure, expired 60 days after filing; Aug. 20, 1984; Nov. 20, 1984; Feb. 4, 1985; March 13, 1985 as emergency measure eff. March 13, 1985. Amended (a)-(c).

326.3 Commercial permits, restrictions. (a) It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit.

(b) Commercial permits may be issued by the commissioner to persons who, in the regular course of their business, purchase for the purpose of resale, distribute, offer for sale, or sell, restricted pesticides.

(c) It shall be unlawful for a commercial holder to sell restricted pesticides except to a purchase permit or commercial permit holder or except under the provisions of section 326.8(e) of this Part.

(d) Only the holder of a commercial permit may purchase restricted pesticides for resale without being required to obtain and present a purchase permit.

(e) Permits shall not be valid for more than two years.

(f) The commercial permit holder shall maintain all records pertaining to the acquisition, sale or disposal of restricted pesticides for a period of two years and shall make available said records for inspection by the commissioner. Such records shall be kept in a manner and on such forms as the commissioner may prescribe.

Historical Note

Sec. renum. 602.3, Sept. 1966; new filed April 23, 1972; amd. filed April 19, 1973 eff. immediately.

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326.4 Commercial permit applications. (a) An application for a commercial permit shall be submitted to an agent or office designated by the commissioner. Such application shall be made in a manner and on a form prescribed by the commissioner and shall include such information, statements or certification as the commissioner shall require.

(b) Upon receipt of an application, the commissioner shall:

- (1) examine the application; and
- (2) issue the commercial permit requested therein, imposing whatever restrictions or conditions on the permit he deems appropriate in order to protect the public interest; or
- (3) refuse to issue the commercial permit requested therein.

Historical Note

Sec. renum. 602.4, Sept. 1966; new filed April 28, 1972 eff. May 1, 1972.

326.5 Denial of an application or revocation of a commercial permit. The commissioner may deny an applicant for a commercial permit or, at any time after giving notice, revoke a commercial permit already granted to a person upon one or more of the following grounds:

(a) It has been determined that any statement in the application or condition or assumption upon which it was issued is or was false or misleading.

(b) It is determined that the applicant or permit holder does not have adequate facilities for the storage and distribution of restricted pesticides.

(c) It is determined that the applicant or permit holder has engaged in fraudulent business practices relating to the sale and distribution of pesticides.

(d) It is determined that the applicant or permit holder has failed to comply with any pertinent provision of the Environmental Conservation Law or rules and regulations promulgated pursuant thereto.

(e) It is determined that the applicant or permit holder has failed to demonstrate that he has sufficient knowledge and/or experience concerning the proper use and application of pesticides.

(f) It is determined that a permit holder has failed to give accurate and complete information when applying for a permit or in reporting sales or deliveries of restricted pesticides.

(g) It is determined that a permit holder has failed to supply information required upon request of the commissioner.

(h) It is determined that a permit holder has failed to maintain and have available for inspection all records required by the commissioner.

(i) It is determined that the permit holder has failed to provide adequate storage facilities for his inventory of restricted pesticides.

(j) It is determined that a permit holder has failed upon request of the commissioner to permit or aid in the inspection of storage facilities or in the taking of samples of any restricted pesticides under the control of the permittee or his authorized agent.

Historical Note

Sec. renum. 602.5, Sept. 1966; new filed April 28, 1972 eff. May 1, 1972.

326.6 Procedure by commercial permit holders upon sale of restricted pesticides. Upon the sale by a commercial permit holder of a restricted pesticide to a purchase permit holder the procedure for cancellation as provided in section 326.10 of this Part shall be followed.

Historical Note

Sec. renum. 602.6, Sept. 1966; new filed April 28, 1972 eff. May 1, 1972.

326.7 Purchase permits, restrictions. (a) It shall be unlawful for any person to purchase or possess, except for the purpose of resale pursuant to section 326.3(d) of this Part, or use any restricted pesticide unless said person shall have applied for and been issued a purchase permit or who shall have purchased the restricted pesticide in accordance with the provisions of section 326.8(e) of this Part.

(b) Purchase permits may be issued by the commissioner to persons who regularly use and apply pesticides as a significant part of their gainful employment or livelihood as determined by the commissioner. Such persons may include, but not be limited to, Federal, State, county and municipal officers responsible for pest control, registered custom applicators of pesticides, structural pest control operators, farmers, orchardists, nurserymen, arborists, Christmas tree growers, veterinarians, personnel responsible for pest control operation in industrial establishments, golf courses, camps, schools, hospitals, correctional facilities, jails, prisons, parks, highways, railroads and utilities.

Historical Note

Sec. filed April 28, 1972 eff. May 1, 1972.

326.8 Purchase permits, applications. (a) Applications for a purchase permit shall be submitted to an agent or office designated by the commissioner. The application shall be made in a manner and on a form prescribed by the commissioner and shall provide such information, statements and certification as the commissioner shall require.

(b) Only one application shall be submitted for the purchase, possession and use of all substances listed in section 326.2(a) of this Part.

(c) A separate application must be filed for each separate use of a substance as listed below:

(1) Aldicarb (Temik)—for use by trained personnel in commercial production of ornamental plants in commercial greenhouses and field grown and nursery planting on:

- (i) greenhouse plants or plant beds for control of aphids, leafminers, thrips, mealybugs, spider mites, white flies;
- (ii) roses for control of spider mites;
- (iii) dahlias—for the control of aphids, leafhoppers, leafminers, spider mites;
- (iv) lilies, bulbs—for the control of nematodes; and
- (v) birch and holly—for the control of aphids, leafminers.

(2) Inorganic arsenic compounds:

(i) Arsenious oxide—may be purchased under permit for formulating baits which shall contain not more than 2.4% of the compounds for commercial areas or 1.5% of the compound for home use to control rodents.

(ii) Calcium arsenate—concentration above 6% active ingredient expressed as tricalcium arsenate allowable for use only in prescription programs for control of *Poa annua* in turf by permit. Concentration under 6% unrestricted.

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(iii) Lead arsenate—allowable for use in integrated control programs on apples to control plum curculio, codling moth, apple maggot and other chewing insects.

(iv) Magnesium arsenate—Paris green and other inorganic arsenics not specifically covered—limited to use by permit and only upon review for determining acceptability of proposed use.

(v) Soluble arsenics, including arsenic trioxide (above 1.5%), sodium arsenite (above 2%), and sodium arsenate (above 5%)—restricted with permits granted only after review of the specific use proposed.

(3) Lindane:

(i) for use on trees, shrubs and logs to control lepidopterous and coleopterous borers, long-horned and ambrosia beetles, certain bark beetles, giant hornets, the white pine weevil, pine root collar weevil, pales weevil, balsam twig aphids, white pine aphids and northern pine weevil;

(ii) for foliar treatment for the control of the honey locust pod gall; and

(iii) for planted box treatment of bean, cucurbit, corn and pea seeds.

Pastes for ointments containing less than 2.1%, anti-flea collars for pets containing not more than 0.75% and liquid concentrations containing not more than 5% in containers not to exceed 16 ounces (one pint) for the control of certain borers are not restricted.

(4) Sodium fluoroacetate:

(i) for use by registered custom applicators and governmental agencies;

(ii) purchase permit must be secured for each job on which the material is to be used;

(iii) permit application for purchase and use must be accompanied by a letter outlining where the material will be used, who will be in charge of the operation, the dates of application, the disposal site of the carcasses and the reasons for using this material;

(iv) must be used in locked bait stations, may be used only when the premises or area is vacated, the structure or area must be adequately posted, and all carcasses must be collected and disposed of before the premises or area can be occupied; and

(v) disposal of the carcasses shall be by burial or incineration at approved sites.

(d) Upon receipt of an application, the commissioner shall:

(1) examine the application; and

(2) issue the purchase permit requested therein, imposing whatever restrictions or conditions on the permit he deems appropriate in order to protect the public interest; or

(3) refuse to issue the purchase permit requested therein.

Historical Note

Sec. filed April 28, 1972; amds. filed: April 19, 1973; Feb. 14, 1984 as emergency measure, expired 60 days after filing; April 19, 1984 as emergency measure, expired 60 days after filing; June 19, 1984 as emergency measure, expired 60 days after filing; Aug. 20, 1984; March 13, 1985 as emergency measure eff. March 13, 1985. Amended (c).

326.9 Denial of an application or revocation of a purchase permit. The commissioner, at any time after giving notice, may deny an applicant a permit or revoke a permit already granted to a person upon one or more of the following grounds:

- (a) It is determined that any statement in the application or condition or assumption upon which it was issued is or was false or misleading.
- (b) It is determined that the applicant or permit holder failed to justify his need for the quantity and types of restricted pesticides requested.
- (c) It is determined that the applicant or permit holder stored, applied, used or disposed of any pesticide contrary to the registered labeled usage or contrary to the conditions specified in his permit.
- (d) It is determined that the applicant or permit holder has failed to comply with any provisions of the Environmental Conservation Law or rules and regulations promulgated pursuant thereto.
- (e) It is determined that the applicant or permit holder has failed to demonstrate that he has sufficient knowledge and/or experience concerning the proper use, application and disposal of pesticides.
- (f) It is determined that a permit holder has failed to supply information required upon request of the commissioner.
- (g) It is determined that a permit holder has failed to maintain and have available for inspection all records by the commissioner.
- (h) It is determined that the permit holder has failed to provide adequate storage facilities for his inventory of restricted pesticides.
- (i) It is determined that the permit holder has failed upon request of the commissioner to permit on-site inspection of equipment used and methods of application of restricted pesticides, or to permit the inspection or taking of samples of any restricted pesticides, or lands, or crops under the control of the permittee or his authorized agent upon which a restricted pesticide has been used.

Historical Note

Sec. filed April 28, 1972 eff. May 1, 1972.

326.10 Cancellation procedure. (a) A commercial permit holder shall cancel each purchase of a substance listed in section 326.2(a) of this Part by recording the required information on a suitable form at the time each purchase is made by a purchase permit holder, for which purposes a sales invoice will suffice.

(b) Cancellation of a purchase permit required for a substance listed in this section shall be as follows:

- (1) Purchase of total amount. (i) If a purchase permit holder purchases the total amount of the authorized substance at one time he shall present his purchase permit to the commercial permit holder making the sale who shall, after recording the required information on the sales invoice and on the back of the purchase permit, detach and retain stub 2 of the permit.
- (ii) When the total of partial purchases equals the total amount authorized which shall be the authorization required for the possession and use of the restricted substance.
- (2) Partial purchases. (i) If a purchase permit holder makes a partial purchase of the authorized substance, he shall present his purchase permit to the commercial permit holder making the sale who shall, at the time each such partial purchase is made, record the required information on the sales invoice and on the back of the permit issued for that substance.

