

Association of Structural Pest Control Regulatory Officials

1989 ANNUAL MEETING MINUTES

The Association of Structural Pest Control Regulatory Officials (ASPCRO) met for their 29th annual meeting on September 24-27, 1989, at John Asquaga's Nugget in Sparks, Nevada. In attendance there were numerous individuals representing state regulatory officials, the application industry, the chemical/supplier industry, the Department of Defense, U.S. EPA, and USDA Forest Service. The states regulatory agencies represented include:

Arizona	Louisiana	New Mexico
Arkansas	Maryland	North Carolina
Delaware	Minnesota	Pennsylvania
Georgia	Mississippi	South Carolina
Illinois	Missouri	Tennessee
Indiana	Nevada	Texas
Kansas	New Jersey	Virginia
Kentucky		

A copy of the registration roster has been included with the minutes.

The meeting was called to order by ASPCRO President James P. Harron at 8:15 AM on September 25. Attendees were welcomed by Tim Hafen, Chairman of the Nevada Department of Agriculture, and Robbin Rose with the Department's Pesticide Division.

Steve Fleming of Dow Chemical discussed fluid dynamics, soil types, and soil subsistence beneath slabs as related to efficacy of termiticide applications. He also highlighted some of the termiticide application technology research being done by Dow. Research to date has shown that slow, gentle (less than 50 p.s.i.) application is most effective.

Bob Crandall of Chem Care division of Van Waters & Rogers addressed the group regarding the service they provide for small hazardous waste generators such as PCO's. He indicated that midnight dumping still occurs and advised that not every hazardous waste hauler can handle all types of waste so researching the company is very important.

President Harron appointed the following committees: Resolutions comprised of David Ivie (TX), Alex Hawkins (KS), and Grier Stayton (DE), while Nominations was Don Alexander (AR), David Barnes (TN), and Neil Ogg (SC).

Jim Haskins of Mississippi distributed, discussed and accepted comments on minimum termite treatment requirements which he and his ASPCRO committee have been working on for over a year. Several comments and suggestions were made by the audience. Mr. Haskins also made available copies of the recently completed draft of the SFIREG termiticide labeling report. Copies of each document have been included with these minutes.

Waste Management Pest Control's Dave Quaterson gave his company's view on a number of issues facing his industry and regulators. An expanded RUP pesticide list, mandatory training and testing of all technicians, more user recordkeeping requirements for RUP's, and the development of a model pest control bill were among the topics addressed.

David Jones of EPA Region IX Office of Regional Council addressed FIFRA and cited and distributed examples of cases in which enforcement under FIFRA was pursued.

Clemson University's Jim Wright who chaired ASPCRO's soil treatment and sampling standards committee made a presentation regarding this committee's efforts over the past year. Much interest was shown and many questions asked by the audience. Mr. Wright emphasized that he felt it was the regulators' function to regulate adherence to termiticide labels. He also emphasized the need for termiticide residue degradation data from the manufacturers. Much more work is needed in this effort which most states feel is necessary for equitable enforcement. Joe Maudlin of Gulfport expressed the opinion that quality data would be slow in coming so acceptable interim residue levels for the termiticides should be established as quickly as possible.

Lt. Col. Richard Kramer of the Department of Defense Pest Management Board informed the group of his Board's history, function, purpose, and activities. He reported that currently approximately 75% of the armed forces pesticide applicators are certified and their goal for certification is 100%.

Bob Bush of Van Waters and Rogers shared with ASPCRO the experiences of California's first couple of years under Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986. His focus was the impact this law has had on pest control operators and how his firm has tried to assist PCO's in compliance.

Several area PCO's conducted a panel discussion explaining the difficulty of operating under drastically different rules and interpretations when going from state to state. They emphasized that one of the most critical concerns was the differing requirements for wood infestation inspections and reporting. In particular, the interpretations of the statements on reports such as "conditions conducive to infestation" and the need to identify them is very inconsistent. They were soliciting ASPCRO's comments and future consideration.

On September 26, 1989, Allen D'Elia of Osmose Wood Preserving Inc. made a presentation to the group regarding wood preserving, specifically as it applies to the protection and maintenance of utility poles. He covered a little of the history of this industry and then updated ASPCRO as to the type of research and development currently under way. He indicated that future trends in pole maintenance would probably include restoration procedures, improved inspection techniques, lower toxicity chemicals, incorporation of flame retardants into treatments. He also indicated that Osmose was funding research on chemical movement in the soil.

Industry updates were presented by Harvey Gold of NPCA, Charles Hromada of Terminix, and Bob Russell of Orkin. Bob Russell urged ASPCRO to work on a parallel basis with PCO's to the mutual benefit of both groups. He identified the need by both groups to defend the role of pesticides in our society. Mr. Gold brought the group up to date on the new personnel and new developments at NPCA. Mr. Gold urged uniformity among states in their rulemaking and enforcement and identified the need for some flexibility in dealing with and enforcing termiticide residue levels in soil that are very close to but below the target levels that may be established by ASPCRO or states. Charles Hromada expressed to the group that pesticide (termiticide) liability did not vanish as some thought it might when the organochlorines were cancelled. He, therefore, urged the states to recognize and help address the psychological aspects of pesticide complaints during the course of their investigations and inspections.

EPA Region IX's Don Schoenholtz updated ASPCRO on the status of their groundwater, endangered species, and FIFRA "88" programs and initiatives. ASPCRO then adjourned for the day.

ASPCRO reconvened on September 27, 1989. President Harron called the ASPCRO business meeting to order. The minutes from the 1988 meeting were approved as distributed to ASPCRO members on March 6, 1989. The motion to adopt the 1988 minutes as read was made by Lonnie Mathews and seconded by Jim Wright.

The ASPCRO financial report was not available because the final 1989 meeting expenses had not yet been settled. However, Secretary/Treasurer Dave Scott indicated that a copy of the financial report would be included with the 1989 meeting minutes to be distributed to all ASPCRO members. There was a brief discussion of the status of payment by the states of the 1988 annual membership fee. The sixteen states that had paid the fee to date were identified to the group. Scott indicated he would mail out a second billing notice to the states that had not submitted the 1988 fee. That statement was mailed out on October 13, 1989.

The issue of soil sampling and the new termiticides was discussed. Jack Root of Arizona volunteered to develop a standardized reporting form for data entry into a computer. ASPCRO members felt that we should start centralizing existing data as quickly as possible. All states should forward their existing data to Jim Wright of South Carolina who is to serve as a clearinghouse.

The resolutions committee report consisted of five proposed resolutions. The report was presented by Alex Hawkins for David Ivie. The proposed resolutions, copies of which are included with these minutes, were acted on as follows:

Resolution #1

Motion to adopt: Don Alexander
Seconded: Neil Ogg
Vote: Unanimously adopted

Resolution #2

Motion to adopt: Lonnie Mathews
Seconded: Jim Wright
Vote: Unanimously adopted

Resolution #3

Motion to adopt: Don Alexander
Seconded: Bernie Chudoba
Vote: Unanimously adopted

Resolution #4

Motion to adopt: Jack Root
Seconded: Bernie Chudoba
Vote: Unanimously adopted

It was also recommended that realtors, mortgagors, and HUD officials be involved in and invited to next year's ASPCRO meeting.

Resolution #5

Motion to adopt: Bernie Chudoba

Seconded: Harvey Dominick

Vote: Unanimously adopted

There was a brief discussion of the sites for the 1990 AND 1991 ASPCRO meetings. Harvey Dominick of Illinois volunteered to host the meeting in Chicago in 1990, and Jack Root of Arizona tentatively offered to host the 1991 meeting in his state.

The nominations committee report was presented by Don Alexander. The nominations for ASPCRO officers were as follows:

President: Lonnie Mathews

Vice President: Dave Scott

Secretary/Treasurer: Jim Wright

Motion to adopt these nominations: Neil Ogg

Seconded: Harvey Dominick

Vote: Unanimously adopted/elected

It was proposed that the Vice President of ASPCRO serve as the ASPCRO representative to SFIREG.

Motion to adopt this policy: Lonnie Mathews

Seconded: Harvey Dominick

Vote: Unanimously adopted

Neil Ogg made a suggestion that the resolutions which were adopted be adopted in draft form so that ASPCRO would be able to fine tune and modify them as necessary after having a chance to review them in print. The draft resolutions would be distributed to ASPCRO members, NPCA, and the appropriate researchers with the 1989 meeting minutes.

Motion to adopt: Lonnie Mathews

Seconded: Jim Harron

Vote: Unanimously adopted

The business meeting was then closed.

President Mathews indicated to the group that he had requested Secretary/Treasurer Dave Scott to have a plaque made for outgoing President Jim Harron.

Jim Harron turned over the conducting of the remainder of this meeting to newly elected President Lonnie Mathews. The following states made presentations on and/or provided written copies of state reports for inclusion with the meeting minutes:

Arizona	Maryland
Arkansas	Missouri
Delaware	North Carolina
Georgia	South Carolina
Illinois	Tennessee
Kansas	Texas
Louisiana	Virginia

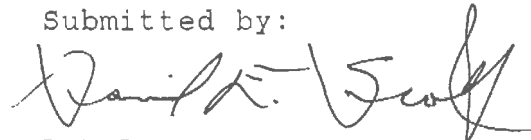
Indiana distributed a termiticide questionnaire and requested that each state complete it and leave it with Dave Scott or mail it to him when completed.

Dave Scott suggested that future state reports be limited to one or two typed pages to facilitate copying and mailing with the annual meeting minutes.

It was requested that information regarding the National Clearinghouse for Licensure, Enforcement, and Regulation (CLEAR) and their investigator/inspector training programs be included and distributed with the 1989 minutes. That information has been included.

The meeting was adjourned at 10:50 AM.

Submitted by:



DAVID E. SCOTT

Association of Structural Pest Control Regulatory Officials

October 19, 1989

FINANCIAL REPORT - 1989

	<u>Debits</u>	<u>Credits</u>
Balance 1988		\$ 940.32
1989 Annual Membership Fees (17 @ \$50.00)		850.00
1990 Annual Membership Fees (1 @ \$50.00, New Jersey)		50.00
Microfilm ASPCRO Records (Lexion Unlimited)	\$ 4.53	
Plaque for Outgoing President (Trio Engraving)	66.98	
Postage	45.00	
1989 Meeting Registrations		2,400.00
1989 Meeting Sponsor Donations: Orkin Pest Control		1,100.00
1989 Meeting Expenses:		
Program Printing	41.31	
Outing Refreshments (\$33.69 + \$67.84)	101.53	
Virginia City Lunch & Tour (Int'l Services - Reno, 59 @ \$22.00)	1,298.00	
Mine Tour (30 @ \$2.75)	82.50	
Virginia & Truckee R.R. Tour (54 @ \$2.75)	156.75	
Audio Visual Equipment (Nugget)	217.83	
Coffee, Donuts, Sodas for Break (Nugget)	497.80	
Lodging for Hostess Robbin Rose (Nugget)	201.20	
Photocopying (Nugget)	8.48	
Dividends		<u>21.00</u>
Subtotals	<u>\$2,721.91</u>	<u>\$5,361.32</u>
Balance		\$2,639.41

Twenty-ninth Annual Meeting of the Association of
Structural Pest Control Regulatory Officials

1989

Resolution # 1

Whereas the major regulatory problems related to structural pest control deal with termite control; and
Whereas these problems have been compounded in recent years due to increased public awareness and changes in the chemicals used as termiticides; and
Whereas there is a need for improved termite treatment techniques as well as standardized investigative procedures;
Be it therefore resolved that ASPCRO encourages continued cooperative efforts by its members and the regulated industry to develop workable uniform treatment standards and sampling techniques.

Resolution # 2

Whereas current termiticide labels are highly variable from product to product and contain a wealth of unenforceable language; and
Whereas the language used on termiticide labeling is critical to our ability to enforce proper pesticide use;
Be it therefore resolved that ASPCRO endorses the proposed termiticide label improvements recommended in the AAPCO/SFIREG Termiticide Labeling Report completed in 1989 and encourages EPA and the registrants to implement these improvements as soon as possible.

Resolution # 3

Whereas ASPCRO members are the primary enforcement authority for FIFRA as it relates to structural pest control at the state level; and
Whereas ASPCRO members have played a key roll in the development of FIFRA implementation procedures and have kept abreast of new developments and issues as a partner with EPA; and
Whereas representatives of EPA who make reports at ASPCRO annual meetings usually present reports relating to general, elementary information and are usually unable to respond to questions relating to current developments and issues;
Be is therefore resolved that ASPCRO requests EPA to provide personnel from headquarters who are more directly involved in the development of the agency's policies as they relate to the issue or issues to be discussed at the meeting.

Note: The committee recommends that program planner contact EPA's state liaison officer, presently Artie Williams, toward this end.

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Resolution # 4

Whereas there are inconsistencies among the regional U.S. Department of Housing and Urban Development (HUD) offices related to their acceptance or rejection of modifications to Wood Destroying Insect reports; and
Whereas ASPCRO and HUD can benefit from closer liaison;
Be it therefore resolved that ASPCRO members will attempt to work more closely with HUD officials and urge that HUD participate in future ASPCRO annual meetings.

Resolution # 5

Whereas the 29th annual meeting of ASPCRO has been very informative and well-attended; and
Whereas the overall success of the meeting was largely due to the efforts of Robbin Rose and the Nevada Department of Agriculture, and to the interest and support of the pest control industry;
Be it therefore resolved that the ASPCRO membership extends its hearty thanks to these parties for their efforts and for a job well done. The secretary is hereby directed to send written thanks to the parties involved.

MINIMUM SUBTERRANEAN TERMITE TREATMENT REQUIREMENTS

1. Chemicals permitted for the control of termites shall be only those pesticides which are labeled for this use. The chemicals shall be used in the proportions and in the quantities and manner directed on the label and herein.
2. Pier-(Crawl Space) Construction
 - (a) Remove all cellulose-bearing debris such as scrap wood, wood chips, paper, stumps, dead roots, etc., from underneath buildings. Large stumps or roots that are too sound to be removed may be trenched, drilled or rodded and treated provided they are six inches or more from foundation timbers.
 - (b) Remove all wooden contacts between building and soil, both inside and outside. Wooden supports under buildings must rest on a concrete footing, a brick capped with concrete, or other non-cellulose materials. The top of the brick or footing shall be at least six inches above the ground. This includes but is not limited to wood steps, skirting and lattice work, form boards, piers and stiff legs. (Pressure treated piling foundations are exempt from this requirement.)
 - (c) Termite tunnels - Remove all termite tunnels from foundation walls, pillars, and including those on the wood understructure.
 - (d) Trenches - Cut trenches a minimum of four (4) inches wide and deep, but not below top of footing in all soil in contact with masonry around all exterior and interior foundation walls and pillars. Where the footings are not covered by soil, cut trenches adjacent, but not below the bottom of the footing. Soil injection techniques will be accepted when they are used in accordance with label directions. Apply dilute termiticide at the label rate.
 - (e) Pipes - The soil adjacent to pipes underneath the structure shall be treated by rodding or trenching according to label directions. When pipes are covered with insulating material, treat sufficiently to penetrate soil below the depth to which such covering extends.
 - (f) Treatment of Masonry and Voids - Approved pesticides shall be applied at the label rate to porous areas, cracks and voids in foundation walls, piers, chimneys, step buttresses and other structures likely to be penetrated by termites. (1) Flood all cracks in concrete. (2) Drill mortar joints on all two course brick formations such as piers, foundation walls, chimneys, step buttresses, etc., in a horizontal line at sufficient intervals to provide thorough saturation of wall voids but in no case shall the distance between holes exceed 24 inches. Holes shall be deep enough to reach the center mortar joint and shall

be flooded under sufficient pressure to flood all cracks and voids therein. Drilling shall not be required when solid concrete footing extends above grade level or when wall is capped with solid concrete. (3) Drill mortar joints on all brick formations with three (3) or more courses of brick on each side of formation at the end of every brick but with the locations of the holes on each side of the formation alternating as much as is practicable and flood under pressure all cracks and voids therein. Where the outside finish of a three (3) course brick wall makes drilling from each side of wall impractical, this wall can be drilled from one side by extending holes two bricks deep. (4) Drill into the center of each vertical core in a complete row of hollow concrete (or other light weight aggregate) blocks in construction using this type of building material and apply an approved pesticide into the openings. In hollow concrete block construction, drilling will not be required where accessibility to the opening is already available through construction.