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(ii) When the total of partial purchases equal the total amount authorized the purchaser under a permit, the commercial permit holder making the last authorized sale, in addition to recording the required information on the sales invoice and on the back of the permit shall detach and retain stub 2 of the permit.

(iii) The purchase permit holder shall retain stub 1 of the purchase permit which shall be the authorization required for the possession and use of the restricted substance.

(3) Annual sales report. (i) A commercial permit holder shall keep a separate sales invoice record for each purchase permit holder on an annual basis. These records shall be retained by the commercial permit holder and kept for a minimum of three years.

(ii) An annual report showing the total sales of each restricted substance listed in section 326.2(a) of this Part, and the total sales of each restricted substance listed in section 326.2(b) of this Part, by formulation shall be mailed or delivered by the commercial permit holder, with such other forms, reports or information as the commissioner shall require to the department at its main office in Albany, NY, no later than the 15th business day following the last day of the calendar year for which the report is being submitted.

(iii) Stub 2 shall be attached to the commercial permit holder's annual report and mailed or delivered to the department with the said report as provided in subparagraph (ii) of this paragraph.

(c) For any sales to nonpermit holders of emulsifiable chlordane in concentrations not exceeding four pounds per gallon and in packages not exceeding one gallon of chlordane in soil injection cartridges made prior to or during 1984, the commercial permit holder must retain the original signature sheets as a record of sale. The commercial permit holder must retain the signature sheets for a minimum of three years from the date of purchase.

(1) No later than midnight January 15, 1985, the commercial permit holder must report to the department at 50 Wolf Road, Albany, NY, the total quantity of chlordane sold the previous year to persons other than purchase permit holders and certified applicators. This report must show total quantities sold in each allowable formulation.

(2) Signature sheets and invoices will be subject to periodic inspection by the commissioner until December 31, 1987.

Historical Note

Sec. filed April 28, 1972; amd. filed Feb. 14, 1984 as emergency measure, expired 60 days after filing; April 19, 1984 as emergency measure, expired 60 days after filing; June 19, 1984 as emergency measure, expired 60 days after filing; Aug. 20, 1984 as emergency measure; refiled Oct. 18, 1984 as emergency measure; made permanent and amd. by order filed Nov. 20, 1984 eff. Nov. 20, 1984.

326.11 Storage. No person shall store any restricted pesticide or empty containers thereof in such a manner as may be injurious to human, plant or animal life or to property or which unreasonably interferes with the comfortable enjoyment of life and property throughout such areas of the State as shall be affected thereby.

Historical Note

Sec. filed April 28, 1972 eff. May 1, 1972.

326.12 Research. The commissioner, in a manner prescribed by him, may permit the purchase, possession and use of any restricted pesticide listed in section 326.2 of this Part for research purposes.

Historical Note

Sec. filed April 28, 1972; repealed, new added by renum. 326.13, filed: Feb. 14, 1984 as emergency measure, expired 60 days after filing; April 19, 1984 as emergency measure, expired 60 days after filing; June 19, 1984 as emergency measure, expired 60 days after filing; Aug. 20, 1984 as emergency measure; refiled Oct. 18, 1984 as emergency measure; made permanent by order filed Nov. 20, 1984 eff. Nov. 20, 1984.

326.13

Historical Note

Sec. filed April 28, 1972; renum. 326.12, filed: Feb. 14, 1984 as emergency measure, expired 60 days after filing; April 19, 1984 as emergency measure, expired 60 days after filing; June 19, 1984 as emergency measure, expired 60 days after filing; Aug. 20, 1984 as emergency measure; refiled Oct. 18, 1984 as emergency measure; made permanent by order filed Nov. 20, 1984 eff. Nov. 20, 1984.

326.14

Historical Note

Sec. filed April 28, 1972; repealed, filed: Feb. 14, 1984 as emergency measure, expired 60 days after filing; April 19, 1984 as emergency measure, expired 60 days after filing; June 19, 1984 as emergency measure, expired 60 days after filing; Aug. 20, 1984 as emergency measure; refiled Oct. 18, 1984 as emergency measure; made permanent by order filed Nov. 20, 1984 eff. Nov. 20, 1984.

326.15-326.17

Historical Note

Secs. filed March 8, 1961; renum. 606.15-606.17.

326.25-326.45

Historical Note

Secs. filed March 8, 1961; renum. 606.25-606.45.

326.65-326.71

Historical Note

Secs. filed March 8, 1961; renum. 606.65-606.71.

326.80-326.81

Historical Note

Secs. filed March 8, 1961; renum. 606.80-606.81.

326.85-326.87

Historical Note

Secs. filed March 8, 1961; renum. 606.85-606.87.

326.95-326.96

Historical Note

Secs. filed March 8, 1961; renum. 606.95-606.96.

326.100

Historical Note

Sec. filed March 8, 1961; renum. 606.100.

326.105

Historical Note

Sec. filed March 8, 1961; renum. 606.105.

326.109-326.110

Historical Note

Secs. filed March 8, 1961; renum. 606.109-606.110.



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ENFORCEMENT CASE REPORT

EPA Assign # _____

Consumer Complaint # _____

Date of Inspection(s): _____

Type of Visit:

BR _____

MPT _____

Non-Aq Use _____

CAR _____

PEI _____

EUP _____

R DR _____

Ag Use _____

Other _____

Est. Name _____

BR# _____

(or Complainant) _____

Individual _____

CA# _____

Address _____

CP# _____

Est. Name _____

BR# _____

(or Complainant) _____

Individual _____

CA# _____

Address _____

CP# _____

Inspector _____ Number _____ Reg. _____

No. Samples _____ Sample # _____
Samples Subs

Will this be referred for enforcement action:

Yes _____ Date _____ No _____

Pending Lab Results _____

(If "yes" - Date Sent to Attorney _____)

Reason for Referral _____

(Including Statue or 6 NYCRR Regulations Reference)

Was a stop-sale, seizure or quarantine invoked?

Yes _____

No _____

Report Review _____

To be completed when enforcement is concluded. Copies of concluded action are to be attached

ENFORCEMENT Proceeding in this Case:

_____ Civil Action

_____ Criminal Action

_____ Administrative Hearing

ENFORCEMENT Action

_____ Warning Letter

_____ Suspend Cert./Reg.

_____ Revoke Cert./Reg.

_____ Fine of \$ _____ Other (describe) _____

EXCERPTS FROM PARTS 325 AND 326, RELATING TO PESTICIDES USED
FOR THE CONTROL OF TERMITES

Part 326
Restricted Pesticides

- Sec.
326.1 Definitions
326.2 Restricted pesticides (partially omitted)
326.3 Commercial permits, restrictions (omitted)
326.4 Commercial permit applications (omitted)
326.5 Denial of an application or revocation of a commercial permit (omitted)
326.6 Procedure by commercial permit holders upon sale of restricted pesticides (omitted)
326.7 Purchase permits, restrictions (omitted)
326.8 Purchase permits, applications (omitted)
326.9 Denial of an application or revocation of a purchase permit (omitted)
326.10 Cancellation procedure (partially omitted)
326.11 Storage
326.12 Research (omitted)

Section 326.1 Definitions. As used in this Part:

(a) "Basement" means any space under a structure that is greater than three feet in height and contained either wholly or in part by foundation walls.

(b) "Certification identification card" means the identification card issued by the commissioner, pursuant to ECL, section 33-0905, for the commercial or private application of pesticides or the sale of restricted use pesticides.

(c) "Cistern" means a reservoir constructed either wholly or partially underground for the collection and storage of water. A stone-filled dry well with a capacity of less than 60 gallons or a septic or sewerage system is not considered a cistern for the purpose of this Part.

(d) "Commercial permit" means the permit issued by the commissioner, pursuant to ECL, section 33-0901, for the distribution, sale, offer for sale, purchase for the purpose of resale, or possession for the purpose of resale, of a restricted pesticide.

(e) "Commercial permit holder" means the person to whom a commercial permit is issued.

(f) "Commissioner" means the Commissioner of Environmental Conservation, or his agents.

(g) "Crawl Space" means any space under a structure that is three feet or less in height and contained either wholly or in part by foundation walls.

(h) "Department" means the Department of Environmental Conservation.

(i) "ECL" means the Environmental Conservation Law.

(j) "Person" means any individual, partnership, association, corporation, organized group of persons whether incorporated or not, private or public authority, state government or agency, political subdivision, governmental agency or any other legal entity.

(k) "Plenum air space" means any space under a structure which functions as or is designed to function as a channel for air circulated within the structure.

(l) "Preconstruction" means the time between the excavation of a site and the pouring of any slabs for the construction of a structure or an addition to a structure.

(m) "p.s.i." means pounds per square inch.

(n) "Purchase permit" means the permit to be issued by the commissioner, pursuant to ECL, section 33-0903, for the purchase, possession, or use of a restricted use pesticide. Whenever used in this section and in this Part, the term "purchase permit" also means, as an alternative, a certification identification card.

(o) "Purchase permit holder" means the person to whom a purchase permit is issued.

(p) "Re-treatment" means the reapplication or repeat of an application of a pesticide, whether or not it is the same concentration or formulation as applied initially, to a structure or an area of a structure, provided the application is for the control of the same pest as initially treated.

(q) "Restricted use pesticide" or "restricted pesticide" means any pesticide listed in section 326.2 of this Part according to the criteria of ECL, section 33-0101(42), or any pesticide whose labeling bears the statement "Restricted Use Pesticide."

(r) "Rodding" means the application of a pesticide by

means of the vertical or horizontal insertion of hollow steel tubes such as sub-slab injection rods inserted directly beneath the slab or sub-soil injection rods inserted into the soil to a depth of at least four inches, but not below the top of the footing of the foundation wall.

(s) "Structure" means any building, including any appurtenances such as patios, terraces, or garages.

(t) "Subsurface ground insertion" means the placement of any pesticide:

(1) under or adjacent to structures by trenching; or

(2) under or adjacent to structures by rodding within six inches of the face of the foundation wall or masonry work footings made of such materials as stone, brick, cement, or concrete blocks for any supporting posts or piers; or

(3) as a preconstruction treatment:

(i) on the surface of soil to be covered with at least four inches of untreated soil or a concrete slab prior to completion of the construction. If the surface of the soil is treated and the soil or concrete slab is not put in place on the same day, a waterproof material such as polyethylene sheeting must be placed over the treated soil; or

(ii) on the exterior side of a foundation wall, not made of stone or rubble, to be covered completely, when the exterior side of the foundation wall is back-filled, with at least a four inch layer of untreated soil.

(u) "Trenching" means the application of a pesticide by means of the excavation of a narrow ditch and the application of the pesticide into the ditch or to the excavated soil. The ditch must be immediately adjacent to the face of the foundation wall or the masonry work footing for any supporting posts and piers, and not extend below the top of the footing of the foundation wall. Except as specified in paragraph 326.2(d)(7) and clause 326.2(d)(9)(vi)(b) of this Part, the pesticide must be mixed with excavated soil as the soil is replaced in the ditch or rodded into the soil at the bottom of the ditch. The treated soil must be allowed to dry for at least four hours before it is covered with at least a four inch layer of untreated soil.

326.2 Restricted pesticides. Notwithstanding any statement to the contrary, including statements contained on labels or made by manufacturers, any substance or mixture of substances enumerated in this section, when used as a pesticide as defined in Environmental Conservation Law, article 33, is declared to be restricted to its purchase, distribution, sale, use and possession.

(b) The following may be distributed, sold, purchased, possessed or used only upon issuance of a commercial permit or purchase permit for those purposes listed:

(2) Aldrin--may be applied only for the control of termites:

(i) by subsurface ground insertion in accordance with the restrictions stated in subdivision (d) of this section; or

(ii) in wood utility poles not to be used in structures.

(4) Chlordane -- may be applied only for the control of termites by subsurface ground insertion in accordance with the restrictions stated in subdivision (d) of this section;

(6) Dieldrin--may be applied only for the control of termites by subsurface ground insertion in accordance with the restrictions stated in subdivision (d) of this section;

(7) Heptachlor--allowable only for incorporation by the New York State Department of Agriculture and Markets into baits for the alfalfa snout beetle, which may not be distributed at a rate to exceed two ounces of active material per acre.

(c) No permitted uses will be allowed for the following:

- (1) Bandane [polychlorodicyclopentadiene];
- (2) BHC [benzene hexachloride-mixed isomers];

- (3) DDD, DDE [dichloro diphenyl dichloroethane];
- (4) DDT [dichloro diphenyl trichloroethane];
- (5) Endrin;
- (6) Mercury compounds;
- (7) Selenites and selenates;
- (8) Strobane;
- (9) Thallium;
- (10) Toxaphene.

(d) Unless otherwise stated, the following restrictions apply to all applications of any pesticide for the control of termites, except applications made to wood utility poles not to be used in structures:

(1) All applications must be made in accordance with both the pesticide label directions and these regulations. In circumstances where the label and these regulations address the same point, the stricter of the label or the regulations must be complied with.

(2) Applications must be made by individuals certified in accordance with the termite subcategory as described in section 325.16(g)(3) of this title. An application shall include, but not be limited to: the mixing of the pesticide solution; the application of the pesticide; the clean-up of application areas and equipment; and the disposal of excess dilution, rinsewater, and empty containers. An individual need not be certified, but must be working in the presence of and under the observation and direction of a certified applicator to drill holes for the subsurface ground insertion of pesticides. An individual need not be certified, but must be working under the direct supervision of a certified applicator to: dig ditches where pesticide applications will be made; remove coverings so that a visual inspection may be conducted; plug holes where pesticide applications have been made; or provide other non-application support services to the certified applicator.

(3) Prior to the subsurface ground insertion of a pesticide for the control of termites made from the interior of the structure, a visual inspection of the application area must be made by the applicator to determine that the foundation and concrete portions of the structure will prevent the pesticide from moving from the soil into the structure. This inspection must include, but is not limited to, the removal of coverings such as wood paneling or sheet rock from foundation walls which are intended to be drilled for the subsurface ground insertion of a pesticide and the

removal of coverings such as wood floors or carpeting from basement floors or concrete slabs which are intended to be drilled for the subsurface ground insertion of a pesticide. This inspection may also include the removal of coverings such as asphalt linoleum and ceramic tile. The application area must remain uncovered during the application of the pesticide.

(4) All pressurized application equipment used for subsurface ground insertion must be equipped with a properly operating pressure gauge (accurate to within plus or minus 3 p.s.i.). During applications, pressure at the nozzle may not exceed 25 p.s.i.

(5) During the subsurface ground insertion of a pesticide for the control of termites at least two individuals must be present on the premises. One of these individuals must be present inside the structure to assist the applicator in detecting any intrusion of the pesticide into the structure during the subsurface ground insertion of the pesticide. At the first indication of any intrusion of the pesticide, the application must be stopped and clean-up procedures must be initiated immediately.

(6) Pesticides used for the control of termites must not be applied in any manner to soil:

(i) Under or adjacent to any structure which contains a well or cistern, or which is within 10 feet of a well or cistern as measured across the surface of the soil from the application area to where the well or cistern begins to descend vertically; or

(ii) At or below the level of the local water table as determined by:

(a) Excavation of a test hole dug down to the lowest planned treatment area if evidence of a high water table is found such as water stains on the foundation or the presence of a sump pump in the structure to be treated. The application of a pesticide to the soil may be made only if, at the end of two hours immediately following the completion of the excavation of the test hole, the test hole does not contain any water or saturated soil; or

(b) Examination of all sumps in the structure if they exist. Any standing water must be removed

from the sumps, and all sump pumps must be removed from the sumps or disconnected from their power source for the next two hours. The application of pesticides to the soil may be made only if, at the end of two hours immediately following the removal or disconnection of the pumps, the sumps do not contain any water.

(7) Pesticides used for the control of termites may be applied to soil located 10 to 25 feet from any walls or cisterns, as measured across the surface of the soil from the application area to where the well begins to descend vertically, only if the application within four feet of the waterpipes located between the house and the well is limited to trenching except that before the pesticide is applied, the removed soil must be placed on a waterproof tarp or polyethylene sheeting that is 6 mils thick, the pesticide must be applied only to the removed soil, and the soil to which pesticide has been applied must be allowed to dry on the tarp or sheeting for at least four hours prior to replacing the soil in the ditch.

(8) Pesticides applied by subsurface ground insertion for the control of termites may not be applied to the interior of hollow masonry block foundation walls.

(9) Subsurface ground insertions of pesticides for the control of termites may be made to structures with intra-slab or sub-slab air circulation ducts, plenum air spaces, exposed soil areas in basements or crawl spaces, or foundations with holes, cracks, voids, or of rubble or stone only under the following provisions;

(i) Intra-slab or sub-slab air circulation ducts: Preconstruction.

Application may be made only if:

(a) The air circulation ducts will be completely encased in concrete, within or below the slab; or

(b) The air circulation ducts will be constructed of an impervious material such as metal or plastic and will be sealed prior to the pouring of the concrete slab to prevent the pesticide from moving from the soil into the air circulation ducts.

(ii) Intra-slab or sub-slab air circulation

ducts: Post construction.

Application may be made to an existing structure only if:

(a) The air circulation ducts are permanently filled and sealed prior to the application and an alternative air circulation system or other heating or cooling system is installed to replace the filled air circulation ducts; or

(b) Made from the exterior side of the foundation by trenching, vertical rodding, or trenching and vertical rodding.

(iii) Plenum air spaces.

Application may be made only from the exterior side of the foundation and must be limited to trenching, vertical rodding, or trenching and vertical rodding.

(iv) Exposed soil areas in basements which do not have a permanent impervious slab cover.

Application to exposed soil areas which do not have a permanent impervious slab cover may be made in basements only if:

(a) Made by trenching, rodding, or trenching and rodding from the interior of the foundation; and

(b) The exposed soil areas where the applications are made are permanently sealed with an impervious material such as an 18 inch wide ribbon of cement immediately following the application. Polyethylene sheeting is not acceptable.

(v) Exposed soil areas in crawl spaces which do not have a permanent impervious slab cover.

Application to exposed soil areas which do not have a permanent impervious slab cover may be made in crawl spaces only if:

(a) Made by trenching, rodding, or trenching and rodding from the interior of the foundation; and

(b) The exposed soil areas where applications are made are permanently sealed with an

impervious material such as an 18 inch wide ribbon of cement immediately following the application. Except as specified in subclause 326.2(d)(9)(v)(c)(2) of this Part, polyethylene sheeting is not acceptable; or

(c) The crawl spaces do not have permanent openings that open into the structure, other than access doors that are securely closed immediately after the application, and:

(1) The crawl spaces are ventilated, prior to the application of the pesticide, with permanently constructed openings or vents which have a total opening area equivalent to 1/150th of the total square footage of the interior floor surface of the crawl space. Vents must be placed on at least two exterior walls and one vent must be placed within three feet of each exterior corner of the crawl space; and

(2) The exposed soil areas are completely covered with polyethylene sheeting that is 6 mils thick. The polyethylene sheeting must be placed on the surface of the soil and the edges of the sheetings must overlap and be sealed against the foundations walls. All seams in the polyethylene sheeting must overlap and be sealed.

(vi) Foundations with holes, cracks, voids, or of stone or rubble.

Applications to structures that have basements or crawl spaces that extend below the level of the outside grade and which have holes, cracks or voids may be made only if:

(a) Holes, cracks and voids are filled with mortar or other suitable permanent and impervious material prior to the application to prevent the pesticide from moving into the structure; or

(b) Limited to trenching, except that before the pesticide is applied, the removed soil must be placed on a waterproof tarp or polyethylene sheeting that is 6 mils thick, the pesticide must be applied only to the removed soil, and the soil to which the pesticide has been applied must be allowed to dry for at least four hours prior to replacing the soil in the ditch.

(10) Immediately after the subsurface ground insertion of a pesticide for the control of termites, all interior holes drilled in any of the construction elements of structures must be securely plugged with a tightly fitted material such as cement or mortar. Plugs made out of other materials such as plastic, wood, or cork must be recessed a minimum of one inch and capped with cement or mortar.

(11) Re-treatments are allowed only when there is evidence of reinfestation subsequent to the initial application, or there has been a disruption of the pesticide barrier in the soil due to construction, excavations, or landscaping. This requirement applies regardless of whether the pesticide used of the re-treatment is chemically different from the pesticide initially applied. Re-treatments may be made to the reinfested or disrupted areas only.

326.10 Cancellation procedure.

(c) For any sales to non-permit holders of emulsifiable chlordane in concentrations not exceeding four pounds per gallon and in packages not exceeding one gallon or of chlordane in soil injection cartridges made prior to or during 1984, the commercial permit holder must retain the original signature sheets as a record of sale. The commercial permit holder must retain the signature sheets for a minimum of three years from the date of purchase.

(1) No later than January 15, 1985, the commercial permit holder must report to the department at 50 Wolf Road, Albany, New York the total quantity of chlordane sold the previous year to persons other than purchase permit holders and certified applicators. This report must show total quantities sold in each allowable formulation.

(2) Signature sheets and invoices will be subject to periodic inspections by the commissioner until December 31, 1987.

326.11 Storage. No person shall store any restricted pesticide or empty containers thereof in such a manner as may be injurious to human, plant or animal life or to property or which unreasonable interferes with the comfortable enjoyment of life and property throughout such areas of the State as shall be affected thereby.