- (g) Dirt Fills - All dirt filled structures such as concrete slab porches, steps, chimneys, porch columns, etc., shall be treated by excavating, trenching, and applying pesticides in the same manner as around pillars and foundations. If, due to construction, it is impractical to break into and excavate dirt filled areas, the slab may be down drilled every 24 inches and flooded or it may be long rodded and flooded or it may be drilled every 24 inches and flooded from the crawl space side through the foundation wall immediately beneath the slab. Apply an approved termiticide at the label rate.

3. EXISTING SLAB-CONSTRUCTION

- (a) Rod or trench and treat the soil adjacent to the entire perimeter of the slab foundation as described in 2 (d). Apply an approved termiticide at the label rate.
- (b) Treat all traps and other openings in the slab with an approved termiticide at the label rate.
- (c) Treat all expansion joints, visible cracks and other voids in slab by rodding under or drilling through slab and thoroughly saturating the area beneath the slab where the above stated conditions exist. Drill and treat all attached slabs (porches, patios, carports, garages, walkways, etc.) When the slab is drilled or rodded, the holes must not be more than 24 inches apart along the above stated areas. Apply an approved termiticide at the label rate.
- (d) Drill every 24 inches and treat all masonry voids and brick veneer walls with an approved termiticide at the label rate.
- (e) Securely plug all drill holes in living areas, basements, and other commonly occupied areas.

4. PRETREATMENT FOR TERMITE CONTROL-

(a) MONOLITHIC SLAB

After grading is completed and prior to pouring of the slab, produce a horizontal barrier by applying at the label rate. Treat all critical areas such as, bath traps, plumbing lines, openings, electrical conduit openings, etc., and apply at label rates. After final grade and landscaping, rod or trench and treat the entire perimeter of the slab foundation and apply at the label rate.

(b) SUSPENDED (SUPPORTED) AND FLOATING SLABS-

Treat as described in (a) above for monolithic slab. In addition to this treatment, treat the soil in the bottom of the trench prior to pouring the footing at the label rate. If this footing is poured prior to your pretreatment, treat the block/brick voids in the foundation wall at the label rate. After foundation walls are erected and prior to pouring the slab, rod or trench and treat the interior foundation walls at the label rate.

(c) PIER-(Crawl Space)-

After grading is completed and prior to pouring the footings for the foundation walls and pillars, apply the termiticide to the soil in the bottom of the trenches at the label rate. If these footings are poured prior to your arrival, treat the voids in the block/brick foundation walls at the label rate. After final grade and landscaping, rod or trench and treat the soil adjacent to the exterior and interior footing/foundation walls, pillars, pipes, and any other object from the structure to the soil at the label rate.

STATE OF ARKANSAS
ANNUAL REPORT
TO ASPCRO

ARKANSAS STATE PLANT BOARD - COMMERCIAL PEST CONTROL SECTION
KIVEN STEWART, HEAD - RICHARD CASH, SUPERVISOR

The Pest Control Section is charged with carrying out Act 488 of 1975, the Arkansas Pest Control Law and Regulations. Any person engaging in pest control service in Arkansas must obtain a license from the Plant Board Pest Control Section. A license can be obtained only after the individual has met financial and moral requirements and has completed written examinations in both category and basic EPA certification with acceptable scores. The Pest Control Section issues licenses in fourteen separate categories, inspects work performed by those licensed, and investigates individuals performing pest control service without a license. These offenders are prosecuted with the assistance of local law officials.

Structural pest control work takes up most of out time due to the amount of work performed. When inspections reveal the work was not performed in accordance with minimum treating standards, a report of substandard work is issued to the licensed operator requesting that the substandard conditions be corrected. Five thousand four hundred sixty two inspections were performed. One thousand one hundred twenty eight substandard reports were issued during the fiscal year ending June 30, 1989.

The Pest Control Staff investigated ten alleged unlicensed pest control operators. Four warrants were obtained for individuals performing pest control without a license, resulting in two convictions with fines of \$50.00 and \$150.00. Several other investigations of individuals performing pest control work without a license have been made; but, not enough evidence was found to prosecute, two cases are still pending.

Hearings before the Pest Control Committee of the Plant Board are afforded pest control operators or individuals to show cause why their license should not be revoked, suspended, or denied issuance or state their case in matters of dispute with the staff. Two companies were called in for a license revocation hearing during this year. The results were probation and increased inspection for one, and license revocation for the other. One individual was denied issuance of a license. One company requested a hearing to settle an issue of dispute of substandard report. The operator and homeowner were present at the hearing, and a resonable solution was reached among all parties.

STATE OF DELAWARE
1989 REPORT TO ASPCRO

In 1988/1989 the Delaware Pesticide Section has had two bills passed, amending the Pesticide Law. One bill increased the Pesticide Business License fee from \$25 to \$50 per year. The second bill provides for the issuance of permits to dealers of Restricted Use pesticides. Delaware will be going through the administrative processes of rulemaking to revise the Pesticide Regulations relative to these two bills.

The Pesticide Section will be seeking to amend the Pesticide Law again in 1990, with a provision for assessing civil penalties against private applicators and for the provision of "right of entry" on private property for the purposes of enforcing the Law. As for regulatory changes in 1990, the Competency Standards for applicators of TBT paints will need to be established.

In accordance with State Plan revisions, Delaware has amended the Regulations concerning certification renewal. Applicators now have a 90 day grace period at the beginning of the year, after which, they must be re-examined to become recertified. During the 90 day period the certificate is considered "lapsed". Examinations continue to given quarterly. The amended regulations require update training for all categories of applicators (including private).

Staffing of the Delaware Pesticide program has improved with the acquisition of a "Agricultural Specialist" and the transfer of a Chemist position to the Section. The Specialist will be handling most certification and training matters. Some of her goals include more closely monitoring the registered employee training programs, maintaining closer liaison with neighboring state certification managers, overseeing the development and distribution of new training materials, and working with the various industry, private and government organizations to upgrade the certification program in the state.

From the enforcement perspective in Delaware there is not much to report for structural pest control incidents and violations. Most involve record-keeping infractions. One incident involved a probable fish kill from the use of the termiticide Demon TC. Label directions had been followed, however, a sump was found to be pumping water into a pipe leading to a stream. Another inspection of interest was the termiticide treatment of a basement in which

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Page 2

a State endangered species resided. The species was the Tiger Salamander and the termiticide was Pryfon.

The Department is currently debating the procedure for determining which cases should be heard as Administrative Hearings and which cases should go to Justice of the Peace Courts. Any states with experience in this area, please send me your guidelines. Also, we would be interested in any state guidelines for the approval of registered employee training programs.