**Excerpt From Part 325, Relating to Commercial Pesticide
Applicator Certification.**

325.17 Requirements. (a) On and after the promulgation of this Part, each individual engaged in the commercial application of pesticides shall possess a valid commercial applicator certificate, issued by the commissioner; provided, however, that such certificate shall not be required of:

(1) an individual who is applying non-restricted pesticides by use of ground equipment for himself, on his own property or premises, provided such property or premises are not larger than a private dwelling, and who does not use and apply such pesticides to produce a significant part of his gainful employment or livelihood, or

(2) an individual who is applying pesticides under the direct supervision of a certified commercial applicator, unless the individual is applying any pesticide for the control of termites in structures, or

(3) an individual who is applying antimicrobial agents except where such pesticides have been classified for restricted use by the United States Environmental Protection Agency (hereinafter referred to as EPA) or the department.

(b) No business providing the services of commercial application of pesticides shall engage in the application of such pesticides unless the business is registered with the department as provided in section 325.23(a) of this Part and unless such business employs at least one certified commercial applicator at each place of business registered pursuant to section 325.23(c) of this Part.

VETERANS ADMINISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WOOD DESTROYING INSECT INFORMATION EXISTING CONSTRUCTION		1A. VA CASE NUMBER	2. DATE OF INSP.
		1B. HUD/FHA CASE NUMBER	
PRIVACY ACT INFORMATION - The information requested on this form will be used in evaluating the property for a VA or HUD insured loan. Although you are not required by law to provide this information, failure to provide it can result in rejection of the property as security for your loan. The information collected will not be disclosed outside VA or HUD except as permitted by law. VA and HUD are authorized to request this information by statute (38 U.S.C., 1804(a) and 12 U.S.C., 1701 et seq.).			
READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM 1. The VA case number or HUD/FHA case number shall be inserted in Item 1 by the lender or the pest control company. 2. When treatment is indicated in Item 8C, the insects treated will be named, the data on application method and chemicals used shall be entered in Item 10. Proper control measures may include issuance of warranty. Warranty information should also be entered below. Proper control measures are those which follow good acceptable industry practices. 3. If visual evidence is found, the insects causing such evidence will be listed in Item 8A and damage resulting from such infestation will be noted in Item 8D. 4. Areas that were inaccessible or obstructed (item 7) may include, but are not limited to, wall covering, fixed ceilings, floor coverings, furniture or stored articles. The Pest Control Operator (PCO) should list, in item 7, those obstructions or areas which inhibit the inspection. 5. Item 8A may be checked when the PCO is not authorized to perform control measures by the owner/seller or control measures cannot be performed due to conditions beyond control, e.g., obstructions, weather, etc. 6. Visible evidence of conditions conducive to infestation from subterranean termites shall be reported on reverse of the form (earth-wood contact, faulty grades, insufficient ventilation, etc.).			
3A. NAME OF INSPECTION COMPANY		5A. NAME OF PROPERTY OWNER/SELLER	
3B. ADDRESS OF INSPECTION COMPANY (Include ZIP Code)		5B. ADDRESS OF PROPERTY	
3C. TELEPHONE NUMBER (Include Area Code)	4. PEST CONTROL OPERATOR LICENSE NUMBER	5C. STRUCTURE(S) INSPECTED	
FINDINGS			
6. WERE ANY AREAS OF THE PROPERTY OBSTRUCTED OR INACCESSIBLE? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "Yes" complete Item 7.)		7. OBSTRUCTIONS OR INACCESSIBLE AREAS (specify) (Read Item 11B before completing.) (SEE CHECKLIST BELOW)	
8. BASED ON CAREFUL VISUAL INSPECTION OF THE READILY ACCESSIBLE AREAS OF THE PROPERTY (See Item 11A below completing): <input type="checkbox"/> A. Visible evidence of wood destroying insects was observed. No control measures were performed. Insects observed: _____ _____ <input type="checkbox"/> B. No visible evidence of infestation from wood destroying insects was observed. <input type="checkbox"/> C. Visible evidence of infestation was noted; proper control measures were performed. <input type="checkbox"/> D. Visible damage due to _____ has been observed in the following areas: _____ <input type="checkbox"/> E. Visible evidence of previously treated infestation, which is now inactive, was observed. (Explain in Item 10.)			
9. DAMAGE OBSERVED ABOVE, IF ANY: (Check One) <input type="checkbox"/> A. Will be/has been corrected by this company. <input type="checkbox"/> B. Will be corrected by another company (see attached contract). <input type="checkbox"/> C. Will not be corrected by this company. Recommend that damage be evaluated by qualified building expert and that needed repairs be made.		10. ADDITIONAL COMMENTS (If necessary, continue on reverse.)	
11. STATEMENT OF PEST CONTROL OPERATOR A. The inspection covered the readily accessible areas of the property, including attics and crawl spaces which permit entry. Special attention was given to those accessible areas which experience has shown to be particularly susceptible to attack by wood destroying insects. Probing and/or sounding of those areas and other visible accessible wood members showing evidence of infestation was performed. (See reverse side) B. The inspection did not include areas which were obstructed or inaccessible at the time of inspection. (See instruction number 4 above.) C. This is not a structural damage report. Neither is this a warranty as to absence of wood destroying insects. D. Neither I nor the company for which I am acting have had, presently have, or contemplate having any interest in the property I do further state that neither I nor the company for which I am acting is associated in any way with any party to this transaction. <div>CONT. ON REVERSE</div>			
12A. SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE		12B. TITLE	13. DATE
STATEMENT OF PURCHASER <i>I have received the original or a legible copy of this form</i>			
14. SIGNATURE OF PURCHASER			15. DATE
16. AREAS	OBSTRUCTIONS AND/OR INACCESSIBLE AREAS OBSERVED (BUT NOT LIMITED TO)		
BASEMENT			
CRAWL			
MAIN LEVEL(S)			
ATTIC			
EXTERIOR			
ATTACHED GARAGE/PORCH			
COMMON OBSTRUCTIONS AND/OR INACCESSIBLE AREAS			
1. JOISTS HIDDEN ... (a) suspended ceiling (b) fixed ceiling (c) insulation (d) floor over joists 2. WALL COVERINGS ... (a) panelling (b) dry wall (c) plaster (d) tile (e) cabinets (f) shelving (g) wallpaper 3. FLOOR COVERINGS ... (a) tile (b) carpet (c) rugs (d) linoleum (e) built-ins 4. PERSONAL POSSESSIONS ... (a) stored material (b) boxes (c) pictures (d) clothing (e) furniture (f) appliances 5. RAFTERS HIDDEN ... (a) suspended ceiling (b) fixed ceiling (c) insulation 6. RAISED FLOORING ... (a) flooring elevated with sleepers beneath 7. EXTERIOR ... (a) dense shrubbery (b) siding (c) window well covers (d) planters 8. PORCH ... (a) no access or entry beneath floor surface (b) debris 9. ADD'L ITEMS ... (a) standing water (b) debris (c) firewood (d) no access or entry (e) absence of safe or stable access			

11. (A) CONTINUATION

SCOPE OF INSPECTION

A trained and qualified representative of this company has conducted a careful inspection to determine the presence or absence of visible evidence of infestation from termites or other wood destroying insects and/or damage resulting from their infestation. It was made in only those areas which were readily accessible and was made in areas where infestations were most likely to occur. No inspection was made in areas which required the breaking apart, dismantling, removal of any object including, but not limited to, mouldings, floor coverings, wall coverings, siding, ceilings, insulation, floors, furniture, appliances, and/or personal possessions.

This report is not to be construed to constitute a guarantee against future infestations, but is indicative of the condition of the premises on the date of the inspection.

This is not a structural damage report. A wood destroying insect inspector is not ordinarily a construction or building trade expert, and therefore, is not expected to possess any special qualifications which enable him to detect the extent of structural damage. If damage or other evidence of wood destroying insects is noted in this report, further investigation by qualified experts in the building trade should be made to determine structural soundness of the building.

The inspecting firm does not and cannot advise as to the presence or absence of any other damage to the premises including, but not limited to, damage caused by fire, water, rot, moisture, humidity, flood, leaks or storms.

The liability of this inspection will be limited to the amount of the inspection fee.

Non-payment of inspection fee invalidates this report in its entirety.

1. SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE	2. JOB TITLE	3. DATE

4. STATEMENT OF PURCHASER	
I hereby certify that I am the owner of the above described property and that the inspection was made at my request.	

5. ADDRESS OF PROPERTY	6. DATE OF INSPECTION
7. NAME OF INSPECTOR	8. FIRM NAME
9. PHONE NUMBER	10. CITY AND STATE

COMMON OBSERVATIONS AND/OR INFESTATION AREAS	
1. Areas of infestation or damage observed (if any):	
2. Areas of infestation or damage observed (if any):	
3. Areas of infestation or damage observed (if any):	
4. Areas of infestation or damage observed (if any):	
5. Areas of infestation or damage observed (if any):	
6. Areas of infestation or damage observed (if any):	
7. Areas of infestation or damage observed (if any):	
8. Areas of infestation or damage observed (if any):	
9. Areas of infestation or damage observed (if any):	
10. Areas of infestation or damage observed (if any):	

MISSOURI REPORT
to
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

New Orleans, Louisiana - October 1, 2 and 3, 1985

BUREAU OF PESTICIDE CONTROL

Missouri will complete its ninth year of regulating the sale and use of pesticides on October 21, 1985.

The Bureau of Pesticide Control is responsible for the maintenance of the Missouri Pesticide Use Act and the Missouri Pesticide Registration Act. There are approximately 3,000 commercial and 40,000 private applicators certified and licensed to use pesticides in the state. Currently, we have about 1,100 dealers licensed to sell restricted use pesticides.

The regulations authorized by the Pesticide Use Act provide for applicators to be licensed and certified in thirteen categories and subcategories. The number of applicators by category is approximately the same as reported in past years.

Enforcement actions involving applicators were increased during the past fiscal year. There have been seventeen criminal misdemeanor cases for misuse or applying pesticides without proper license filed in circuit courts throughout the state.

In several cases where fraud was indicated, the courts were responsible for the injured party recovering monies involved. Several cases were handled with no formal court action and involved an agreement between the prosecuting attorney and the applicator, and arrangements were made whereby the consumer received reimbursement.

During the past year, the Director held three hearings to allow for presentation of findings involving violations to support revocation, suspension or modification of a license.

During 1984-1985, there were approximately 2,000 inspections involving use, license and record checks. There were 124 complaints of pesticide misuse reporting during the year. Where minor violations occurred, warning letters were issued to the applicator involved. Cases involving major infractions were referred to the prosecuting attorney of the county of incident for criminal action.