Department of Agriculture

AGRICULTURE BUILDING CAPITOL SQUARE
ATLANTA, GEORGIA 30334

Thomas T. Irvin
Commissioner

State of Georgia
1989 ASCPRO Report
Reno, Nevada

The Georgia Structural Pest Control Act of 1955 is the law which regulates Structural Pest Control Companies and Operators in Georgia. As of June 30, 1989 the end of our fiscal year, there were 785 licensed companies, 1102 certified operators and 3281 registered employees.

Inspections

Treatments Inspected - 2388
Soil Samples Analyzed - 168
Violations of Treatment Standards - 1060
Violation Rate - 44.3%
Company Inspections - 600

Certifications

Applicants - 249
Exams Given - 372
Exams Failed - 130
Percent Passed - 65%

Enforcement Actions

Warning letters - 28
Hearings - 24

These hearings resulted in 9 fines totalling \$5,000
Imposed training requirements - 11
Suspension of a Certification - 1

Illegal operators investigated - 6



Department of Agriculture

AGRICULTURE BUILDING CAPITOL SQUARE
ATLANTA, GEORGIA 30334

Thomas T. Irvin
Commissioner

The Georgia Structural Pest Control Commission underwent a sunset review in 1988. The Commission was renewed. As a result of this review several of the audit recommendations have been made or are under consideration. Two of the main recommendations involved the reciprocal agreement between Georgia and South Carolina and the use of the oral exam for test applicants.

The reciprocal agreement between Georgia and South Carolina was a program that served very few operators but was difficult and expensive to manage. The audit recommended to cancel the agreement. This has been accomplished as of July 1, 1989.

The Oral exam has been a part of the Structural Pest Control exam since 1955. The audit recommended that the exam be discontinued or modified to allow for more consistency in the grading of applicants. The Commission felt that the oral exam was a valuable tool in determining the competency of an applicant and has decided to retain it. Efforts are being made by the Commission to develop a more standardized consistent exam.



ILLINOIS DEPARTMENT OF PUBLIC HEALTH

A Healthier Today For A Better Tomorrow

Bernard J. Turnock, M.D., Director

Division of Environmental Health Pesticides Program

Harvey J. Dominick, Section Chief

1989 Annual Report

Pesticide Regulation in Illinois is split between two agencies and two laws. The Illinois Department of Agriculture administers the Illinois Pesticide Act registering all the pesticides used in the state, licensing all agricultural applicators and acting as the lead agency in regard to the enforcement agreement with the United States Environmental Protection Agency.

The Illinois Department of Public Health administers the Illinois Structural Pest Control Act, which regulates the use of pesticides in structures. Public Health accomplishes this objective by certifying pesticide applicators, known as technicians, licensing commercial pest control companies, and registering non-pest control companies, such as food processing plants, that use restricted pesticides. Routine, planned inspections are conducted with licensed and registered firms where their use of pesticides, record keeping and pesticide storage facilities is reviewed. All complaints of pesticide misuse in structures are investigated.

The Department has tracked the misuse incidents, coding them using a modified coding procedure from the USEPA. An arbitrary relative numerical value is given to a pesticide misuse case based on the type of harm or misuse that occurred. Harm to humans, for instance, is relatively higher than harm to a pet, a person that was ill for 12 days is assessed higher than one who is ill for less than four hours, and child is more significant than an adult. Different parameters of the application are also recorded such as the method used, the certification status, what was harmed, etc.

The period for which the current information was obtained is from 10/01/88 through 8/31/89. Harm is assessed when final action is taken on a case and not at the occurrence of the incident. In

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this period 27 active ingredients were applied in 31 different pesticide brands during 59 different applications recorded for the hazard assessment.

The major cause of harm has changed from last year's premature re-entry to **Inadequate Procedure** (62% to 92%). However, Premature Re-entry still has an above-average harm of 12 (mean = 5.14). (Table A) The biggest factor in inadequate procedures (84%) occurred during the **application** of the pesticides (Table A-2 & A-4, and Chart A-2) That harm from these inadequate procedures was fairly evenly split between **insecticides** (45%) and **termiticides** (42%). (Table A-3)

The majority of harm was assigned to **housing** (47%), both multi-unit (26%) and single-family (21%). This is an increase over last year's 30%, but not as high as the 78% found in 1985. This year most of the housing harm was attributed to multi-unit family housing rather than last year's 28% from single family housing. (Table B) In fact, a **disproportionate share of harm** (26%) is due to only 10% of the applications done in **Multi-Unit Housing** as seen in Chart B.

Harm to **humans** lead the list of what was harmed with 71% of the harm. Interestingly, the average harm per incident was very high for property and possessions (10) compared to the high of 14 per case for humans. (Table C)

Insecticides accounted for 51%, the majority of the total harm this year, down from 77% last year. (Table D) The amount of harm assessed against **termiticides** as increased from 7% last year to 44% of the total this year. Termiticides also have the highest average harm per incident (8.4). This reflects the new variety of termiticides and four chlordane/heptachlor cases carried over to this year as seen in Table D-2.

The chemical contributing the most harm this year was **chlordane** with 27% of the total harm compared to chlorpyrifos last year with 17%. Contributing less, between 12% to 3% each, were the 9 active ingredients, chlorpyrifos, petroleum distillate, piperonyl butoxide, pyrethrin, N-octyl-Bicycloheptene dicarboximide, cypermethrin, heptachlor, propetamphos, and cholecalciferol. The lowest contributing group of 18 active ingredients contributed less than 3% each for a total of 11% of the total harm. The largest number of cases occurred against **chlorpyrifos** (15) and **cypermethrin** (14), all other

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ingredients occurring in 5 or less cases. (see Tables E and E-2)

Five pesticide brands that had an average per incident harm above the average of 5.1% per brand, contributed 72% of the total harm with only 22% of the applications recorded. These were all due to single incidents with these products, except for Dursban TC Termiticide Concentrate. These were **Pyre-Mist 3610, Gold Crest C-100, Dursban TC, Termide, Ortho-Chlor 44,** (Table F)

Table G shows that most of the harm (88%) was due to misuse inspections, which include complaints, leading both routine use and business inspections.

Most of the harm was recorded against **certified technicians** (Table H). A large portion of the harm was due to uncertified technicians (36%).

However, more revealing is that the **overwhelming majority** of the harm (75%) was contributed by applicators, or those supervised by applicators, that were **not certified in the sub-category** which represented the type of pesticide application made. (See Table K). As seen in Chart K, a **disproportionate share of the harm (75%)** came from 32% of the applications done "out-of-category". Most of the harm from those not certified in category (35%) came from 4 **termite** control applications. A similar amount of harm (29%) came from one fly control incident. (Table K-2)

As shown in Table I, most of the harm was due to non-restricted pesticides.

Table J shows that although most of the harm (95%) was due to **surface** applications (44%), a very high average harm per incident was recorded during the three application of **space sprays** (score = 34, mean = 5.14). This reflects the higher hazards associated the application of pesticides into the air during space sprays, such as total release aerosols and other mists and aerosols. Of the surface spray episodes, the largest contributor (22%) was due to applications at multi-unit dwellings. (Table J-2)

A. R. Hanks
State Chemist &
Seed Commissioner

R. J. Noel
Associate State Chemist &
Laboratory Director

J. G. Eikenberry
Feed Administrator

R. L. Geiger
Chief Inspector &
Auditor

Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Purdue University • 1154 Biochemistry Building
West Lafayette, IN 47907-1154
(317) 494-1492

M. R. Hancock
Fertilizer Administrator

L. W. Nees
Seed Administrator

D. E. Scott
Pesticide Administrator

C. L. Wiese
Accountant &
Administrative Assistant

DRAFT

August 12, 1993

CATEGORY 7B FOR HIRE

PESTICIDE CERTIFICATION & LICENSING

PROCEDURES

Those individuals wishing to become certified and licensed for-hire in category 7B (wood destroying pest control) by means of participation in a training program at the Purdue Structural Pest Control Training Center (hereinafter Training Center) are required to successfully complete the following procedures:

- 1) Pass with a score of 75% or greater the category 7b registered technician written examination. Those individuals with a valid and current category 7b technician registration need not re-examine. Arrangements for this exam may be made by contacting the Office of the Indiana State Chemist (OISC) at (317) 494-1594.
- 2) Attend and successfully complete an OISC approved comprehensive wood destroying organism control training program at the Training Center. Arrangements for enrollment in the next available training program at the Training Center may be made by contacting the Purdue Pesticide Programs Office at (317) 494-4566. Please note that due to the high demand for this training enrollment opportunities will be limited.
- 3) Pass with a score of 75% or greater the Core (general standards) certification exam. Individuals are eligible to take this exam at any regularly scheduled examining session or Core training program session before or after participating in the training at the Training Center. Arrangements for this exam may be made by contacting OISC at (317) 494-1594 for the exam only or Continuing Education for the Core training session (317) 494-2753.
- 4) Pass with a score of 75% or greater the category 7b certification exam. Individuals are eligible to take this exam at special examining sessions to be held the day following the conclusion of the training program at the Training Center or at a regularly scheduled monthly examining session. Arrangements for this exam may be made by contacting OISC at (317) 494-1594. Please advise the OISC employee handling your exam reservation of the date that you completed the training at the Training Center or the date of the session for which your enrollment at a program has been confirmed.

Thomson
centi
Parker

It should be noted that individuals are still eligible for category 7b for hire certification and licensing by completion of the previously established (April, 1986) procedures requiring one year of experience as registered technician, completion of the case reporting advanced training program, and passing the core and category 7b exams.

Additional questions regarding the category 7b certification procedures should be directed to OISC at (317) 494-1594.

STATE OF KANSAS



STATE BOARD OF AGRICULTURE

SAM BROWNBACK, Secretary

DONALD L. JACKA, JR., Assistant Secretary

STATE OF KANSAS ANNUAL REPORT TO ASPCRO JULY 1, 1988 - JUNE 30, 1989

The Kansas State Board of Agriculture is assigned responsibility for regulating the sale, use and distribution of pesticides under statutory authority granted by the Kansas Pesticide Law (K.S.A. 2-2438a et seq.), the Kansas Agricultural Chemical Act (K.S.A. 2-2201 et seq.), and the Kansas Chemigation Safety Law (K.S.A. 2-3301 et seq.). Structural pest control operators are licensed, certified and regulated under the Kansas Pesticide Law. Commercial pesticide applicators are certified to allow them to purchase and apply restricted use pesticides. Pesticide applicator businesses are licensed to operate in the state.

Private applicators may become certified by passing an open-book examination and paying an application fee of \$10. Private applicator certification is effective for five years and may be renewed by taking another open-book exam. There are 19,761 certified private applicators in the state. Commercial applicators must pass closed-book examinations and pay fees of \$60 per category. Commercial certification is effective for three years and may be renewed by attending an approved training course during the effective period or by retaking the exams. A score of 75% or better is required to pass either commercial or private certification exams. There are 4,478 certified commercial applicators in the state.

Business licenses are issued on a calendar year basis to pesticide applicator businesses. To become licensed, the business must employ at least one applicator who is certified in the category(-ies) for which the license is issued. The business must submit an application form, an application fee of \$100 per category plus \$10 for each uncertified pesticide applicator employee, and proof of minimal financial responsibility in the form of liability insurance or a surety bond. The bond must be at least \$6,000. A liability insurance policy must provide coverage of at least \$25,000 per occurrence for bodily injury and \$5,000 per occurrence for property damage. A business license is required for any business entity that applies pesticides commercially. There are currently 1,116 licensed pesticide applicator businesses in Kansas.

All pesticide applicator employees of licensed businesses that apply pesticides for the control of wood-destroying, structural, ornamental and/or turf pests are required to be either certified applicators or registered pest control technicians. In order to become a registered pest control technician, an individual must receive 40 hours of verifiable training, 30 hours of which must be supervised application of pesticides in and around structures and 10 hours of which must be classroom training in subjects

identified in rules and regulations. Registration is effective for one year and may be renewed by receiving an additional 6 hours of verifiable classroom training. An annual fee of \$25 is required.

Violations of the Kansas Pesticide Law such as operating an unlicensed pesticide applicator business, applying a pesticide in a manner inconsistent with its label or labeling, etc. are Class A misdemeanors subject to criminal penalties of up to one year in jail and/or a \$2,500 fine for each occurrence. The Board of Agriculture has not had civil penalty authority until recently, so we have referred cases to the regional EPA office in Kansas City, Kansas and asked them to assess civil penalties when it was determined that such a course of action was appropriate. Civil penalty authority under the Kansas Pesticide Law was authorized by the 1988 session of the legislature effective January 1, 1989. The agency now has authority similar to EPA's under FIFRA and can assess fines of up to \$5,000 per offense.

Our pesticide law has been under close scrutiny recently. An interim study was conducted by the legislature during the summer of 1988 resulting in several amendments by the 1989 legislature. Chief among these were granting the Board of Agriculture authority to establish pesticide management districts whenever it is determined that a pesticide "poses a serious threat to the public health, safety and welfare or the natural resources" of the state. This will allow our agency to more effectively deal with groundwater and endangered species issues by modifying or prohibiting the use of certain pesticides within designated areas of the state. Previously, pesticide registrations had to be cancelled or else they could be used according to label directions statewide.

The amendments also incorporated portions of Section 2(ee) of FIFRA into the law. Applicators may now use pesticides at rates less than those specified on the label unless prohibited by rules and regulations adopted by the Board of Agriculture. The Board is also authorized to approve the use of a pesticide to control a pest not on the label when the site is on the label and the Board has determined that the use will "not cause an unreasonable effect on the environment."

A public hearing is scheduled for next month on proposed regulations which will prohibit the use of termiticides at less than label rates for preconstruction treatments. These regulations also include a substantial rewrite of our termite control procedures (copy attached).



BOB ODOM
COMMISSIONER

Louisiana Department of Agriculture & Forestry

Office of Agricultural & Environmental Sciences

P.O. Box 3596

Baton Rouge, Louisiana

70821-3596



JOHN W. IMPSON
ASSISTANT COMMISSIONER
and STATE ENTOMOLOGIST

Number of licensed Pest Control Operator's in Louisiana.....	770
Number of Pest Control Companies in Louisiana.....	473
Number of Service Technicians in Louisiana.....	1,400
Number of cases.....	60
Number of violations.....	207
Amount of fines imposed.....	\$128,950
Number of probations.....	24
Number of revocations.....	5

FEES

Effective June 1, 1988	<u>Previously</u>	<u>Presently</u>
Standard Termite Contracts.....	\$4.50	\$5.00
Wood Destroying Insect Reports.....	0	\$5.00
Place of Business Permits.....(2 or less employees)...	\$100.00	\$125.00
(3 or more employees)...	\$125.00	\$175.00
Technician Examinations.....	\$10.00	\$25.00
Administrative Processing.....	0	\$20.00
Technician Renewal Fee.....	0	\$20.00
Duplicate Card or Change of Employment.....	0	\$10.00
Licensee Renewal (per phase).....	0	\$5.00
Requested Chemical Analysis.....	0	\$100.00

TERMITE JOBS REPORTED

July 1988 - June 1989.....	28,119
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WOOD DESTROYING INSECT REPORTS

July 1988 - June 1989.....28,106

LICENSEE EXAMINATIONS

July 1988 - June 1989	GIVEN	PASSED	FAILED
General Standards.....	45	44	1
General Pest Control.....	58	36	22
Commercial Vertebrate Control.....	39	30	9
Termite Control.....	38	25	16
Fumigation.....	16	11	2
Total.....	196	146	50

SERVICE TECHNICIAN EXAMINATIONS

	GIVEN	PASSED	FAILED
July 1988 - June 1989.....	387	384	3

INSPECTIONS

	SLAB	REQUESTED	WRITE UPS
July 1988 - June 1989.....	2,882	406	290



William Donald Schaefer
Governor

Melvin A. Steinberg
Lt. Governor

Wayne A. Cawley, Jr.
Secretary

Robert L. Walker
Deputy Secretary

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE

Association of Structural Pest Control Regulatory Officials
Reno, Nevada
September 24 - 27, 1989

Maryland Report
Mary Ellen Setting, Chief
Pesticide Regulation Section

1. PESTICIDE LEGISLATION

The Department did not submit any pesticide legislation in 1989. However, legislation to ban carbofuran and to require homeowner lawn posting were introduced but were not passed.