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

<u>License Category</u>	<u>Applications Received</u>	<u>Passed Exams</u>	<u>Failed Exams</u>	<u>New Licenses Issued</u>	<u>Licenses Current June 30, 1985</u>
1.	46	17	18	25	322
2.	46	18	22	24	344
3.	26	9	6	8	91
4.	23	18	1	14	97
5.	4	0	3	1	13
6.	1	1	0	0	5
7.	35	19	9	15	414
8.	6	3	1	3	26
9.	3	2	1	15	30
A.	4	2	2	5	21
B.	4	3	1	5	17
C.	7	3	1	6	42
D.	17	8	2	16	52
E.	12	5	4	5	39
TOTALS	234	108	71	142	1,513

13 of the fumigation licenses were "grandfathered" in without taking the license examination

Number of new identification cards issued to employees of licensed companies-----629

TABLE 2A

(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
 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. 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

PERMITS ISSUED

	<u>New Permits Issued</u>	<u>Permits Current June 30, 1985</u>
Category 1.	12	31
Category 2.	12	35
Category 3.	0	0
Category 4.	0	0
Category 5.	0	1
Category 6.	0	0
Category 7.	0	0
Category 8.	0	1
Category 9.	1	1
Category A.	0	0
Category B.	0	0
Category C.	1	1
Category D.	0	0
Category E.	0	0

TABLE 2A
(Continued)

STRUCTURAL PEST CONTROL TREATMENTS REPORTED BY LICENSED COMPANIES

<u>KIND OF TREATMENT</u>	<u>KIND OF STRUCTURE</u>
Termite (existing structure)--22,939	Crawl Space-----5,841
Termite (preconstruction)-----10,590	Slab-----6,051
Beetle-----149	Combination Crawl & Slab--881
Other-----275	New Construction-----10,590
Inspections Made of Properties Treated for Structural Pests ---387	
Treatments Found to Be Satisfactory-----252	
Treatments Found to Be Unsatisfactory-----135	
Houses Inspected that had not been treated-----117	
Action Taken Against Persons In Court-----6	
Court Fines Assessed-\$1417 and 120 days of jail	
Court Fines Suspended-\$665 and 120 days of jail suspended	

South Carolina Report 1985
Structural Pest Control Regulatory Officials
New Orleans, LA

September 30 - October 3, 1985

Category

098
233
200
61
432
89

,430

The Plant Pest Regulatory Service, Clemson University, has been divided into the Plant Industries Department and the pesticide section has united with the Fertilizer Department to become the Department of Fertilizer & Pesticide Control, Clemson University. While most of the pesticide personnel are somewhat remiss about their new department name, the move will be beneficial to both the fertilizer and pesticide programs. Our new address is Department of Fertilizer & Pesticide Control, 256 Poole Agricultural Center, Clemson University, Clemson, SC 29634-0394. Neil Ogg is still the contact individual for structural pest control.

Mandatory licensing of all structural pest control operators is progressing well. Almost 1,100 PCO's are licensed in South Carolina. Enforcement action against unlicensed PCOs is criminal prosecution--warrant, arrest--misdemeanor trial, etc. This is too serious an action in many cases and is tempered by the Department of Fertilizer & Pesticide Control depending on the circumstances.



Neil Ogg
Pesticide Coordinator

Insurance woes are plaguing South Carolina PCOs. Carriers are few to none. Prices have increased dramatically. Some changes must be in our law if insurance becomes impossible to obtain.

ENFORCEMENT ACTIVITIES 1984

Civil Penalties - 25 to tally \$2,400. Fifteen of these involved wood infestation reports. Seven involved substandard treatments and two inconsistent with label directions.

Criminal Prosecutions (3) A. L. Bryant - \$100 Fine, Greenville Magistrate's Court
C. N. Whitman - \$239 restitution, Abbeville Circuit Court
Oscar Daniels - 30 days Pickens County Magistrate's Court

Use Investigations - 23 investigations. Four involved homeowner misuse and seven PCO misuse.

Money saved S.C. Consumers - \$53,447

Number of Structural Pest Inspections - 227 (complaint)

Inspections will reach over 500 in 1985 due to an increase in the number of compliance inspections.

TEXAS STRUCTURAL PEST CONTROL BOARD
1300 EAST ANDERSON LANE, BLDG C, SUITE 250
AUSTIN, TEXAS 78752

The Board adopted new regulations that took effect on June 1, 1984. One of the specific changes were mandatory attendance at a training program on termite treatments. These programs were held in 20 locations during September, October and November throughout the state. The program was open to certified applicators and included a slide presentation, pretest and post test. Structural Pest Control board members, investigators and representatives of the Texas Extension Services were present to answer questions concerning termite treatments. The attendance at the training programs was 3,043 certified applicators in the termite category. Approximately 300 certified applicators in the termite category did not attend these programs. The reason for non-attendance was these individuals were no longer in business or did not need or want the termite category along with varied other reasons.

The Board also adopted a requirement of 12 months experience working under the supervision of a certified applicator within the past 24 months in order to qualify to take an examination for certification. The regulations also requires a person who fails an exam to skip one test session before retaking the same category exam again. The number of exams given each session has dropped by 46 percent. The grade averages for each category have increased by 20 to 50 percent higher than previous years. This shows that less people are taking the exams but the ones taking exams are better prepared to enter the pest control field.

The Board also adopted requirements for termite control and structural fumigation. The structural fumigation requirements to control wood destroying organisms include direct on-site supervision by a certified applicator. Notification of local police, fire and health departments along with warning signs in visible locations are one of the requirements. The licensee shall also post person or persons as a security guard at the location from the time gas is introduced until released for occupancy. A report for each fumigation treatment is required as part of the chemical records on each location treated. This report includes information on cubic feet fumigated, target pest, kind of fumigant, weather conditions and times gas is introduced along with several other requirements.

The Texas legislature has increased the board appropriations by about 20 percent. This increase allowed for one full time secretary and one and one-half investigators. This increase has allowed a realignment of territories for each investigator. The Houston area was split and has two investigators stationed there to handle that area. Another investigator will be stationed in the West Texas area sometime in 1986. This also allowed some territories to be cut by a few counties so all field investigators will benefit by having smaller areas.

The Board has acquired its own computer and is now in operation. This system when in full operation will allow for issuing licenses and processing information on our own system that is geared to the Board's needs.

In the fiscal year 1985 beginning September 1, 1984 and ending August 31, 1985, the Texas Structural Pest Control Board received 438 consumer complaints and 75 field investigation actions. This is a total of 513 complaints for FY 85.

The category of termite treatment involved 168 complaints while clearance letter complaints totaled 100 and other categories 70. The complaints of suspected or alleged misuse totaled 50 of the 438 consumer complaints. Not all of the reports have been finalized at this time to tell how many of these were actual misuse. The 75 field investigation actions were for reasons of doing pest control without a license, doing work out of category, misuse of a pesticide and many other varied reasons. The Structural Pest Control Board field investigators conducted 299 on-site use observations of treatments in the five categories of pest control. A total of 341 soil and swab samples were taken to be analyzed during the investigation of the 513 complaints. In all categories of pest control services, a total of \$214,260.00 was accounted as being returned in many ways to the consumers of Texas. These ways include termite and pest control services re-treated, refunded, or returned by civil actions involving Structural Pest Control Board investigations.

The Structural Pest Control Board investigators attended the Environmental Protection Agency sponsored Structural Pest Control Enforcement Workshop in September, 1985. This was an informative and educational workshop that centered on investigation techniques and structural pest control requirements. Each investigator was given a NEIC Pesticide Sampling Guide that has become useful in the short time they have been available. The Structural Pest Control Board investigators have attended staff training sessions and various other workshops that have been available in the state. The investigators of the Structural Pest Control Board that were not certified in the pest and termite categories have become certified in FY 1985. All investigators plan on becoming certified in all categories as soon as possible.

During FY 85 a total of seven consent agreements have been joined in by the Structural Pest Control Board and pest control operators with alleged violations of the Structural Pest Control rules, regulations and law. These enforcement agreements include voluntary suspension of a license for an agreed period of time. This has ranged from 30 days to two years. A typical consent agreement would be for alleged misuse on a termite or pest treatment. The license holder would agree to a voluntary suspension of the business and certified applicator license. In some cases a category has been suspended. This would mean that a company could not do work in that category for the agreed amount of time. In some cases refund or restoration is part of the agreement along with a specified cleanup procedure when misuse is involved. The consent agreement has become a valuable tool used by the Structural Pest Control Board in the area of enforcement. The voluntary agreement on a penalty when a rule or law has been broken, has saved many man hours of investigation time, attorney fees and many other expenses involved in conducting a board hearing for a specific case or charge.

The Structural Pest Control Board has held nine hearings involving the status of a business license or certified applicator. These nine hearings were held by the nine member board and involved various rulings on allegations of failure to provide adequate instructions and supervision of an employee, misuse of a pesticide or use inconsistent with labeling and many other requirements of the Structural Pest Control rules, regulations and law. The nine member board also has taken action on many other types of requests, projects, and concerns of the pest control industry. One such action was taken due to confirmed incidents of consumer misuse of chlordane. The Structural Pest Control Board requested the Texas Department of Agriculture to classify hydrocarbon termiticides as state limited use pesticides

to place the use under the direct supervision of a certified applicator. Other examples would be strengthening enforcement of insurance requirements, clearance letter certificates, termite treatment standards, safety practices, and many other areas that have need to be targeted for discussion or action.

ASSOCIATION OF STRUCTURAL PEST

CONTROL REGULATORY OFFICIALS

1985 Report

William E. Walls

Virginia Department of Agriculture and Consumer Services

The Office of Pesticide Regulation is in the process of re-evaluating the recertification training provided applicators. We plan to use the Report of the EPA/SFIREG Certification and Training Task Force (8/30/85) to evaluate with the Cooperative Extension Service, our current training and certification materials to determine if they are sufficient and up-to-date. Our goal is to provide training on the safe and proper use of pesticides.

During the year, we added a new category for Wood Preservation (7-B-1) to certification. This will provide for the continued use of Penta, Creosote, and the Arsenicals when classed as Restricted Use Pesticides by EPA. The University of Georgia Manual is being used for our Wood Preservation Category.

Recently our Attorney General ruled that the Virginia Pesticide Law preempts localities from exercising their police powers to control pesticides. The Office of Pesticide Regulation is pleased with this ruling in that this may prevent localities from attempting to regulate the use of pesticides.

During the past year, there were no amendments to the Virginia Pesticide Law or Rules and Regulations.

Association of Structural Pest Control Regulatory Officials

August 28, 1985

Mr. David E. Scott, Manager
Department of Biochemistry
Purdue University
West Lafayette, IN 47907

Dear Dave:

As you may recall during the new business portion of the 1984 meeting, the concept of an ASPCRO "clearing house" for structural pest control recertification training programs was discussed. As a result of that discussion, Jim Arceneaux created a committee to study the feasibility of such a program. The enclosed survey questionnaire is the outcome of several discussions of that committee.

The purpose of the survey is to: 1) determine if there is a sufficient amount of consistency among the various state programs for such a program to work; 2) to determine the interest in such a program; and, 3) to solicit input from ASPCRO members as to the implementation of such a program. As the concept exists at this point, such a program would require the "home state" of a training program to evaluate all structural pest control recertification programs in their state according to ASPCRO criteria. These evaluations would then be made available, perhaps through NPIRS or electronic mail, to other states as needed.

The data will be tabulated and presented for discussion at the meeting in New Orleans; therefore, we must ask that you respond as soon as possible.

Your cooperation in completing the questionnaire, and any suggestions or comments you might have are greatly appreciated.

Sincerely,

Carl E. Falco

Carl E. Falco
North Carolina Department of Agriculture

Neil Ogg
Clemson University

David Shriver
Maryland Department of Agriculture

CEF:tw
Enclosure

RECEIVED
INDIANA STATE CHEMIST

AUG 30 1985

ASPCRO RECERTIFICATION SURVEY

September 1985

- 1) List the categories in which you certify Structural Pest Control Operators? 7A (Residential, Institutional, and Nonfood Industry); 7B (Structural); 7C (Food Industry); 7D (Food Industry Fumigation)
- 2) What is the recertification interval in your state? 5 years
- 3) What methods of recertification are acceptable? (please check)

Exam	Yes	<u>X</u>	No	<u> </u>
Continuing Education	Yes	<u>X</u>	No	<u> </u>
Other (Please specify)	Yes	<u>X</u>	No	<u> </u>

- Purdue Pest Control Correspondence Course may count as $\frac{1}{2}$ of CEU total requirement for 7A,7B,7C.
- 4) Are CEU's or other equivalents accumulated toward recertification?

Yes X No

Or are training programs approved for complete recertification?

Yes No X

- 5) If CEU's are accumulated:

a) Are they category specific? Yes X No

Or a total minimum number? Yes No X

b) How many CEU's (or equivalent) are required for recertification?
7A-18, 7B-12, 7C-18, 7D-12

c) Must CEU's be accumulated annually?

Yes No X

Or may they be accumulated at any time during the recertification interval? No, not all CEU requirements for any category can be accumulated in one year; one program can not count for over $\frac{1}{2}$ of total for a category.
Yes No X

- 6) 1 CEU is equivalent to how many contact hours? approx. 1 (Continuing Certification Hour)
- 7) How are courses evaluated?

a) In person? Yes X No

b) By detailed outline? Yes X No

c) Instructor resume? Yes X No

d) Other? (please specify) Yes X No

Review by a Training Advisory Group.

- 8) Is entry level training accepted for recertification? Yes _____ No X
Advanced training ? Yes _____ No X

What criteria are used to determine the applicability of a particular course to recertification?

- 9) What individual or group (board, committee, etc.) has final authority for approval of training courses?
Indiana State Chemist Office, Pesticide Administrative Staff
- 10) Do you approve training provided by out-of-state agencies or companies?
Yes X No _____
- 11) Do you approve training provided by groups other than government agencies?
Yes X No _____
- 12) Do you approve in-house training by companies of their own employees?
Yes _____ No X
- 13) Do you require that the training program be approved prior to execution on order for it to be approved?
Yes X No _____
- 14) Have you entered into any reciprocal agreements with regards to recertification (not certification)?
Yes _____ No X

If yes, list States:

- 15) Would you be willing to accept an ASPCRO standardization of CEU credits for national and state training programs based on contact hours?
Specific mandatory targeted subject matter topics are being adopted for each
Yes _____ No X category, simple number fulfillment will not be sufficient.
- 16) Please provide any suggestions for accomplishing the ASPCRO clearing house for recertification credits.

Please use additional sheets as necessary.

Return survey to:

Carl E. Falco
North Carolina Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611

SUMMARY OF DATA

Recertification Interval - 34 states responding

<u>Interval (yrs)</u>	<u># States</u>
N/A	1
1	3
2	2
3	11
4	2
5	14
6	1

Methods of Recertification - 34 states responding

<u>Method</u>	<u># States</u>
Exam	30
Continuing Education	30
Workbook	1
Other	1
N/A	1

No. of states utilizing CEU's - 16

No. of states requiring CEU's be category specific - 13

Approvable training -

Entry level	8
Advanced	21
Out of state	25
Non government	24
In house	14

No. of states willing to accept ASPCRO units -

Yes	14
No	7
Maybe	8

Method of Evaluation -

Twenty-nine states evaluated by detailed outline at least with some of these performing in-person evaluations also.

STATE	CERTIFICATION CATEGORIES	RECERTIFICATION			COURSES APPROVED FOR		CONTINUING EDUCATION UNITS				COURSE EVALUATION METHOD				APPROVABLE TRAINING						APPROVAL AUTHORITY	RECIPROCAL RECERTIFICATION AGREEMENTS	WILL ACCEPT ASTERO UNITS
		INTERVAL	POSSIBLE METHODS	CEU's REQUIRED	CEU's	COMPLETE RECERTIFICATION	CATEGORY SPECIFIC	ACCUMULATED ANNUALLY	EARNED ANY TIME DURING INTERVAL	CONTACT HOUR EQUIVALENT	IN PERSON	DETAILED OUTLINE	INSTRUCTOR RESUME	OTHER	ENTRY LEVEL	ADVANCED	OUT-OF-STATE	NON-GOVERNMENTAL	IN-HOUSE	PRIOR APPROVAL REQUIRED			
AZ	VII (all)	5	Exam									Y					Y	Y	Y	Y	Accred. Committee/ Board Appointed	None	Y
DE	7, 7A	3	Exam Cont. Ed.	8	Y	N	Y	N	Y	1	Y	Y									Pesticide Compliance Section		
FL	HP, WDO F, L&O	1	Exam Cont. Ed.	4	Y	Y	N	Y	Y	1	Y	Y	Y		N	N	Y	Y	N	Y-I N-O	Director	None	N
GA	HP WDO F	5	Exam Cont. Ed.	10 10 6	Y	Y	Y	N	Y	1	Y/N	Y	Y										
IN	7A B C D	5	Exam Cont. Ed.	18 12 18 12	Y	N	Y	N	2. courses Minimum	1	Y	Y	Y	Y	N	N	Y	Y	N	Y	State Chemist Staff	None	N
IA	7A-HP 7B-WDO 7C-F 7D-Com	3	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	N	N	N	N	Y	N	N	N	Y	IA S. U. Ext. Ser.	IL, KS, MN, MO, NE, SD, WI.	Y/N
KS	WDO Stor Prod. Ind. We. Health Struc.	3	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	Y	N	Y	N	Y	Y	Y	N	Y	Plant Health Div.- KBA	None	Y/N

STATE	CERTIFICATION CATEGORIES	RECERTIFICATION			COURSES APPROVED FOR		CONTINUING EDUCATION UNITS				COURSE EVALUATION METHOD				APPROVABLE TRAINING					PRIOR APPROVAL REQUIRED	APPROVAL AUTHORITY	RECIPROCAL RECERTIFICATION AGREEMENTS	WILL ACCEPT ASPCRO UNITS
		INTERVAL	POSSIBLE METHODS	CEU's REQUIRED	CEU's	COMPLETE RECERTIFICATION	CATEGORY SPECIFIC	ACCUMULATED ANNUALLY	EARNED ANY TIME DURING INTERVAL	CONTACT HOUR EQUIVALENT	IN PERSON	DETAILED OUTLINE	INSTRUCTOR RESUME	OTHER	ENTRY LEVEL	ADVANCED	OUT-OF-STATE	NON-GOVERNMENTAL	IN-HOUSE				
MT	EPA	4	Exam Cont. Ed.	100 RC's	Y	N	Y	N	Y 50 max. yr.	5-10	Y	Y	Y		N	Y	Y	Y	Y	Y	Training Com. MTDA	None	Y/N
NE	1-Struc Inst. Pub. Health 2-Food proc Grain F	3	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A				Y	N	Y	Y	N	N	Y	EPA	All	
ND	SPC	4	Exam	N/A	N/A	Y	N/A	N/A	N/A	N/A		Y	Y		N	N	Y	N		Y	U of Reno Nev. NDDA	None	Y
NH	FI- Ind. Inst. Stru Hea. FIII- WDO FIV- F	5	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Div. P'cide Control	None	Y
NJ	7A-HP 7B-WDO 7C-F 7D-FD P 7E-Wood Pres	5	Exam Cont. Ed.	8 Core 16 Category	Y	N	Y	N	N	1/2	Y	Y	N	N	Y	Y	Y	Y	Y	Y	NJ Dep	All	Y

STATE	CERTIFICATION CATEGORIES	RECERTIFICATION			COURSES APPROVED FOR		CONTINUING EDUCATION UNITS				COURSE EVALUATION METHOD				APPROVABLE TRAINING					PRIOR APPROVAL REQUIRED	APPROVAL AUTHORITY	RECIPROCAL RECERTIFICATION AGREEMENTS	WILL ACCEPT ASPCRO UNITS
		INTERVAL	POSSIBLE METHODS	CEU'S REQUIRED	CEU'S	COMPLETE RECERTIFICATION	CATEGORY SPECIFIC	ACCUMULATED ANNUALLY	EARNED ANY TIME DURING INTERVAL	CONTACT HOUR EQUIVALENT	IN PERSON	DETAILED OUTLINE	INSTRUCTOR RESUME*	OTHER	ENTRY LEVEL	ADVANCED	OUT-OF-STATE	NON-GOVERNMENTAL	IN-HOUSE				
LA	Gen. P. WDO Com. Vert. F	3	Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A							Y	Y	Y	Y		None	Y/N
							* 6 hrs. Min. 6 hrs. for F.																
MD	EPA	1	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	Y	Y	N	N	Y	Y	Y	Y	Y	David Shriver	None	Y
MA	41-PC 42-F 43-WDO 44-Vert 45-Site San. 50-Fd. Prod	5	Exam Cont. Ed.	3	Y		Y	N	Y	2	Y	Y					Y	Y	Y		Pesticide Bureau		
MI	7A-Gen 7B-WDO 7C-Pub. Health 7D-Ver	3	Exam Cont. Ed.	21	Y	Y	Y	N	Y	1	Y	Y	N	N	Y	Y	Y	Y	N	Y	Prog. Man & Training Coord'r	None	Y
MN		1	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Only MN PCO Wksh Purd. PCO Conf. are approved.						N	N	N	Y		None	N
MS	VII etc	3	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A		Y			N	Y	Y	Y	Y	Y	Ms Div. Plant. Ind	None	?
MO	Gen WDO F	3	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	Y			N	Y	Y	Y	N		Bureau P'cide Control MDA	None	Y/N