2. PESTICIDE REGULATIONS

Regulations were implemented which require commercial pest control firms and public agencies to post signs at the time a pesticide is applied to a lawn or to exterior landscape plants. In addition, regulations requiring all commercial pest control firms to provide certain information to the customer either when a pesticide is applied or at the time a customer enters into a contract with a licensee, have been implemented. The Department has also implemented regulations requiring pest control firms and public agencies licensed or permitted in pest control Category III, Ornamental or Turf, to notify chemically sensitive individuals prior to applying pesticides to lawn or landscape plants on neighboring properties. A list of chemically sensitive individuals that have registered with the Department has been prepared, maintained and distributed by the Pesticide Regulation Section to Ornamental and Turf licensees and permittees.

3. SURVEYS

The Department conducted a survey of commercial and private applicators and non-certified farmers to collect information on pesticide usage in 1988. A final report will be published in December, 1989 which will lists names and amounts of active ingredients applied on a county and statewide basis.

3. SURVEYS (continued)

A Pesticide Waste Survey was also sent to commercial and private applicators, greenhouse operators and landscape contractors to evaluate the extent of the pesticide disposal problem in Maryland. Information will be compiled on the types and amounts of excess pesticides that need to be disposed of as well as information on container and rinsate disposal techniques and problems. A report will be published in November, 1989.

4. CERTIFICATION

A total of 5,602 private applicators and 2,608 commercial applicators are currently certified. One thousand sixty-four Category VII certification examinations were administered to pesticide applicators in the last year. One hundred forty-six applicators received certification in this category bringing the total number of structural pesticide applicators to 1,200.

5. ENFORCEMENT

Approximately 161 written complaints were received during the last year. Fifty-six complaints involved wood destroying insect inspection reports. Forty-eight cases of non-agricultural misuse were investigated as well as seven cases of agricultural misuse. Eighteen complaints were a result of drift from ornamental, turf and right-of-way pesticide applications. Two cases were taken to the State's Attorney's Office on charges of operating a pest control business without a license. Five administrative hearings and four investigational conferences were held. Fifty-eight notices of warning were issued. Six hundred ten businesses and 343 dealers were inspected during the past year.

**Missouri Department of Agriculture
Bureau of Pesticide Control
Report to the
Association of Structural Pest Control Regulatory Officials
Reno, Nevada
September 24-27, 1989**

The Missouri Department of Agriculture, Bureau of Pesticide Control will complete its thirteenth year of regulating the sale and use of pesticides on October 21, 1989.

The Bureau is responsible for implementation and maintenance of the Missouri Pesticide Use Act and the Missouri Pesticide Registration Act. Currently, there are approximately 2,662 certified commercial applicators, 628 certified noncommercial applicators, 1,204 certified public operators, 1,049 dealers and 35,243 certified private applicators licensed in the State of Missouri. In addition, there are approximately 9,500 pesticide products registered by 1,000 companies.

During 1989, the Bureau of Pesticide Control has experienced some personnel changes. John Hagan retired in May as Bureau Supervisor and James Lea, former Enforcement Program Manager, has assumed the position.

During fiscal year 1988-1989, a total of 7,300 inspections involving use, license, records, marketplace and producer establishments were conducted by seven investigators in the field. In addition, 95 complaints of pesticide misuse were investigated.

The regulations authorized by the Pesticide Use Act provide for commercial applicators, noncommercial applicators and public operators to be certified and licensed in thirteen categories and subcategories. The category of structural pest control is divided into three subcategories, General Pest Control, Termite Pest Control and Fumigation Pest Control.

Approximately 1,100 individuals hold licenses in one or all of the structural subcategories. During the past fiscal year (July 1, 1988-June 30, 1989), 38 complaints involving structural pest control were reviewed for possible state or federal violations. Nine cases were forwarded to prosecuting attorneys for action in Associate Circuit Court, three cases were forwarded to EPA for possible action under FIFRA, four cases were presented to the Attorney General's office for action and five cases resulted in warning letters.

January 1, 1990, the revised Missouri Pesticide Use Act will become effective. Briefly, some of the revisions include: a definition of determining the need for the use of a pesticide; the authority to license pesticide technicians which include those persons who determine the use of a pesticide or sell a pesticide job; allowing the Director of Agriculture greater flexibility in promulgating rules pertaining to pesticide use; allowing the Director to issue identification cards for those persons applying pesticides; revamping the fee structure for issuing licenses; requiring commercial applicators to maintain records of all applications whether general use or restricted use; allowing noncertified applicators to take possession of restricted use pesticides when they are purchased by and for use by certified applicators or persons working under their direct supervision; giving the Director the authority to deny, suspend, revoke or modify a license based upon the criminal history of the person; allowing the Director to assess civil penalties of not more than one thousand dollars for each violation and order restitution; revising insurance requirements for commercial applicators; authorizing the Director to administer oath during an investigation; and, listing of certain unlawful acts. It is hoped that these revisions and additions to the Missouri Pesticide Use Act will allow the Bureau to better carry out the prescribed duties with regard to pesticide use in the state of Missouri.



North Carolina Department of Agriculture

N. Ray Howell, Director
Structural Pest Control Division

James A. Graham • Commissioner
William G. Parham, Jr. • Deputy Commissioner

STRUCTURAL PEST CONTROL DIVISION
NORTH CAROLINA DEPARTMENT OF AGRICULTURE

1989 ASPCRO REPORT

September 24-27, 1989
Reno, Nevada

I. STRUCTURAL PEST CONTROL LAW AND RULES AND REGULATIONS:

During the 1989 session, the General Assembly ratified four out of six bills that were introduced. The ratified bills are:

- A. Structural Pest Control Committee changes: Adds two new members to the current five-person Committee - an Epidemiologist from the Division of Health Services and a public member appointed by the Governor; also changes one of the Commissioner of Agriculture's appointments to allow him to appoint a public member rather than a member from the Board of Agriculture.
- B. Structural Pest Control Amendments: Amends the Structural Pest Control Law to clarify language, update terminology and improve administration of the Law.
- C. Structural Pest Control Fee Changes: Increases licenses, employee registration and service fees collected by the Department of Agriculture to offset reduction in appropriated funds.
- D. Structural Pest Control Division's Request for Additional Funds: Approved additional funding for operational and expansion needs, including the addition of four new positions - two field inspectors, a clerk-typist and assistant director. These new positions become effective January 1, 1990.

The Structural Pest Control Committee held one public hearing during the 1988-89 fiscal year for the purpose of making changes to the rules and regulations. These changes provided for an update of the regulations and to clarify and/or remove any unnecessary language.