STATE	CERTIFICATION CATEGORIES	RECERTIFICATION			APPROVED FOR		EDUCATION UNITS				EVALUATION METHOD				TRAINING					PRIOR APPROVAL REQUIRED	AUTHORITY	RECIPROCAL RECERTIFICATION AGREEMENTS	WILL ACCEPT ASPEC UNITS
		INTERVAL	POSSIBLE METHODS	CEU's REQUIRED	CEU's	COMPLETE RECERTIFICATION	CATEGORY SPECIFIC	ACCUMULATED ANNUALLY	EARNED ANY TIME DURING INTERVAL	CONTACT HOUR EQUIVALENT	IN PERSON	DETAILED OUTLINE	INSTRUCTOR RESUME	OTHER	ENTRY LEVEL	ADVANCED	OUT-OF-STATE	NON-GOVERNMENTAL	IN-HOUSE				
NM	EPA 3, 7	5	Exam Cont. Ed.	6	Y	Y	Y	N	Y	1		Y			Y	Y	Y	Y	Y	Y	NM DA	None	Y
NY	7A	6	Exam Cont. Ed. Wkbook	varies w/ category	N	Y	Y	N	Y	1	Y	Y	Y		Y	Y					Pesticide Control Spec. Bureau Director	NJ, MA VT, RI part. CT part.	Y/N
NC	HF WD F	5	Exam Cont. Ed.	5 7 9	Y	N	Y	N	Y	1	Y	Y	Y	N	N	Y	Y	Y	N	Y	NCSPCC	None	Y
OH	Vert. Anim. Gen PC WDO F	3	Exam Cont. Ed.	5	Y	Y	Y	N	Y	1	Y	Y	Y		Y	Y	Y	Y	N	Y	OH DA Pesticide Spec. in Charge	None	Y
OK *answers for proposed prg.	7B-Struc Pest	5	Exam Cont. Ed.	12	Y	N	Y	N	Y	1	Y	Y	N	N	N	Y	Y	Y	Y	Y	OK DA	None	Y
OR	Ind, Ins., Health & Struct.	5	Exam Cont. Ed.	40	Y	N	N	N	Y	1		Y	Y			Y	Y	Y	Y	Pref.	ORDA Feed Fert & P'cide Section	None	Y/N

STATE	CERTIFICATION CATEGORIES	RECERTIFICATION			APPROVED FOR		EDUCATION UNITS				EVALUATION METHOD				TRAINING					AUTHORITY	RECIPROCAL RECERTIFICATION AGREEMENTS	WILL ACCEPT ASPRO UNITS	
		INTERVAL	POSSIBLE METHODS	CEU'S REQUIRED	CEU'S	COMPLETE RECERTIFICATION	CATEGORY SPECIFIC	ACCUMULATED ANNUALLY	EARNED ANY TIME DURING INTERVAL	CONTACT HOUR EQUIVALENT	IN PERSON	DETAILED OUTLINE	INSTRUCTOR RESUME*	OTHER	ENTRY LEVEL	ADVANCED	OUT-OF-STATE	NON-GOVERNMENTAL	IN-HOUSE				PRIOR APPROVAL REQUIRED
RI	7A-HP 7B-WDO 7C-F 7D-Vert. 7E-Mosq.	5	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	Y	Y		Y	Y	Y	Y	Y	Y		None	Y
TN	Cat. 7	5	Exam	N/A	N/A																		Y
TX	Pest, WDO L & O F Weed Wood pres.	N/A	As det. by the Board												N	N	N	N	N	N		None	N
UT	Cat. 7	5	Exam Cont. Ed.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Y	N	N	N	N	Y	N	N	N	Y	Extension UT DA	None	N
VA	7B-WDO	3	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	Y	Y	N	N	N	Y	Y	Y	Y	Off. Pesticide Reg.	None	Y/N
WV	8B-SPC	3	Exam Cont. Ed.	N/A	N	Y 8 hr. min	N/A	N/A	N/A	N/A	Y	Y	N	approved out-of-state	N	Y	Y	Y	N	Y	Program Leader-Div. Director	OH, PA MD, VA with review	Y

STATE	CERTIFICATION CATEGORIES	RECERTIFICATION			APPROVED FOR		EDUCATION UNITS				EVALUATION METHOD				TRAINING					AUTHORITY	RECIPROCAL RECERTIFICATION AGREEMENTS	WILL ACCEPT ASPCRO UNITS	
		INTERVAL	POSSIBLE METHODS	CEU's REQUIRED	CEU's	COMPLETE RECERTIFICATION	CATEGORY SPECIFIC	ACCUMULATED ANNUALLY	EARNED ANY TIME DURING INTERVAL	CONTACT HOUR EQUIVALENT	IN PERSON	DETAILED OUTLINE	INSTRUCTOR RESUME	OTHER	ENTRY LEVEL	ADVANCED	OUT-OF-STATE	NON- GOVERNMENTAL	IN-HOUSE				PRIOR APPROVAL REQUIRED
WY	Ind., Inst. Struc.	2	Exam Cont. Ed.	24 hrs.	Y	N	N	N	Y	1	Y	Y	N		Y	Y	Y	Y	Y	Pref	WYDA U of WY Ext.	None	N
Anon.	7A, B, C		Exam Cont. Ed.	2	Y	N	Y	Y	Y	N/A	N	Y	N	N	Y	Y	Y	Y	N	Y	Director of Pesticide	IN, TN NC	Y
SD		2	Exam Cont. Ed.	N/A	N	Y	N/A	N/A	N/A	N/A	Y	Y	N	N			rarely	N	N	Y	SDDA Pesticide Super.	ND, MN IA, NE WY, MT	N

NATIONAL RESEARCH COUNCIL

COMMISSION ON LIFE SCIENCES

2101 Constitution Avenue Washington, D.C. 20418

EXECUTIVE DIRECTOR

October 18, 1984

Mr. Phil Gregory
213 North Pleasantburg Dr.
Greenville, SC 29606

Dear Mr. Gregory:

We have been informed that a National Research Council report titled An Assessment of the Health Risk of Seven Pesticides Used for Termite Control has been referenced in various legal actions with the implication that the report provides an exposure standard for airborne concentrations of chlordane and other pesticides. I am writing to clarify the status of the interim guidelines suggested in our report.

1. Reports of the National Research Council contain advisory information only and do not represent formal standards. Federal and state regulatory agencies may use our advice in establishing regulatory standards but will often incorporate other considerations such as technical feasibility or risk vs. benefit in applying our advice. The committee that authored our report attempted to make this clear when it stated, "These are not standards like those suggested by the Occupational Safety and Health Administration."

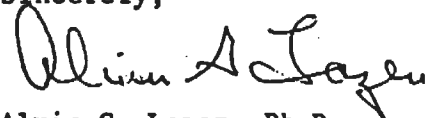
2. The committee also clearly identified their suggestions as an "interim guideline for exposure" while awaiting the availability of additional data which might help in refining the number. It is important to recognize that the committee found the data on chlordane to be scanty and relied on a 1979 NRC report (Chlordane in Military Housing) as a starting point for its deliberations. The 1979 report, that had originally suggested the exposure level, had derived the number "pragmatically."

3. The 5-year period mentioned in the report was intended to indicate the committee's estimation of the time necessary to obtain additional data. It was not intended as a suggestion of the length of time that individuals could be exposed to the guideline concentrations.

I hope that this letter helps to clarify the intent of the committee in making its suggested guidelines for exposure. They are not intended as standards. They are a best estimate based on available but insufficient data.

It is our understanding that further studies on the health effects of chlordane have been performed in the intervening time since our report. It may now be possible to reexamine the issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alvin G. Lazen". The signature is fluid and cursive, with the first name "Alvin" and last name "Lazen" clearly distinguishable.

Alvin G. Lazen, Ph.D.

COUNCIL FOR THE PROTECTION OF BUILDINGS FROM WOOD DESTROYING ORGANISMS

MEMORANDUM

February 20, 1984

To: Potential Members of the Council

This is to call a meeting of the Council on April 4, 1985 at 9:00 at the National Institute of Building Sciences (NIBS). The address is 1015 Fifteenth Street, NW, Suite 700, Washington, DC. A tentative agenda is enclosed. If you have other items to suggest please call me at 202-325-8175 before noon on the 3rd of April.

I am very pleased to announce that in November 1984, the NIBS Board of Directors approved the charter and bylaws of the Council. It has taken us nearly two years and a great deal of effort and expense by a number of individuals to get to this point. That's the good news! The bad news is that we have just barely started. Funds must be raised and we must build the membership, both of which need to be done first. As I see it, those that have worked with the steering group all along could provide sufficient resources to print the flyers. This, in turn, will build membership to staff the various committees and operate the Council according to our planned objectives. Most of you are aware of our the proposed budget [send a check] and plan of action for the first year.

As you can see, I have placed the issue of a shorter title and logo which we badly need first on the agenda. The current title is cumbersome and could stand some improvement (see third page), and a logo is urgently needed for the draft flyer (also enclosed) before it goes to the printer. Be on the lookout for an attractive design idea for the logo. I have included a logo sketched out by Harry Moore. Please consider these things before you come to the meeting as I would like to resolve this "pesky" issue in short order and move onto other business. [Why not send a check now and avoid the rush? Better still, bring it to the meeting.]

A critical issue which needs prompt resolution concerns the Indoor Air Sampling Guideline. It is not yet ready for distribution. It is important, however, because of the current need for uniform guidance on indoor air sampling and its timely publication would surely attract potential members to the Council.

Speaking of potential members, please spend a moment to identify individuals and organizations who might receive the flyers soliciting Council membership. I have included a copy of the flyer text for you to copy and approach some of those potential members between now and April 4. If you can't bring a person, bring a list of names and addresses. We must have a mailing list in place when the flyers are sent to the printer. [If the potential member brings a check, that would be especially nice.]

One final note, as the agenda illustrates, almost every committee job is open. Never again will you have such an opportunity to match your own proclivities and inclinations to an objective. You know also that the Council will not work without individual efforts and dedication. Please think about how you can serve on one of the committees, even if only for a short time, say, a year. . .[and bring a check]

Best regards,



p.s., Your application should accompany the check made payable to "NIBS".

COUNCIL FOR THE PROTECTION OF BUILDINGS
FROM WOOD DESTROYING ORGANISMS

PROPOSED AGENDA

April 4, 1985 at 9:00 AM
National Institute of Building Sciences
1015 15th Street NW
Washington, DC

1. Reconsideration of Council name and logo
(see attached materials)
2. Budget review (note changes)
3. Establishment of:
 - a. Administrative committees for:
 - General
 - Budget
 - Membership
 - Information Transfer
 - b. Operating committees for:
 - Publications
 - Codes and Standards
 - Research
 - Technology Transfer
4. Status of Council Indoor Air Sampling Guide Dr. Khasawinah
5. ASTM standards and NAS guidelines for indoor air quality Dr. Rambo
6. Other Business
7. Date and place of next meeting
8. Adjourn Meeting (planned for 12:30pm)

PROPOSED COUNCIL NAMES

Council on Protection of Buildings from Wood Destroying Organisms	CPBWDO
Council for Protection of Buildings from Wood Destroying Organisms	CPBWDO
Protection of Buildings from Wood Destroying Organisms Council	PBWDOC
Council for Wood Protection	CWP
Council on Wood Protection	CWP
Wood Protection Council	WPC
Wood Protection Advisory Council	WPAC
Council for Protection of Wood Structures	CPWS
Protection of Wood Structures Council	PWSC
Wood in Structures Protection Council	WSPC
Council for Control of Wood Destroying Organisms	CCWDO
Council for Building Protection	CBP
Building Protection Council	BPC
Council on Wood Protection in Buildings	CWPB
Wood Protection in Buildings Council	WPBC
Council on Wood Destroying Organisms	CWDO
Wood Destroying Organisms Council	WDOC
Wood Destroying Organisms Coordinating Council	WDOCC
Protection from Wood Destroying Organisms Coordinating Council	PWDOCC
Wood Structures Preservation Council	WSPC
Structural Wood Protection Council	SWPC
Safe Wood Treatment Council	SWTC

From Funk & Wagnall:

Organism - (2) Anything that is analogous in structure or function to a living thing.

Protection - (1) The act of protecting, or being in a state of being protected.
(2) That which protects.

Destroy - (1) To ruin utterly; consume; dissolve; (2) To tear down; demolish; raze; (3) to put an end to; to do away with.

Council - (1) An assembly of persons convened for consultation or deliberation, (2) A body of men elected or appointed to act in an administrative, legislative or advisory capacity in the government of a city, colony, territory, etc.

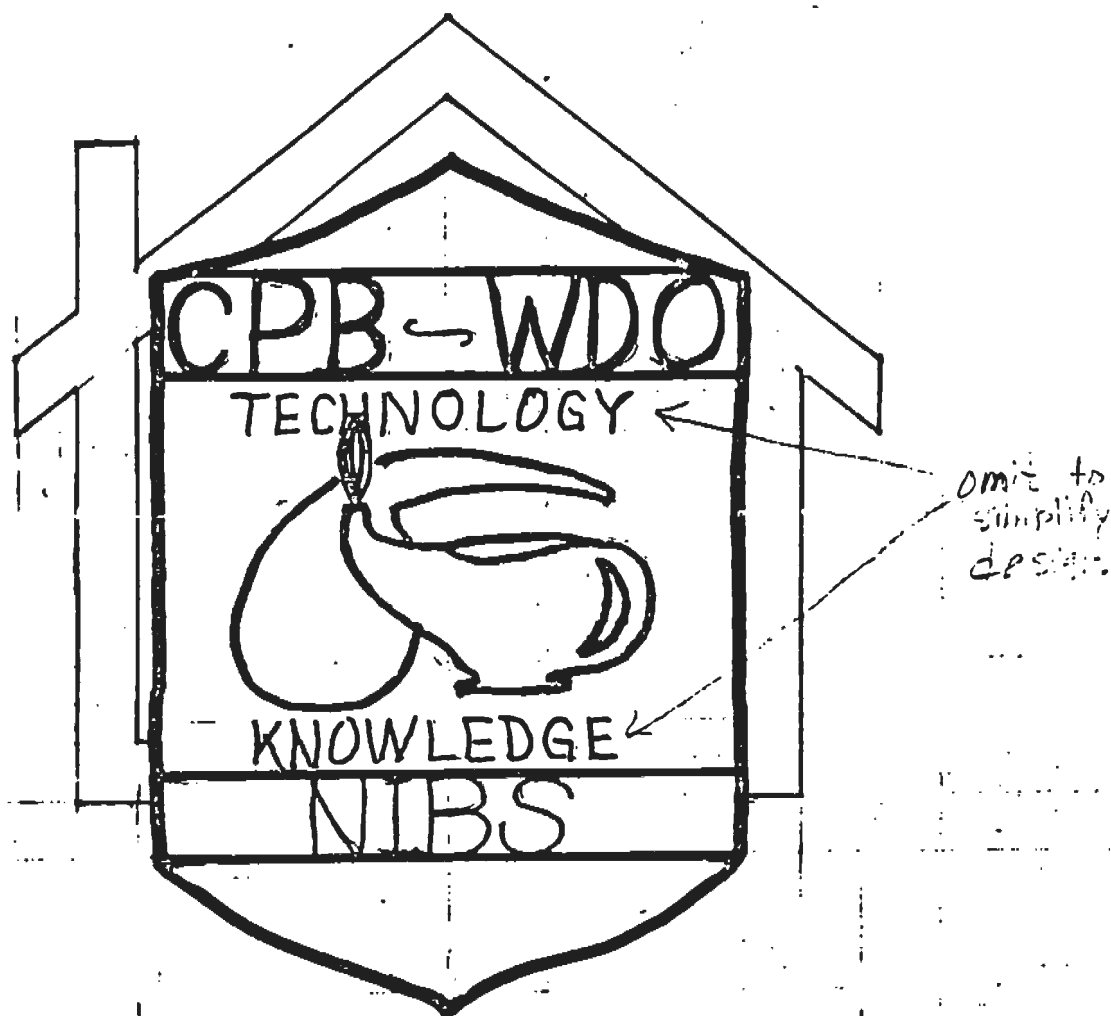
Coordination - (1) The act of coordinating, or the state of being coordinated;
(2) Harmonious, integrated action or interaction.

Destroying = attacking = infesting = damaging

Dave Harris notes that all other groups under NIBS have the "Council" at the end of their title, i.e., Building Thermal Envelope Coordinating Council.

Dave also suggested that on letterhead and the flyer a note could be added to the bottom to more fully explain the purpose of the Council, i.e., "to promote the development and use of safe and effective control technologies for the general protection of new and existing buildings from damage by wood destroying organisms", paraphrased, that might be "for the protection of structures from wood destroying organisms."

I suggest the term "wood" be first in the title to assist directory users to find information on the Council. The terms "council", "protection", and "building" are all general terms which contribute little to the search process.



Shield = Protection (building in background)
 Retort = Technology (Chemistry)
 Lamp = Knowledge

} the tools of protection

Knowledge overlies technology, but they are joined.

6/8/84 HBM

25 Feb 1985

COUNCIL ON PROTECTION OF BUILDINGS FROM WOOD DESTROYING ORGANISMS

The Council on Protection of Buildings from Wood Destroying Organisms is an independent, voluntary, membership body organized under the auspices of the Congressionally authorized nonprofit, nongovernmental National Institute of Building Sciences.

GOAL

The goal of the Council is to promote the development and use of safe and effective control technologies for the general protection of new and existing buildings from damage by wood destroying organisms (WDO).

It does not include management or direction of research, development, and verification projects and programs per se.

OBJECTIVES

The Council promotes:

- sound technical and economical guidelines for the protection of structures including new buildings, existing buildings and other structures, utilizing current technologies;

- education of all concerned public officials and private citizens from all segments of the economy;

- preparation of informational publications;

- appropriate changes to codes and standards; and

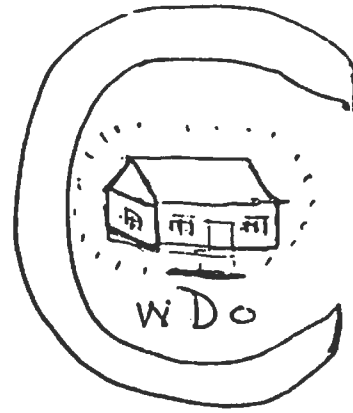
- needed research on new types of construction, new control methods, health effects of pesticides and deactivation procedures for pesticide residues.

WHO CAN PARTICIPATE

Membership in the Council is open to:

- o manufacturers' organizations
- o trade associations
- o labor organizations
- o builder and contractor organizations
- o professional societies
- o government departments, agencies, and authorities at all levels
- o consumer and public interest groups
- o code and standards organizations
- o research and testing organizations
- o academic institutions

COUNCIL ON PROTECTION OF BUILDINGS
FROM WOOD DESTROYING ORGANISM



Council - Encloses a
Protected Bldg
Against WOOD
DESTROYING ORGANISM
(WDO)

6/7/84 FVE

- o real estate and finance institutions.

Membership also is open to individuals and business organizations that have demonstrated leadership and contributions in the field.

CLASSES OF MEMBERS

- Organizational - a voting membership with a designated representative and alternate.
- At-large - a voting membership for individuals.
- Affiliate - a nonvoting membership for organizations, businesses, and individuals wishing to receive notice of, and information concerning, Council activities, and to participate, but not to vote.*

*Applicants precluded from voting membership in the Council because of the need to maintain a balance of interests on the Council will be invited to become affiliate members.

ACTIVITIES

Activities will include promoting and encouraging:

1. Information transfer systems for WDO prevention and control recommendations in new and existing buildings.
2. Guidance to architects, contractors, and engineers on the design of buildings for resistance to damage from WDO.
3. Effective wood protection provisions in model building codes and federal construction specifications and standards.
4. Criteria for protection of buildings from WDO on which voluntary standards may be based to serve building industry needs and protect the financial investment in buildings.
5. Research on construction technologies, control strategies, health risks of pesticides used against WDO, and removal or deactivation of termiticide residues.
6. Use of new technology through:
 - Reviewing current information, identifying any unique and promising technology.
 - Developing new industry-wide guidelines for safe and effective termite control methods.
 - Educating consumers and professionals on current termite control products and techniques.

and such other topics as may be of interest to Council members.

MEMBERSHIP APPLICATION

____ organizational (\$100) ____ at large (\$50) ____ affiliate (\$25)

An optional charter membership fee (\$500.00 minimum) to assist in establishing the Council includes a voting membership (organizational or at large) for the first year and a charter certificate.

Check enclosed for \$ _____

Please bill: ____ me ____ organization, agency, or business

Name _____ Title _____

Telephone () _____

Organization (if any) _____

Mailing address _____ City _____

State _____ Zip _____

ACTIVITY INTERESTS

Number(s) 1 through 6 _____ Other _____
(describe)

1015 15th Street, NW
Suite 700
Washington, DC 20005
(202) 347-5710

0030h/25 Jun 1984/WAG