II. LICENSES, CERTIFIED APPLICATOR'S CARDS AND REGISTERED TECHNICIAN'S IDENTIFICATION CARDS ISSUED FOR THE 1988-89 FY (July 1, 1988 thru June 30, 1989):

A. Number of license certificates issued: 561
(Represents 361 pest control companies)

<u>No. Operators</u>	<u>*License Type</u>
54	P
16	W
6	F
455	PW
29	PWF
<u>1</u>	PF
Total	561

B. Number of certified applicator cards issued: 962

C. Number of registered technician's identification cards issued: 1,546

*One license certificate; three license phases as follows:

P - Household Pests Control
W - Wood-Destroying Organisms Control
F - Fumigation

III. LICENSE AND CERTIFICATION EXAMINATIONS (1988-89 FY):

A. Number of license examinations given: 241
(160 repeats)

Number passed: P-24, W-26, F-1
Number failed: P-108, W-77, F-5

B. Number of certification examinations given: 1,404
(390 repeats)

Number passed: Core-282, P-309, W-185, F-40
Number Failed: Core-249, P-136, W-185, F-18

C. Number of re-certification examinations given: 57
(30 repeats)

Number passed: P-12, W-10, F-1

Number failed: P-~~2~~2, W-11, F-1

IV. INSPECTION ACTIVITIES (1988-89 FY):

The Division, through its field inspectors, routinely check 2-3 times per year the pesticide storage facilities and containers, records, equipment and first-aid equipment of pest control operators (PCO's). In addition, they take soil samples from and make inspections of structures that have been treated by PCOs for wood-destroying organisms to ensure work quality. The inspectors also respond to all requests/complaints filed by consumers pertaining to services rendered by PCOs.

A.	Number of WDO jobs inspected:	<u>3,114</u>
B.	Number of jobs from which soil samples were analyzed:	<u>2,461</u>
C.	Number of pesticide, equipment and records inspected:	<u>1,196</u>
D.	Number of pesticide storage facilities inspected:	<u>687</u>
E.	Number of household pests jobs inspected:	<u>32</u>
F.	Number of fumigation jobs inspected:	<u>17</u>

V. ENFORCEMENT ACTIVITIES (1988-89 FY):

A.	Hearings and Settlements:	
	1. Number of formal hearings:	<u>6</u>
	2. Number of informal hearings:	<u>8</u>
	3. Number of settlement agreements approved:	<u>42</u>
B.	Civil penalties assessed against licensees and card holders:	
	1. Number of licensees:	<u>26</u>
	2. Number of certified applicators:	<u>6</u>
	3. Number of registered technicians:	<u>4</u>

4. Civil penalty fees collected: \$3,425
 (These fees go into the General Fund
 of the State of North Carolina)

C. Number of licenses and cards revoked:

	<u>P Phase</u>	<u>W Phase</u>	<u>F Phase</u>
Licenses		1	
Certified Applicator Card	1	1	
Registered Technician's ID Card		<u>1</u>	
Total	1	3	

D. Number of licenses and cards suspended or modified:

	<u>P Phase</u>	<u>W Phase</u>	<u>F Phase</u>
Licenses		3	
Certified Applicator Cards		<u>2</u>	
Total		5	

F. Warning letters issued: 8

VI. INVESTIGATIONS/RESULTS OF UNLICENSED OPERATOR CASES:

A. Number of cases tried in District/Superior Court: 3

B. Number of individuals convicted: 2

Submitted by: N. Ray Howell, Director
 Structural Pest Control Division
 NC Department of Agriculture

State of Tennessee
ASPCRO ANNUAL REPORT 1989

A revision of the Tennessee laws and regulations were completed and effective February 19, 1989. The language is more clear and some regulatory requirements have been strengthened.

The pest control section performed in excess of 2100 inspections and investigations during the year 1988-89 ending June 30, 1989. Some 7 warrants were issued for illegal operators; three Administrative hearings were conducted and some 37 civil penalties were issued. Some 265 violations were committed with most of these receiving warning.

The Division of Plant Industries is using a limited, new approach by holding some informal hearings which provides some good information as to proper training techniques by operators for their techniques. In addition, it gives the division some insight into the reasons why companies continue to commit violations.

David Barnes
Supervisor Pest Control Inspection

DB:dc

The Structural Pest Control Board Annual Report
to the Association of Structural Pest Control Regulatory Officials
September 24-27, 1989

MAKEUP OF BOARD CHANGED

The composition of the Board has been changed from four industry members, two public members and three ex officio members. The Board now consists of three industry members, three public members and three ex officio members. The change was made during the most recent session of the Texas legislature.

INSURANCE LIMITS RAISED

Another change in the Structural Pest Control Act made during the most recent session of the legislature raised the minimum amount of insurance coverage each pest control company must carry. Each company must now carry a minimum of \$100,000 personal injury/property damage coverage with a minimum total aggregate of \$300,000 for all occurrences. The old limits were \$25,000 for personal injury/property damage with a minimum total aggregate of \$100,000.

ADMINISTRATIVE FINES

The Board now has legislative authorization to levy administrative fines for violations of SPCB rules and regulations. The fines will be used in place of referring violators to local justice of the peace courts. This change also came about during the most recent session of the legislature.

The penalty may not exceed \$5,000 a day for each violation. If, after an investigation by the SPCB, it is determined that a violation occurred, the SPCB may issue a violation report. The board shall give written notice of the report to the person charged no later than 14 days after the report is issued. The person charged may either accept the determination of the Board or make a written request for a hearing on the determination no later than 20 days after the violation notice is received. If the person charged requests a hearing on the determination, the Board shall hold a hearing on the determination and decide whether or not a violation occurred. Following the hearing, the person charged has 30 days to pay the penalty in full or come to other financial arrangements with the Board. Failure to pay the fine in full or come to another financial agreement results in a waiver of all legal rights to judicial review. The Board may forward such a matter to the Attorney General for enforcement.

The Board also uses a variety of other penalties for violations of SPCB rules and regulations. These penalties include warning notices, filing of Class C Misdemeanor charges, calling individuals before the Board for a hearing, consent agreements, referring cases to the Attorney General's office, and also referring cases to the Environmental Protection Agency.

EXECUTIVE DIRECTOR TO RETIRE

At the August 22 Board meeting, David A. Ivie announced his retirement from the SPCB, effective December 31, 1989. Ivie has been executive director of the SPCB since 1983.

NEW SPCB STAFF

The SPCB has recently hired several new employees. The legislature allowed funds for two new investigators. An increase in Environmental Protection Agency grant funds allowed for another investigator, bringing the total to 12 investigators and a supervising investigator. The new investigators will be stationed in the DFW Metroplex, Houston and Austin. Four new office personnel have also been added to the staff.

LICENSE FEES CHANGED

License fees have been raised to \$108 for a business license, \$48 for a certified applicator's license, and \$18 for a technician license. Testing fees have also been raised to \$30 per category including the general exam. The old fees were \$75 for a business license, \$25 for a certified applicator's license, and \$15 for a technician license. Tests were \$25 previously, and there was no charge for the general standards exam when taken with another category.

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SUNSET REVIEW OF SPCB

The SPCB is currently undergoing a staff review by the Sunset Advisory Commission. Under the terms of the Texas Sunset Act, the board must be continued by the legislature or it will be abolished on September 1, 1991. The review is scheduled to continue through October 15, 1989.

TERMITE RETREATMENTS

The SPCB ruling on termite retreatments reinforces the statement on the label of the termiticide used. If the label does not mention retreatment, retreatment can be performed based on the determination of the operator. If the label does mention retreatment as being warranted only if the structure has become reinfested or the chemical barrier has been broken, the operator can retreat those areas of the structure. An operator can also legally retreat if he determines areas of the structure were not treated at all or were treated improperly. The Association of Structural Pest Control Board Regulatory Officials has asked both the Environmental Protection Agency as well as chemical formulators for uniform label guidelines on termiticides.

TECHNICIANS

Anyone who goes out without supervision to inspect, sell, or perform pest control work must be a licensed technician. It is the responsibility of the technician and of the company to maintain verifiable training records for the technician in the company records. In order to qualify for a technician license, a trainee must be at least 16 years old; must receive general training of at least 20 hours of verifiable classroom training that shall include at least two hours in each of the following subject areas: federal and state laws regulating structural pest control and pesticide application, recognition of pest and pest damage, pesticide labels and label comprehension, pesticide safety, environmental protection, application equipment and techniques, pesticide formulations and actions, and emergency procedures and pesticide cleanup. In addition, each trainee must receive 60 hours of verifiable on the job training and 10 hours of classroom training in each category in which the technician is to operate as a licensed technician.

Since its inception two years ago, the Structural Pest Control Board technician program has been very successful. Currently, 4,829 individuals are licensed as technicians with the SPCB. Technicians are licensed in the same categories as certified applicators: pest, termite, lawn and ornamental, fumigation, weed control, and wood preservation. The breakdown of technicians by category is as follows:

Category p	3,112
Category t	2,159
Category l	1,636
Category w	920
Category f	196
Category d	27

ATTORNEY GENERAL OPINION ON TERMITE CONTROL JURISDICTION

Attorney General Opinion JM-1078 states that the Structural Pest Control Board, not the Department of Agriculture, has the authority to license, certify and regulate applicators of termiticides who do not work for commercial pest control businesses but who wish to use restricted-use or state-limited use pesticides in non-agricultural settings. Additionally, the TDA can not require applicators licensed by the SPCB to distribute consumer information sheets as prescribed in Section 7.41 of the Texas Pesticide Regulations. The SPCB expects that the TDA will be taking steps to repeal the invalid rules as soon as possible.

CONTINUING EDUCATION

The three-year recertification period for certified applicators begins January 1, 1990. Each certified applicator must obtain six units of credit in general standard as well as three units of credit in each specific license category during this period of time. Each certified applicator will not be allowed to obtain more than half of their credits in any one year of the recertification period.



S. MASON CARBAUGH
COMMISSIONER

COMMONWEALTH of VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Product and Industry Regulation
P. O. Box 1163, Richmond, Virginia 23209

C. KERMIT SPRUILL
DIRECTOR

Annual Report to ASPCRO

September, 1989

Over recent years, issues involving pesticides have commanded increasing attention in Virginia from the Council on the Environment. In July 1988, the Council began what was to be a comprehensive review of pesticide management under the direction of a subcommittee composed of William Broaddus and Edward Clark, citizen members, Mason Carbaugh, Commissioner of Agriculture and Consumer Services and Keith Buttleman, Administrator. In September, Governor Baliles asked the Council to accelerate its review and report to him its findings and recommendations prior to the 1989 session of the General Assembly.

In order to hear from as many parties, and to learn as much as possible about pesticide issues in Virginia, the subcommittee held hearings in six locations around the Commonwealth (Eastern Shore, Blacksburg, Harrisonburg, Northern Virginia, Franklin and Richmond). Over 450 people attended and approximately 300 written comments were received. In addition, Council staff met with representatives of a dozen different groups and organizations and conducted extensive telephone interviews with several dozen others. Most of the comments acknowledged that the program contains weaknesses and offered constructive suggestions for improvement. In addition, the subcommittee has had the benefit of a wide range of expertise in agricultural production, pest control, and other areas through the Commissioner and staff of the Department of Agriculture and Consumer Services, other state agencies, and particularly the Extension Division at Virginia Tech. The subcommittee also heard from hundreds of individuals and many of their suggestions are incorporated in the report.

In the course of the subcommittee hearings and later, some members of the agricultural community expressed concerns that the subcommittee would be evaluating specific chemical pesticides and recommending that their use be restricted or prohibited. The report did not do that. The approach taken by the subcommittee has been one of a policy and administrative review, focusing on the way Virginia manages the use of pesticides in the Commonwealth rather than on the pesticides themselves. In addition to the views expressed at the subcommittee hearings the subcommittee reviewed Virginia's current law and regulations, a variety of relevant federal laws, and the programs of a number of other states.

Based on this review, the subcommittee concluded that Virginia's program required improvement in virtually every respect. Clearly, there were elements of pesticide management in Virginia that had not received sufficient attention in the study and in those cases, the report made specific recommendations as to how those topics should be addressed and by whom.

The completed report was submitted to the Governor on January 3 of this year and legislation was submitted to the General Assembly to enact a new Pesticide Control Act. This legislation was passed almost without opposition and became effective on July 1 of this year.

Major changes or additions to the Law include:

1. A Pesticide Control Board will be appointed by the Governor. The new 11 member Board will provide oversight and direction for the management of pesticides in Virginia. In addition, the Pesticide Control Board has been given broad powers and duties to ensure the safe and proper use of pesticides in order to protect humans and the environment.
2. An annual business license shall be required for all commercial firms who sell and/or apply pesticides for hire in Virginia. Exemptions will be developed for retailers of limited quantities of nonrestricted-use pesticides.
3. A two-tiered system will be established requiring a commercial for-hire applicator applying any pesticide to be certified and licensed or be a registered technician working under the supervision of a certified applicator.
4. Civil and criminal penalty provisions of the law have been strengthened to provide for effective enforcement action by the State. The civil penalties range from up to a thousand dollars for a less than serious violation; up to \$5,000 for a serious violation; up to \$20,000 for a repeat or knowing violation. In addition, the Board may assess an additional penalty of up to \$100,000 for any violation which causes serious damage to the environment, causes serious injury to property, or serious injury to or death of any person. Criminal penalties may place an additional fine of up to \$500,000 if death or serious physical harm to any person is caused by a violation.
5. The law also required a minimum of \$200,000 insurance for property damage and a minimum of \$200,000 for personal injury. The \$1000 deductible provision still applies.

The Pesticide Control Board is now in the process of developing the Rules and Regulations for the enforcement of the Law. If no major problems develop, the regulations should be completed within the next year.

Bernard W. Chutkan

NEW MEXICO DEPARTMENT OF AGRICULTURE
DIVISION OF AGRICULTURAL AND ENVIRONMENTAL SERVICES

Bureau of Pesticide Management
P.O.Box 30005, Dept. 3AQ, Las Cruces, New Mexico 88003-0005
Telephone: 505/646-2133



October 24, 1989

Thomas Diederich
Orkin Pest Control
2170 Piedmont Road N.E.
Atlanta, Georgia 30324

Dear Tom:

Thanks for your letter of October 13, offering to host the opening night reception for next year's meeting in Chicago. On behalf of ASPCRO I accept your offer and when a date is set for the meeting, we will let you know. ASPCRO has always enjoyed a good relationship with Orkin and we hope it continues as it benefits everyone. Again, thanks for your offer.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lonnie Mathews'.

Lonnie Mathews
President ASPCRO

LM:jn

cc: ✓ David Scott, Vice-President, ASPCRO, Indiana State Chemist Office
Harvey Domenic, Illinois Department of Health

bc: Jim Wright

RECEIVED
INDIANA STATE CHEMIST

OCT 30 1989

Association of Structural Pest Control Regulatory Officials

October 24, 1989

Mr. Jim Wright
Secretary/Treasurer ASPCRO
Clemson University
Department of Fertilizer and
Pesticide Control
P. O. Box 21792
Columbia, SC 29221

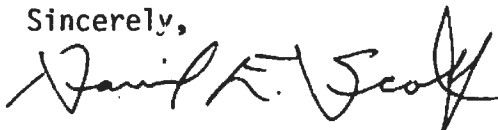
Dear Jim:

It is with great pleasure that I am forwarding the following ASPCRO records and documents to you:

1. File folders and contents as follows:
 - a) Constitution/History
 - b) Financial Records
 - c) ASPCRO 1988
 - d) ASPCRO 1989
2. Microfilm of ASPCRO records; Constitution/History and years 1970 through 1988.
3. ASPCRO tape recorder and adapter.
4. ASPCRO stationery.

If you have any questions or I can be of any assistance, please feel free to call me at (317) 494-1587.

Sincerely,



David E. Scott

DES:akw
Enclosures